

**This is an official version.**

Copyright © 2012: Queen's Printer,  
St. John's, Newfoundland and Labrador, Canada

**[Important Information](#)**

(Includes details about the availability of printed and electronic versions of the Statutes.)

**[Table of Public Statutes](#)**

**[Main Site](#)**

**[How current is this statute?](#)**

---

---

**[Responsible Department](#)**

---

---

SNL2012 CHAPTER R-8.1

**REGIONAL SERVICE BOARDS ACT, 2012**

Amended:

**CHAPTER R-8.1**

**AN ACT RESPECTING REGIONAL SERVICE BOARDS IN  
THE PROVINCE**

*(Assented to June 27, 2012)*

*Analysis*

1. [Short title](#)

1. [Short title](#)

2. [Definitions](#)

3. [Region and board](#)

4. [Corporate status](#)

5. [Chairperson and vice-chairperson](#)

6. [Board membership](#)

7. [Wards](#)

8. [Term](#)

9. [Board vacancies](#)

10. [Conflict of interest](#)

11. [Disclosure](#)

12. [Decision of board](#)

- [13. Quorum](#)
- [14. Presiding officer](#)
- [15. Voting](#)
- [16. Meetings](#)
- [17. Privileged meetings](#)
- [18. Committees](#)
- [19. Powers of board](#)
- [20. Authority of board](#)
- [21. Staff](#)
- [22. Financial year](#)
- [23. Bank account](#)
- [24. Expenses](#)
- [25. Subsidy](#)
- [26. Annual budgets](#)
- [27. Budget](#)
- [28. Contents of budget](#)
- [29. Revised budget](#)
- [30. Effect of budget](#)
- [31. Partnership budgeting](#)
- [32. Books of account](#)
- [33. Financial statement](#)
- [34. Appointment of auditor](#)
- [35. Appointment by minister](#)
- [36. Waiving of audit](#)
- [37. Auditor's powers](#)
- [38. Auditor's report](#)
- [39. Time of completion and interim report](#)
- [40. Current account borrowing](#)
- [41. Long-term borrowing](#)
- [42. Currency](#)
- [43. Unauthorized expenditure](#)
- [44. Powers of expenditure](#)
- [45. Guaranteed loans expenditures](#)
- [46. Remuneration and expenses](#)

[47. Regulations](#)

[48. Forms](#)

[49. Transitional](#)

[50. RSNL1990 cR-8 Rep.](#)

*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

### **Short title**

1. This Act may be cited as the *Regional Service Boards Act, 2012*.

[2012 cR-8.1 s1](#)

[Back to Top](#)

### **Definitions**

2. In this Act

- (a) "board" means a regional service board established or continued under this Act;
- (b) "council", unless the context indicates otherwise, includes the Corner Brook City Council, Mount Pearl City Council, St. John's Municipal Council and a council as defined in the *Municipalities Act, 1999* ;
- (c) "councillor" includes a mayor, deputy mayor, chairperson, vice-chairperson and councillor of a council;
- (d) "department" means the department presided over by the minister;
- (e) "member" means a member of a board appointed under section 6 and includes a chairperson of a board;
- (f) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
- (g) "monetary interest" means an interest or benefit
  - (i) consisting of money, exacted in money, relating to money or of which money is the object,
  - (ii) capable of being measured by its financial value, cost, benefit, advantage or disadvantage, or
  - (iii) affecting or potentially affecting a person's financial position or worth, his or her assets or asset value but does not include remuneration or a benefit to which a member is entitled under this Act;

- (h) "municipal authority" means
  - (i) the City of Corner Brook ,
  - (ii) the City of Mount Pearl ,
  - (iii) the City of St. John's , and
  - (iv) a local service district committee or a council constituted or continued under the *Municipalities Act, 1999* ;
- (i) "region" means a portion of the province delineated or continued as a region by the Lieutenant-Governor in Council under this Act; and
- (j) "waste management system" means facilities, equipment and operations for the management of waste, including the collection, handling, transportation, storing, processing, use and disposal of waste.

