



MINUTES

BOARD OF DIRECTORS MEETING #49

Wednesday, February 22, 2017 @ 7:00 p.m.

Fairfield Inn & Suites by Marriott

199 Kenmount Road, St. John's

IN ATTENDANCE:

- Ed Grant, Chairperson
- Dave Aker, Mount Pearl
- Bill Bailey, Clarenville and Isthmus
- Danny Breen, St. John's
- Wally Collins, St. John's
- Sandy Hickman, St. John's
- Dave Lane, St. John's
- Harold Mallowney, Vice-Chair/Southern Shore
- Dennis O'Keefe, St. John's
- Art Puddister, St. John's
- Peggy Roche, Small Metro
- Sam Whelan, Bay Roberts
- Sterling Willis, Paradise
- Jonathan Galgay, St. John's
- Tom Hann, St. John's
- Gordon Stone, Trinity Conception North

OTHER ATTENDEES:

- Ken T. Kelly, Chief Administrative Officer, ERSB
- Lynn Tucker, Manager Corporate Services, ERSB
- Christie Dean, Manager Waste Operations, ERSB
- Bradley Power, Board Clerk/Outreach Coordinator, ERSB
- Andrew Niblock, City of St. John's

REGRETS:

- Joy Dobbie, Trinity Bay South and Isthmus East
- Bruce Tilley, St. John's
- Gerard Tilley, Conception Bay South
- Stephen Colford, Manager Waste and Recycling Division, City of St. John's
- *Vacant, Southwest Avalon*

PROCEEDINGS:

1) CALL TO ORDER

Mr. Grant called the meeting to order at 7:05 p.m.

2) ADOPTION OF AGENDA

*It was moved and seconded (Mr. Muldowney/Mr. O'Keefe) to adopt the Agenda as tabled.
MOTION 2017-007: Carried (unanimously)*

3) REVIEW OF MINUTES

*It was moved and seconded (Mr. Whalen/Mr. O'Keefe) that the minutes of the January 25, 2017 meeting of the Eastern Regional Service Board be adopted as tabled.
MOTION 2017-008: Carried (unanimously)*

4) BUSINESS ARISING FROM THE MINUTES

Mr. Kelly noted that there were two letters sent to the Minister of Municipal Affairs and Environment as per the Board's direction:

- 1) A letter to discuss the Fire Protection Service that was implemented and the ability to expand that program to other areas; and,
- 2) A letter to request a meeting to discuss the Regional Water and Wastewater System Operator program and where this program is going in the near future.

ERSB has not received any responses from the Minister on these letters to-date.

5) COMMITTEE REPORTS

a) Finance & Audit Committee (Meeting held on February 8, 2016)

(1) Board Expenditures Report

Mr. Breen outlined that the cheque register and payroll summary for the month of January were tabled as an addition to the meeting package.

*It was moved and seconded (Mr. Breen/Mr. Aker) that Eastern Regional Service Board accept the board expenditures (Cheque Register and Payroll Summary) for January 2017 as tabled.
MOTION 2017-009: Carried (unanimously)*

(2) 2016 Unaudited Financial Statements

Mr. Breen noted that a brief and unaudited presentation of how the ERSB did financially in 2016 was included in the meeting package for the Board's review. Mr. Breen highlighted the following points:

- From an operational perspective, ERSB came in approximately 15 per cent below budget for expenditures;
- With capital added, ERSB is approximately \$400,000 to \$500,000 lower on overall expenditures;
- Revenue is on target once the \$300,000 in HST rebates yet to be received are factored in for the year.
- Maintenance costs for heavy equipment was a challenge in 2016; and,
- Fuel costs rose significantly in 2016, equating to almost \$8,000 extra per month.
- It was also reported that the Board has investments of approximately \$4.3m of which \$2.1m is expected to be used for the Whitbourne Maintenance Depot and landfill closures during 2017.

Mr. Breen went on to say that while these numbers give us an indication of what happened in 2016, we are happy to report that the Auditors have been working away on the financial statements for 2016 and we expect to table those in the very near future.

*It was moved and seconded (Mr. Breen/Mr. Stone) that Eastern Regional Service Board adopt the 2016 Unaudited Financial Statements as tabled.
MOTION 2017-010: Carried (unanimously)*

(3) Fire and Emergency Services Report

Mr. Breen reminded Board members that ERSB has been delivering Fire Protection Services along Salmonier Line as of January this year. Included in the meeting package was a tally of the fee collections to date.

Mr. Breen said one thing to note is the arrangement with the Town of Holyrood is that ERSB only pays for what it can invoice. So even though ERSB has 371 properties identified to-date, everyone in the service area is covered and ERSB estimates that there is a little over 500 properties. Any property owners that have not received a bill because ERSB does not have their proper address information will be billed from the start of service in January 2017, once staff finds invoicing information.

ERSB invoiced 371 properties for fire protection services in January, and 155 paid within the first 30 days.

b) Strategy and Policy Committee (Meeting held on February 9, 2017)

(1) Draft Fire Services Delivery Policy

Mr. Hickman noted that included in the meeting package was a draft fire protection delivery policy, which will act as the guidance document for staff in relation to the implementation of the service. The policy highlights the contractual agreement with a Town as the actual deliverer of the service. It covers user fees

and the actual service that the Board intends to deliver to properties. The policy also covers the fees to be charged and how they will apply – properties with no building will not be charged.

Mr. Kelly noted that the committee debated several items that could be added to the draft policy:

- Charging for more than one unit on a property;
- Add a definition of a unit to cover apartments, separate living quarters, rentals, RV or campgrounds, condo and commercial condos; and,
- Have all decisions to respond made by the Fire Chief been based on their Standard Operating Procedures.

Mr. Kelly asked the Board what ERSB should do about RV campgrounds. In the past, ERSB has negotiated with the owner of these facilities in regard to their waste management fee. There is no generation rate to be used for fire service like waste management. There's also no municipal assessment rate. Discussion ensued.

Mr. Kelly said research was ongoing in regard to yacht clubs and marine bases. The yacht club in CBS pays taxes based on assessed value, while the yacht club in Clarenville is only charged for water. Staff are finding it difficult to find a comparative fee in place in Newfoundland and Labrador.

Mr. Grant suggested that ERSB determine a maximum amount for a fire protection service fee when dealing with RV parks. He also suggested that private properties that may have a boathouse and garage should be charged one fee (multiple out buildings).

Mr. Breen raised the issue of homes with multiple apartments. Mr. Breen believed a structure should have one single fee.

Mr. O'Keefe suggested these decisions need to be well thought out. He suggested going to the Insurance Bureau of Canada to seek their opinion and determine how they calculate insurance rates.

Mr. Kelly noted that the number of power connections to a home (single or multiple meters), could be a consideration for determining when to charge a fee.

Mr. Breen said if ERSB is charging by property, it's different than charging apartments, which would be based on risk.

Mr. Lane said two families in one structure poses more risk than single family dwellings.

Mr. Grant said ERSB needs to be able to stand before a judge to defend the fee and how it is imposed.

Mr. Ellsworth suggested having same process as cable companies – pay for primary unit and then a smaller fee for each separate unit.

Mr. Galgay suggested having RV parks pay a flat rate. There are lots on the Salmonier Line that have multiple RVs that must be considered as well.

Mr. Puddister suggested ERSB should charge one fee per structure.

Mr. Kelly concluded by saying that the policy will be further researched and a recommendation will be brought back to the Board after tonight's discussion.

(2) Public Consultations of Regional Governance Model

Mr. Grant provided a brief update on the ongoing work of the Provincial Government's Regional Governance Advisory Committee. He noted the last meeting of the group was not well attended. He went on to say that there's an ongoing process to determine boundaries for future regional governments throughout the province. He also noted that the principles and components being discussed by the group have seen some changes that would allow a municipality to opt out of service delivery through a regional government if they choose. He also explained that there was a discussion by the group on weighted voting in a regional government system. Mr. Grant will continue to update the group as planning work continues.

c) Governance Committee (Meeting held on February 16, 2017)

(1) WorkplaceNL Report and Occupational Health and Safety Committee Update

Mr. Mallowney reminded Board members that the role of the Governance Committee is oversight for the Board on a number of areas and Workplace Health and Safety is one of those areas.

He went on to say ERSB has received its assessment rate for 2017, and it has gone down from the previous year.

Mr. Mallowney also noted that the committee discussed the number of incidents that have happened in 2016 and the current trend in 2017 to-date. The committee suggested staff look at bringing in an investigator for incidents and explore education programs for staff.