[2012 cR-8.1 s2](#)

[Back to Top](#)

### **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.

(3) A region created and a board established for that region under the *Regional Service Boards Act* is continued under this Act.

[2012 cR-8.1 s3](#)

[Back to Top](#)

### **Corporate status**

**4.** A board established or continued under this Act is a corporation.

[2012 cR-8.1 s4](#)

[Back to Top](#)

### **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.

(3) In the absence or incapacity of the chairperson, or where the office of the chairperson is vacant, the vice-chairperson has the powers and shall exercise the duties of the chairperson.

[2012 cR-8.1 s5](#)

[Back to Top](#)

### **Board membership**

6. (1) The minister shall appoint to a board members from among the councillors and persons serving on local service district committees 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) 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).

[2012 cR-8.1 s6](#)

[Back to Top](#)

### **Wards**

7. The minister may, by regulation, divide a region into wards, establish and change the number and boundaries of those wards, and fix the number of members to be appointed for each ward.

[2012 cR-8.1 s7](#)

[Back to Top](#)

### **Term**

8. (1) Where a councillor is appointed to a board, the councillor shall remain in office on the board until the date of the next general election of councils under the *Municipal Elections Act*.

(2) Where a person who serves on a local service district committee is appointed to a board, the person shall remain in office on the board until the earlier of

- (a) the expiration of his or her term of office as member of the local service district committee; or
- (b) the date of the next general election of councils under the *Municipal Elections Act* .

(3) Notwithstanding subsections (1) and (2), a member shall continue to be a member until he or she is reappointed or replaced.

[2012 cR-8.1 s8](#)

[Back to Top](#)

### **Board vacancies**

9. (1) The office of a member becomes vacant where

- (a) he or she resigns, in writing, from the date specified in his or her resignation, or, where a date is not specified, from the date when he or she files his or her resignation with the board or, where he or she resigns at a meeting of the board, from the time of that resignation;
- (b) he or she ceases to be a member of a municipal authority prior to the end of his or her term under subsection 8 (1) or (2);
- (c) he or she is dismissed under the *Municipal Affairs Act* , or the municipal authority or board, in which he or she is a member, is dismissed under that Act;
- (d) he or she fails to vote on a matter before the board when required to vote; or
- (e) the board declares the member's office vacant under subsection (2).

(2) A board shall, by resolution, declare vacant a member's office where that member

- (a) fails to disclose that he or she has a conflict of interest in a matter being discussed by the board; or
- (b) discusses or votes on a matter on which he or she has a conflict of interest.

(3) A member in respect of whom a resolution is made under subsection (2) shall not vote on that resolution.

(4) A member shall not sit or act as a member after his or her office becomes vacant.

[2012 cR-8.1 s9](#)

[Back to Top](#)

## **Conflict of interest**

**10.** (1) A member shall not vote on or speak to a matter before the board or a committee of the board where

- (a) the member has a monetary interest in the matter distinct from an interest arising from his or her functions as a member;
- (b) the member has a monetary interest directly or indirectly in the matter;
- (c) a relative of the member has a monetary 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 a monetary interest in the matter.

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

(3) For the purpose of subsection (2)

- (a) "cohabiting partner" means a person with whom a member is living in a conjugal relationship outside marriage; and
- (b) "spouse" means a person to whom a member is married, unless the person and the member have made a separation agreement or their support obligations and family property have been dealt with by a court order.

(4) In order for an interest to be considered as one falling within the prohibition set out in subsection (1), it shall be an interest distinct from an interest held in common with the other citizens or classes of citizens of the region.

[2012 cR-8.1 s10](#)

[Back to Top](#)

## **Disclosure**

**11.** (1) Where a member has an interest described in subsection 10 (1), the member shall

- (a) state that he or she has that interest; and
- (b) state the nature of the interest at the beginning of discussion on the matter in which he or she has that interest,

and that statement respecting his or her interest shall be recorded in the minutes of the board, or a committee of the board, where that statement was made at a committee meeting.

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

(3) Where a member declares a conflict of interest under subsection (1), he or she shall immediately leave the meeting while the matter on which he or she has a conflict of interest is being discussed.