Finally, Mr. Mallowney explained that the Board active and reporting Occupational Health and Safety Committees in place that are in compliance with regulations to meet regularly and report on issues.

(2) Video Surveillance

Mr. Mallowney noted that a guidance document regarding the use of video and audio surveillance from the Provincial Government was included in the meeting package for the information of Board members.

He noted that Board members would notice that surveillance cameras have been installed at 255 Major's Path in several common areas. Cameras will also be installed at the Clarenville Transfer Station, and the Whitbourne Maintenance Facility once constructed.

Mr. Mallowney noted that with the use of this equipment comes the responsibility to protect individual privacy and the expectation of privacy in reasonable circumstances. To that end, the Board needs a policy to address the use of surveillance equipment, who has access, how long files will be kept, disposal procedures, etc.

He concluded by saying the ERSB Governance Committee is working to bring forward a comprehensive policy to the Board for consideration.

Mr. Breen asked where surveillance equipment currently being operated?

Mr. Kelly noted there are still cameras present in Blaketown, as well as audio/video cameras in some common areas at Major's Path. He said Clarenville needs cameras and Whitbourne will undoubtedly have them.

6) CORRESPONDENCE - *None*

7) NEW BUSINESS

- a) Mr. Grant reminded Board members that the MMSB was approved for a project by the Department of Municipal Affairs to do a waste energy study. The initiative is moving along and it is about to go to a Request for Proposals. The RFP will come out from government in March, and run through the summer. The MMSB has restricted firms that have done work in the province on waste management already from competing in the RFP due to a potential conflict of interest.

Mr. Kelly elaborated on Mr. Grant's last point and said there's certainly a case to be made for local content in the future study, but MMSB seems to want fresh eyes on the file and for there to be no conflict of interest.

- b) Mr. Stone took a moment to commend the new Outreach Coordinator for his recent work with the Joint Council of Conception Bay North. Mr. Mallowney expressed his appreciation as well to the Outreach Coordinator for the Southern Shore Joint Council. Both groups are moving forward very well and members seem to be very pleased with the new coordination service provided by the ERSB.

8) UPCOMING MEETINGS

Mr. Grant noted the following meetings which will take place in March:

- Board of Directors: Wednesday, March 29, 2017
- Finance & Audit Committee – Wednesday, March 8, 2017
- Strategy & Policy Committee – Thursday, March 9, 2017
- Governance Committee – Tuesday, March 14, 2017

9) ADJOURNMENT

Seeing no further business to be discussed, it was moved and seconded (Mr. Ellsworth/Mr. Galgay) that the meeting adjourn.

MOTION 2017-011: Carried (unanimously)

The meeting adjourned at 8:32 p.m.

5) COMMITTEE REPORTS

**(5)(a) Finance and Audit Committee
Report**

**(5)(a)(1) Board Expenditures for
December 2016**

**EASTERN REGIONAL SERVICE BOARD
EASTERN WASTE MANAGEMENT**

**PAYROLL EXPENSE
DECEMBER 2016**

Payroll – Staff (<i>2 pay periods – 33 employees</i>).....	\$132,437.36
Payroll – Board (18 members)	<u>\$ 22,455.37</u>
Total Payroll (<i>33 employees</i>)	\$154,892.73
Payroll CRA Remittance (<i>Chq#5534</i>)	<u>\$ 41,822.32</u>
TOTAL GROSS PAYROLL	<u>\$196,715.05</u>

PREVIOUS MONTH

NOVEMBER 2016

Payroll – Staff (<i>2 pay periods – 33 employees</i>)	\$137,062.58
Payroll – Board (19 members)	<u>\$ 00,000.00</u>
Total Payroll (<i>33 employees</i>)	\$137,062.58
Payroll CRA Remittance (<i>Chq#5427</i>)	<u>\$ 40,016.24</u>
TOTAL GROSS PAYROLL	<u>\$177,078.82</u>

Account summary

This statement shows details of transactions posted to your account since your last statement. To view all transactions related to your account, go to www.cra.gc.ca/mybusinessaccount.

The "Remittance account balances" total below includes paid and unpaid amounts for 2017. For more information on withholding requirements and calculating your deduction and remittance amounts, go to www.cra.gc.ca/payroll.

Remittance account balances

Date posted	Description	Date received	(\$) Amount	CR/DR
	Previous balance		0.00	
Jan 03, 2017	Payment Dec 2016	Dec 30, 2016	<u>41,822.32</u>	CR
	Current balance		0.00	

Explanation of changes and other important information

If you received a small business job credit, please remember that when determining your taxable income for the year, you can either:

- subtract the credit from your employment insurance premium expense; or
- include it as income in the year you received it.

You can learn more about the credit at www.cra.gc.ca/sbjc.

Based on your account information, you will have to send remittances to your account on an accelerated basis for the rest of this tax year. To help you meet this requirement, we will soon send you a supply of vouchers for accelerated remitters. You can remit your source deductions electronically. For more information go to www.cra.gc.ca/payments.

Your 2016 remittance account balance is \$582,642.62.

If you have not yet registered for My Business Account or you need more information, call 1-800-959-5525 or go to www.cra.gc.ca/mybusinessaccount.

Eastern Regional Service Board

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Cheques from 000001 to 005574 dated between 12-01-2016 and 12-31-2016

CHEQUE REGISTER

Printed: 10:22:57AM 01/25/2017

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Number	Issued		Amount	SC	Status	Status Date
005429	12/14/2016	Dodd's Diesel Repair Ltd.	0.00	A/P	*VOID*	12/14/2016
005430	12/14/2016	Dodd's Diesel Repair Ltd.	23,565.90	A/P	CLEARED	12/21/2016
005431	12/14/2016	Dicks and Company Limited	697.57	A/P	CLEARED	12/28/2016
005432	12/14/2016	T2 Ventures Inc.	192,133.63	A/P	CLEARED	12/21/2016
005433	12/14/2016	Tulk Tire & Service Ltd.	4,784.05	A/P	CLEARED	12/21/2016
005434	12/14/2016	D&L Russell Limited	206.04	A/P	CLEARED	01/11/2017
005435	12/14/2016	Acklands Grainger Inc.	122.76	A/P	CLEARED	12/28/2016
005436	12/14/2016	Around The Bay Disposals Inc.	43,490.93	A/P	CLEARED	12/21/2016
005437	12/14/2016	Bell Aliant	1,686.78	A/P	CLEARED	12/28/2016
005438	12/14/2016	Bernice Hickey	99.85	A/P	OUT-STD	12/14/2016
005439	12/14/2016	Big Erics Inc.	647.75	A/P	CLEARED	12/21/2016
005440	12/14/2016	Bryan Lundrigan	90.77	A/P	CLEARED	12/28/2016
005441	12/14/2016	Cansel	431.25	A/P	CLEARED	01/11/2017
005442	12/14/2016	Christie Dean	2,573.60	A/P	CLEARED	12/21/2016
005443	12/14/2016	City of St. John's	64,381.72	A/P	CLEARED	12/28/2016
005444	12/14/2016	Clarenville Rentals Ltd.	578.28	A/P	CLEARED	01/11/2017
005445	12/14/2016	Coish's Trucking & Excavating Ltd.	14,432.50	A/P	CLEARED	12/28/2016
005446	12/14/2016	Conception Bay Auto & Tire Centre	78.13	A/P	CLEARED	12/28/2016
005447	12/14/2016	De Lage Landen Financial Services Canada Ltd.	291.49	A/P	CLEARED	12/31/2016
005448	12/14/2016	Dynamex Canada Limited	14.67	A/P	CLEARED	12/28/2016
005449	12/14/2016	East Coast Hydraulics	143.03	A/P	CLEARED	12/28/2016
005450	12/14/2016	Eastlink Communications Channel 6 Ads Clarenville	310.50	A/P	CLEARED	12/28/2016
005451	12/14/2016	Ed Grant	226.94	A/P	CLEARED	12/21/2016
005452	12/14/2016	Edmund Hynes	121.03	A/P	CLEARED	12/21/2016
005453	12/14/2016	E K Lomond Auto Solutions Inc	32.19	A/P	CLEARED	12/21/2016
005454	12/14/2016	Gordon Stone	476.09	A/P	CLEARED	12/21/2016
005455	12/14/2016	Harold MULLOWNEY	488.16	A/P	CLEARED	12/21/2016
005456	12/14/2016	Hi Tech Scales Ltd.	2,070.00	A/P	CLEARED	12/28/2016
005457	12/14/2016	Iron Mountain Canada	40.86	A/P	CLEARED	12/31/2016
005458	12/14/2016	Jacqueline Crocker	121.03	A/P	CLEARED	12/31/2016
005459	12/14/2016	Jenkins Anthony Inc.	9,337.49	A/P	CLEARED	12/28/2016
005460	12/14/2016	Justin George	40.00	A/P	CLEARED	01/11/2017
005461	12/14/2016	Ken Kelly	2,428.32	A/P	CLEARED	12/21/2016
005462	12/14/2016	Kevin Power	38.04	A/P	CLEARED	01/11/2017
005463	12/14/2016	Kevin Butt	50.43	A/P	CLEARED	12/21/2016
005464	12/14/2016	Leona Squires	16.24	A/P	CLEARED	12/28/2016
005465	12/14/2016	Lorraine Kaczmarczyk	111.95	A/P	CLEARED	01/11/2017
005466	12/14/2016	Lynn Tucker	4,356.33	A/P	CLEARED	12/21/2016
005467	12/14/2016	Madsen Construction Equipment	642.03	A/P	CLEARED	12/21/2016
005468	12/14/2016	Michelle Squires	23.60	A/P	CLEARED	12/28/2016
005469	12/14/2016	Miller IT Limited	258.75	A/P	CLEARED	12/28/2016
005470	12/14/2016	NATIONAL Public Relations	9,349.77	A/P	CLEARED	01/11/2017
005471	12/14/2016	Nexgen Municipal Inc.	28,487.47	A/P	CLEARED	12/21/2016
005472	12/14/2016	North Atlantic	43,946.36	A/P	CLEARED	12/28/2016
005473	12/14/2016	Northern Business Intelligence	2,044.13	A/P	CLEARED	12/28/2016
005474	12/14/2016	OMB Parts & Industrial Ltd. 1	65.96	A/P	CLEARED	12/31/2016