(4) Where one or more members have declared a conflict of interest under subsection (1) and there is no longer a quorum to vote on a matter, the minister may direct that the remaining members make a decision on the matter as if those remaining members constituted a quorum.

(5) Where all members have declared a conflict of interest under subsection (1), the minister may require that an official of his or her department prepare a report respecting the matter and where the report indicates that the members should proceed with making a decision, the minister may exempt the board from the application of section 10 , and the members may vote on the matter.

[2012 cR-8.1 s11](#)

[Back to Top](#)

### **Decision of board**

**12.** (1) Where a member is in doubt as to whether or not he or she has a monetary interest that is a conflict of interest under section 10 , he or she shall make a disclosure and the board may decide the question by majority vote and its decision on the matter is final.

(2) A member whose possible conflict of interest is being voted on is not entitled to vote.

[2012 cR-8.1 s12](#)

[Back to Top](#)

### **Quorum**

**13.** (1) A majority of the number of members that may be appointed to a board constitutes a quorum for the purpose of a meeting of the board.

(2) Notwithstanding subsection (1), where the number of members available to attend meetings is less than a quorum, the minister may authorize the members who are available to attend meetings to perform the functions of the board that he or she may prescribe.

[2012 cR-8.1 s13](#)

[Back to Top](#)

### **Presiding officer**



**14.** (1) The chairperson, and in his or her absence, the vice-chairperson, shall preside at all meetings of the board.

(2) Where both the chairperson and the vice-chairperson are absent from a meeting, the other members shall appoint a temporary chairperson who has and may exercise the powers and carry out the duties of the chairperson at the meeting.

[2012 cR-8.1 s14](#)

[Back to Top](#)

### **Voting**

**15.** (1) A motion or resolution before a board shall be decided by a majority vote of the members in attendance at the meeting except where a 2/3 vote of the members in office is required.

(2) A member shall not abstain from voting on a motion or resolution before the board unless he or she is required to abstain from voting because of a conflict of interest under section 10 or he or she has been permitted to abstain by a majority vote of the other members in attendance at the meeting.

(3) Where a member abstains from voting on a motion or resolution, a decision shall not be made on that motion or resolution unless the number of members in favour of the motion or resolution is equivalent to or more than a majority of the members in attendance at the meeting.

(4) The minutes of a board meeting shall indicate the names of the members who vote for and against and who abstain from voting on a motion or resolution.

(5) Where there is a tie vote on a motion or resolution, that motion or resolution shall be considered to be defeated.

[2012 cR-8.1 s15](#)

[Back to Top](#)

### **Meetings**

**16.** (1) A board shall hold a meeting no fewer than 6 times a year to which the public shall be admitted.

(2) A meeting held under subsection (1) shall be for the disposition of general business.

(3) A board shall adopt rules of procedure for its meetings.

[2012 cR-8.1 s16](#)

[Back to Top](#)

## **Privileged meetings**

**17.** (1) A meeting of a board shall be open to the public unless it is held as a privileged meeting or declared by vote of the members present at the meeting to be a privileged meeting.

(2) Where a meeting is held as a privileged meeting or declared to be a privileged meeting, all members of the public present at the meeting shall leave.

(3) A decision of the members made at a privileged meeting shall not be valid until that decision has been ratified by a vote of the members at a public meeting.

[2012 cR-8.1 s17](#)

[Back to Top](#)

## **Committees**

**18.** (1) A board may establish the standing or special committees that it considers desirable to consider and make recommendations on matters referred to them by the board.

(2) A board may appoint persons to serve on a committee established under subsection (1), and where a board does not appoint persons to a committee, the chairperson shall appoint those persons.

[2012 cR-8.1 s18](#)

[Back to Top](#)

## **Powers of board**

**19.** 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, regional waste management systems 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 fees in accordance with section 24.

[2012 cR-8.1 s19](#)

[Back to Top](#)

### **Authority of board**

**20.** A chairperson, vice-chairperson and other members are subject to the direction and control of the board and shall abide by the decisions of the board.

[2012 cR-8.1 s20](#)

[Back to Top](#)

### **Staff**

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

[2012 cR-8.1 s21](#)

[Back to Top](#)

### **Financial year**

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

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

[2012 cR-8.1 s22](#)

[Back to Top](#)

### **Bank account**

**23.** (1) A board shall open accounts in a financial institution approved by the board and shall deposit to its credit all money received by it.

(2) Cheques or orders withdrawing money from an account of a board shall be signed by the chairperson or vice-chairperson or in the absence or incapacity of both of them, by a member designated for that purpose by the board, and countersigned by another member or an officer, clerk or employee of the board designated for that purpose by the board.

(3) In this section, "financial institution" means a trust company approved by the Lieutenant-Governor in Council, a bank within the meaning of the *Bank Act* (Canada) and a credit union registered under the *Credit Union Act*

[2012 cR-8.1 s23](#)

[Back to Top](#)

**Expenses**

**24.** (1) The expenses of a board may be defrayed out of revenue generated by the assessment of fees from

- (a) municipal authorities governed by that board or persons who occupy real property, either as owners or tenants of the property, in municipal authorities governed by that board;
- (b) persons who occupy real property, either as owners or tenants of the property, in unincorporated areas governed by that board; and
- (c) users of facilities and services.

(2) For the purpose of subsection (1), a tenant does not include a lodger or a boarder.

(3) The methods of raising revenue referred to in subsection (1), as well as the date when the money being raised as revenue is due and payable, shall be imposed or varied by a resolution of the board.

(4) Fees referred to in subsection (1) remain in effect and are due according to the nature of the fee and its method of payment, until the resolution of the board imposing it has been cancelled.

[2012 cR-8.1 s24](#)

[Back to Top](#)

**Subsidy**

**25.** 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.

[2012 cR-8.1 s25](#)

[Back to Top](#)

**Annual budgets**

**26.** (1) A board shall, not later than 90 days after the day on which the board takes office, in the first financial year and not later than October 31 in each succeeding year, prepare and adopt a budget in the required form 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 24 that will be imposed during that year.

- (2) Copies of the budget shall be sent to the municipal authorities in the

region governed by the board immediately after its adoption.

(3) A copy of the budget shall be sent to the minister within 30 days of its adoption.

(4) Notwithstanding subsections (1), (2) and (3), the minister may approve and authorize the postponement of the preparation, adoption and submission of a budget to a date that he or she may determine.

[2012 cR-8.1 s26](#)

[Back to Top](#)

## **Budget**

**27.** In a budget proposed expenditures shall not exceed anticipated revenues.

[2012 cR-8.1 s27](#)

[Back to Top](#)

## **Contents of budget**

**28.** (1) A budget shall only include

- (a) revenue; and
- (b) 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 a board has considered it necessary to set aside in the financial statements a reserve from the accumulated surplus to invest for specific purposes of a capital nature.

(3) Notwithstanding subsection (2), a board may provide for an expenditure in its budget for a capital reserve where the board considers it necessary to establish a capital reserve for a specific capital project and that reserve shall appear in its audited financial statement.

(4) The unappropriated accumulated surplus or accumulated deficit, appearing in the audited financial statements at the end of the previous financial year, shall be credited or debited as items of revenue or expenditure in the budget of the next financial year.

(5) Where the amounts of unappropriated accumulated surplus or accumulated deficit referred to in subsection (4) 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.

(6) An operating reserve fund may be provided for in a budget, subject to the prior written approval of the minister, for a specific purpose, a specified annual amount and over a specified period of years that the board shall approve.

(7) A reserve fund under subsections (3) and (6) may be invested by the board.

[2012 cR-8.1 s28](#)

[Back to Top](#)

### **Revised budget**

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

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

(3) A revised budget shall take effect on the first day of the month following the date of its adoption by the board.

[2012 cR-8.1 s29](#)

[Back to Top](#)

### **Effect of budget**

**30.** A board shall not, without the prior approval of the minister, incur, enter into, contract, or become liable for an expenditure or indebtedness exceeding the total estimated expenditure or indebtedness approved in the annual or revised budget.