Eastern Regional Service Board

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Cheques from 000001 to 005574 dated between 12-01-2016 and 12-31-2016

CHEQUE REGISTER

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Number	Issued		Amount	SC	Status	Status Date
005475	12/14/2016	Parts For Trucks Inc.	1,436.70	A/P	CLEARED	12/28/2016
005476	12/14/2016	Paul Lewis	84.72	A/P	CLEARED	01/11/2017
005477	12/14/2016	Pro-Tech Construction Ltd.	7,836.78	A/P	CLEARED	12/31/2016
005478	12/14/2016	Randy Reid	101.87	A/P	CLEARED	12/28/2016
005479	12/14/2016	Redline Automotive 0765	229.94	A/P	CLEARED	12/21/2016
005480	12/14/2016	Robert Denine	50.84	A/P	CLEARED	12/28/2016
005481	12/14/2016	Royal Garage Ltd.	495.32	A/P	CLEARED	12/21/2016
005482	12/14/2016	Safety Management and Registered Training Inc.	448.50	A/P	CLEARED	12/21/2016
005483	12/14/2016	Sam Pike Masonry Ltd.	77.20	A/P	CLEARED	01/18/2017
005484	12/14/2016	Sam Whalen	620.23	A/P	CLEARED	12/21/2016
005485	12/14/2016	Simms Garage Ltd.	203.40	A/P	CLEARED	12/31/2016
005486	12/14/2016	Terry Dobbie	119.01	A/P	CLEARED	01/18/2017
005487	12/14/2016	Tracey Glasgow	39.50	A/P	CLEARED	12/21/2016
005488	12/14/2016	Transcontinental Atlantic Media Group G.P.	505.54	A/P	CLEARED	12/21/2016
005489	12/14/2016	William Blunden	10.09	A/P	CLEARED	12/31/2016
005490	12/14/2016	Director of Support Enforcement	222.00	G/L	CLEARED	12/28/2016
005493	12/22/2016	Blaketown Service Station	5,955.60	A/P	CLEARED	01/11/2017
005494	12/22/2016	Dodd's Diesel Repair Ltd.	0.00	A/P	*VOID*	12/22/2016
005495	12/22/2016	Dodd's Diesel Repair Ltd.	15,704.14	A/P	CLEARED	12/31/2016
005496	12/22/2016	61366 Newfoundland and Labrador Inc.	5,290.00	A/P	CLEARED	01/11/2017
005497	12/22/2016	Acklands Grainger Inc.	71.98	A/P	CLEARED	12/31/2016
005498	12/22/2016	AMEC Foster Wheeler Americas Ltd.	30,641.13	A/P	OUT-STD	12/22/2016
005499	12/22/2016	Bell Mobility Inc.	1,710.89	A/P	CLEARED	01/11/2017
005500	12/22/2016	Bradley Power	229.62	A/P	*VOID*	12/22/2016
005501	12/22/2016	Bryan Lundrigan	221.42	A/P	OUT-STD	12/22/2016
005502	12/22/2016	Christie Dean	1,301.65	A/P	CLEARED	01/18/2017
005503	12/22/2016	Colin Rideout	239.24	A/P	CLEARED	01/11/2017
005504	12/22/2016	D&L Russell Limited	6.46	A/P	CLEARED	01/11/2017
005505	12/22/2016	Dyna-Pro Environmental	34.50	A/P	CLEARED	12/31/2016
005506	12/22/2016	Ed Grant	161.38	A/P	CLEARED	12/31/2016
005507	12/22/2016	Harvey & Company Ltd.	2,576.33	A/P	CLEARED	12/31/2016
005508	12/22/2016	Ivan Heath	68.31	A/P	OUT-STD	12/22/2016
005509	12/22/2016	Joy Dobbie	670.22	A/P	CLEARED	01/18/2017
005510	12/22/2016	Justin George	221.42	A/P	CLEARED	01/11/2017
005511	12/22/2016	Kenneth Rollings	1,096.48	A/P	CLEARED	12/28/2016
005512	12/22/2016	Leslie Squires	440.00	A/P	CLEARED	12/31/2016
005513	12/22/2016	Lynn Tucker	4,559.89	A/P	CLEARED	01/11/2017
005514	12/22/2016	NATIONAL Public Relations	13,581.29	A/P	CLEARED	01/11/2017
005515	12/22/2016	Newfoundland Exchequer - MVR	2,988.00	A/P	CLEARED	01/11/2017
005516	12/22/2016	Newfoundland Power Inc.	1,200.34	A/P	CLEARED	12/31/2016
005517	12/22/2016	Nexgen Municipal Inc.	343,288.00	A/P	CLEARED	12/28/2016
005518	12/22/2016	North Atlantic	325.07	A/P	CLEARED	12/31/2016
005519	12/22/2016	Northern Business Intelligence	688.15	A/P	CLEARED	12/31/2016
005520	12/22/2016	Nortrax Canada Inc.	134.17	A/P	CLEARED	01/11/2017
005521	12/22/2016	OMB Parts & Industrial Ltd. 1	288.97	A/P	CLEARED	01/11/2017
005522	12/22/2016	ORKIN Canada Corporation	343.85	A/P	CLEARED	01/11/2017
005523	12/22/2016	Parts For Trucks Inc.	84.87	A/P	CLEARED	12/31/2016

** - Name on Check was modified

Eastern Regional Service Board

BNK2 - Bank of Montreal - EW

Cheques from 000001 to 005574 dated between 12-01-2016 and 12-31-2016

CHEQUE REGISTER

Printed: 10:22:58AM 01/25/2017

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Number	Issued	Amount	SC	Status	Status Date
005524	12/22/2016 Pat Singleton	5,500.00	A/P	OUT-STD	12/22/2016
005525	12/22/2016 Paul Lewis	206.46	A/P	OUT-STD	12/22/2016
005526	12/22/2016 Perry Reid	223.94	A/P	CLEARED	01/11/2017
005527	12/22/2016 Quikprint Services Ltd.	5,506.45	A/P	CLEARED	12/31/2016
005528	12/22/2016 Redline Automotive 0765	30.46	A/P	CLEARED	01/11/2017
005529	12/22/2016 Royal Garage Ltd.	495.32	A/P	CLEARED	01/11/2017
005530	12/22/2016 Town of Clarendville	1,608.00	A/P	CLEARED	01/11/2017
005531	12/22/2016 Tulk Tire & Service Ltd.	1,398.88	A/P	CLEARED	12/31/2016
005532	12/22/2016 Vardy Villa Limited	35,047.81	A/P	CLEARED	01/11/2017
005533	12/22/2016 Wayne Sellers	236.55	A/P	CLEARED	01/11/2017
005534	12/22/2016 Receiver General of Canada	41,822.32	G/L	CLEARED	01/11/2017
Cheque Totals Issued:		993,985.95			
Void:		229.62			
Total Cheques Generated:		994,215.57			
Total # of Cheques Listed:		104			