[2012 cR-8.1 s30](#)

[Back to Top](#)

### **Partnership budgeting**

**31.** (1) Where a board has incurred major deficits in a financial year, the minister may, where he or she considers it advisable, require the board to submit its budget or revised budget to him or her for approval and the minister may approve or disapprove that budget or revised budget.

(2) Where the minister has required the submission of a budget or a revised budget under subsection (1), he or she may also assign officials of his or her department to help the board in the preparation of its budget or revised budget.

[2012 cR-8.1 s31](#)

[Back to Top](#)

### **Books of account**

**32.** A board shall ensure that complete books of account are kept of the

financial dealings of the board.

[2012 cR-8.1 s32](#)

[Back to Top](#)

### **Financial statement**

**33.** (1) A board shall prepare and adopt, before June 1 of each year, a financial statement in a manner consistent with generally accepted accounting principles established periodically by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants.

(2) The chairperson and a member designated by the board for that purpose, shall sign the financial statement and shall attach a report that an auditor has made with respect to the financial statement.

(3) A board shall provide copies of the financial statement and report of the auditor to the municipal authorities within the region.

(4) A board shall make available to the public, upon request, the financial statement together with the auditor's report on that statement.

[2012 cR-8.1 s33](#)

[Back to Top](#)

### **Appointment of auditor**

**34.** (1) A board shall appoint an auditor before August 1 in the year preceding the year in which the audit is required to be reported on under section 39 to audit the accounts of the board and report on the financial statement prepared by the board.

(2) An auditor appointed under subsection (1) shall be a member of

(a) the Institute of Chartered Accountants of Newfoundland and Labrador ;

(b) the Society of Management Accountants of Newfoundland and Labrador ;

(c) the Certified General Accountants Association of Newfoundland and Labrador ; or

(d) the auditor general and the auditor general's staff

licensed under the *Public Accountants Act* and his or her appointment remains in effect until revoked by the board.

(3) The minister may, where he or she considers it necessary, appoint an auditor to conduct a special audit and the cost of that special audit shall be a cost of the board with respect to which that appointment was made.

[2012 cR-8.1 s34](#)

[Back to Top](#)

### **Appointment by minister**

**35.** (1) Where a board does not appoint an auditor within the time set out in section 34 or the auditor is not a qualified person under that section, the minister shall appoint an auditor to audit the accounts of the board and report on the financial statement prepared by the board.

(2) The costs of an audit prepared by a person appointed under subsection (1) shall be a cost of the board for which that appointment was made.

[2012 cR-8.1 s35](#)

[Back to Top](#)

### **Waiving of audit**

**36.** Notwithstanding sections 34 and 35 , the minister may waive the requirement of an audit for a board where he or she is satisfied that an inspection by the officials of his or her department is sufficient to ensure adequate financial control and accountability with respect to that board.

[2012 cR-8.1 s36](#)

[Back to Top](#)

### **Auditor's powers**

**37.** An auditor may request, and the board shall supply, all documents, books of account and records of the board that the auditor considers necessary to enable him or her to properly audit its accounts.

[2012 cR-8.1 s37](#)

[Back to Top](#)

### **Auditor's report**

**38.** The auditor shall examine and report on the annual financial statement of the board and its books of account and in the report shall particularly direct his or her attention to

- (a) an expenditure in excess of the total annual budget of the board;
- (b) the financial position of the board with regard to arrears of revenue;
- (c) the manner in which the accounts of the board have been kept;
- (d) the extent of insurance carried with respect to all property of the board;



- (e) the adequacy of the board safeguards against fraud; and
- (f) other matters connected with the accounts that the auditor may consider of sufficient interest or importance to mention.

[2012 cR-8.1 s38](#)

[Back to Top](#)

### **Time of completion and interim report**

**39.** (1) The auditor shall complete and submit the report on his or her audit to the board before June 1 of the year immediately following the financial year that he or she is auditing and, not more than 30 days later, the auditor shall submit a copy of that report to the minister.