**(5)(a)(2) 2016 Unaudited Financial
Report**

**EASTERN REGIONAL SERVICE BOARD
BUDGET VARIANCE 2016**

EXPENDITURES	BUDGET	ACTUAL TO 31-Dec	VARIANCE TO DEC 31	%
Salaries				
Chair/Board Remuneration	\$ 100,000.00	\$ 97,354.61	\$ 2,645.39	2.65%
Administration	\$ 384,743.04	\$ 366,391.86	\$ 18,351.18	4.77%
Sub-Total	\$ 484,743.04	\$ 463,746.47	\$ 20,996.57	4.33%
Benefits (Employer's Expense)				
Employment Insurance	\$ 39,000.00	\$ 39,912.07	\$ (912.07)	-2.34%
CPP	\$ 67,600.00	\$ 71,723.97	\$ (4,123.97)	-6.10%
WHSCC	\$ 24,000.00	\$ 33,774.90	\$ (9,774.90)	-40.73%
Group Benefits/Health&Life	\$ 60,000.00	\$ 30,717.48	\$ 29,282.52	48.80%
RRSP	\$ 106,000.00	\$ 93,502.66	\$ 12,497.34	11.79%
Sub-Total	\$ 296,600.00	\$ 269,631.08	\$ 26,968.92	9.09%
Transportation & Communications				
Board/Committee Local Travel	\$ 27,000.00	\$ 21,703.96	\$ 5,296.04	19.61%
Telephone	\$ 23,165.00	\$ 20,856.14	\$ 2,308.86	9.97%
Website	\$ -	\$ -	\$ -	0.00%
Financial Collections Expense	\$ -	\$ 19,027.64	\$ (19,027.64)	100.00%
Staff Local Travel	\$ 20,000.00	\$ 8,024.43	\$ 11,975.57	59.88%
Professional Development (Board)	\$ 25,000.00	\$ 32,046.28	\$ (7,046.28)	-28.19%
ERSB Meeting Expenses	\$ -	\$ 22,278.74	\$ (22,278.74)	-100.00%
Sub-Total	\$ 95,165.00	\$ 123,937.19	\$ (28,772.19)	-30.23%
Supplies				
Insurance	\$ 3,500.00	\$ 3,675.00	\$ (175.00)	-5.00%
Office Expenses/Supplies/Postage	\$ 37,000.00	\$ 50,574.43	\$ (13,574.43)	-36.69%
Bank Charges	\$ 30,000.00	\$ 23,314.00	\$ 6,686.00	22.29%
Sub-Total	\$ 70,500.00	\$ 77,563.43	\$ (7,063.43)	-10.02%
Purchased Services Administrative				
Audit	\$ 40,000.00	\$ 29,538.50	\$ 10,461.50	26.15%
Professional Development (Staff)	\$ 15,000.00	\$ 30,828.48	\$ (15,828.48)	-105.52%
Professional Services (Legal/HR/IT/Eng/Etc)	\$ 25,000.00	\$ 25,227.67	\$ (227.67)	-0.91%
Sub-Total	\$ 80,000.00	\$ 85,594.65	\$ (5,594.65)	-6.99%
Property, Furnishings & Equipment				
Office Space (gross lease)	\$ 125,000.00	\$ 85,523.13	\$ 39,476.87	31.58%
Computer Software/Software Licensing	\$ 4,000.00	\$ 4,183.84	\$ (183.84)	-4.60%
Photocopier Fees	\$ 9,000.00	\$ 7,526.42	\$ 1,473.58	16.37%
Furniture & Equipment	\$ 10,000.00	\$ 10,529.84	\$ (529.84)	-5.30%
Sub-Total	\$ 148,000.00	\$ 107,763.23	\$ 40,236.77	27.19%
Purchased Services Consultants				
Communications	\$ 150,000.00	\$ 117,388.01	\$ 32,611.99	21.74%
Consulting	\$ 100,000.00	\$ -	\$ 100,000.00	100.00%
Sub-Total	\$ 250,000.00	\$ 117,388.01	\$ 132,611.99	53.04%
Waste Operations Regional				
Salaries	\$ 412,035.24	\$ 507,368.46	\$ (95,333.22)	-23.14%
Expenses/Supplies/Postage/Communications	\$ -	\$ 3,336.08	\$ (3,336.08)	100.00%
Telephones	\$ 10,835.00	\$ 10,923.52	\$ (88.52)	-0.82%
Rent (Office & Yard Space lease Blaketown)	\$ -	\$ 31,953.82	\$ (31,953.82)	100.00%
Snow Clearing WRFs	\$ 100,000.00	\$ 76,990.46	\$ 23,009.54	23.01%
Site Maintenance WRFs	\$ 75,000.00	\$ 7,834.94	\$ 67,165.06	89.55%
Old Perlican WRF (contract)	\$ 109,000.00	\$ 124,809.04	\$ (15,809.04)	-14.50%
WRF Compaction Trailers Lease Payments	\$ 167,000.00	\$ 167,909.16	\$ (909.16)	-0.54%
Vehicles, Maintenance and Operations	\$ 200,000.00	\$ 306,106.19	\$ (106,106.19)	-53.05%
Insurance	\$ 10,500.00	\$ 15,452.70	\$ (4,952.70)	-47.17%
AVL/GPS Monitoring	\$ 11,920.00	\$ 21,414.61	\$ (9,494.61)	-79.65%
Whitbourne Depot	\$ 26,500.00	\$ -	\$ 26,500.00	100.00%
Sub-Total	\$ 1,122,790.24	\$ 1,274,098.98	\$ (151,308.74)	-13.48%
Transfer Station - Clarenville				
Salaries	\$ 211,394.87	\$ 197,375.61	\$ 14,019.26	6.63%
Utilities/Telephones	\$ 38,500.00	\$ 42,756.28	\$ (4,256.28)	-11.06%
Rent (Recycling Roll Bins)	\$ -	\$ 2,566.56	\$ (2,566.56)	100.00%
Expenses/Supplies/Office Equipment	\$ -	\$ 52,257.83	\$ (52,257.83)	100.00%
Snow Clearing/Site Maintenance & Repairs	\$ 25,000.00	\$ 36,983.82	\$ (11,983.82)	-47.94%
Vehicles, Maintenance and Operations	\$ 326,600.00	\$ 183,342.16	\$ 143,257.84	43.86%