(2) The auditor shall, at the request of the 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 to the minister within 30 days of its completion.

[2012 cR-8.1 s39](#)

[Back to Top](#)

### **Current account borrowing**

**40.** (1) A board may borrow sums of money for current account purposes.

(2) A board which borrows money in accordance with this section shall, within 30 days of borrowing the money, notify the minister of that borrowing.

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

(4) All amounts borrowed under subsection (1) shall be repaid before the end of the fiscal year in which the borrowing takes place.

(5) Notwithstanding subsections (3) and (4), a board may, with the prior written approval of the minister,

- (a) borrow money for current account purposes in an amount which is greater than 20% of its estimated assured revenue; and
- (b) finance the repayment of money borrowed under this subsection and subsection (3) beyond the year in which it is borrowed.

[2012 cR-8.1 s40](#)

[Back to Top](#)

### **Long-term borrowing**

**41.** (1) Subject to the prior written approval of the minister, a board may

- (a) borrow money for capital purposes and issue securities for the repayment of money borrowed; and
- (b) enter into a financing agreement as lessee with respect to the lease of personal or real property where the lease is for a term of 3 years or more.

(2) A board shall, before the end of each year, submit to the department a 5 year forecast of its anticipated capital expenditure requirements.

[2012 cR-8.1 s41](#)

[Back to Top](#)

### **Currency**

**42.** Where a board borrows money under section 40 or 41 , the money shall be stated in Canadian currency.

[2012 cR-8.1 s42](#)

[Back to Top](#)

### **Unauthorized expenditure**

**43.** (1) Where, without the prior approval of the minister, a board uses money borrowed under section 41 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, jointly and individually liable for the restoration of that money to the board, and the board or the Crown may recover the money as a civil debt due to the board.

(2) Where a person who is subject to a fee under this Act or the regulations files a written request with the board asking it to bring an action against members who incur liability under subsection (1) for the recovery of the money referred to in that subsection and the board refuses or neglects to do so for one month, the person who filed the request may bring the action on behalf of himself or herself and other persons in the region or may ask the minister to commence an action in right of the Crown to recover the money.

[2012 cR-8.1 s43](#)

[Back to Top](#)

### **Powers of expenditure**

**44.** (1) A board may, out of funds at its disposal, pay salaries or remuneration to the members, officers, auditors and employees of the board, and all the other expenditures incurred in the execution of the powers and duties vested by this or another Act in that board, subject to there being a provision for the expenditure in the adopted budget or revised budget.

(2) Expenditures made under subsection (1) shall not exceed the total approved budget or revised budget of the board and shall be supported by appropriate documentation.

[2012 cR-8.1 s44](#)

[Back to Top](#)

### **Guaranteed loans expenditures**

**45.** (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.

[2012 cR-8.1 s45](#)

[Back to Top](#)

### **Remuneration and expenses**

**46.** A board may, subject to regulations made under section 47 ,

- (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.

[2012 cR-8.1 s46](#)

[Back to Top](#)

### **Regulations**

**47.** (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 46 (b).

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

[2012 cR-8.1 s47](#)

[Back to Top](#)

## **Forms**

**48.** The minister may establish forms for the purpose and administration of this Act.

[2012 cR-8.1 s48](#)

[Back to Top](#)

## **Transitional**

**49.** (1) The members of a board on the day before this Act comes into force are continued as members of the board until the next general election of councils under the *Municipal Elections Act* .

(2) Notwithstanding subsection (1), a member of a board on the day before this Act comes into force who serves on a local service district committee is continued as a member of the board until the earlier of

- (a) the expiration of his or her term of office as member of the local service district committee; or
- (b) the date of the next general election of councils under the *Municipal Elections Act* .

(3) Notwithstanding subsections (1) and (2), the members of a board on the day before this Act comes into force shall continue to be members until reappointed or replaced.

[2012 cR-8.1 s49](#)

[Back to Top](#)

## **RSNL1990 cR-8 Rep.**

**50.** The *Regional Service Boards Act* is repealed.

[2012 cR-8.1 s50](#)