Tipping Fees for TS at Regional Landfill	\$ 554,320.00	\$ 318,984.79	\$ 235,335.21	42.45%
Insurance	\$ 33,000.00	\$ 47,454.47	\$ (14,454.47)	-43.80%
AVL/GPS Monitoring	\$ 2,780.00	\$ 5,129.47	\$ (2,349.47)	-84.51%
Reserve Fund	\$ -	\$ -	\$ -	0.00%
Sub-Total	\$ 1,191,594.87	\$ 886,850.99	\$ 304,743.88	25.57%

Household Hazardous Waste Program

Contract and Honorarium	\$ 120,000.00	\$ 93,872.00	\$ 26,128.00	21.77%
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Collection Contracts

Internal Curbside Salaries	\$ 455,068.79	\$ 420,688.71	\$ 34,380.08	7.55%
Expenses/Supplies/Postage/Communications	\$ -	\$ 9,498.01	\$ (9,498.01)	100.00%
Telephones	\$ 2,500.00	\$ 2,648.33	\$ (148.33)	-5.93%
Rent/Maint (Yard space for equipment storage)	\$ -	\$ 32,205.88	\$ (32,205.88)	100.00%
Vehicles, Maintenance and Operations	\$ 300,000.00	\$ 470,074.57	\$ (170,074.57)	-56.69%
Southern Shore	\$ 663,437.58	\$ 588,866.04	\$ 74,571.54	11.24%
Southwest Avalon	\$ 279,912.67	\$ -	\$ 279,912.67	100.00%
Trinity Conception North	\$ 480,736.61	\$ 451,222.11	\$ 29,514.50	6.14%
Trinity Bay South & Center	\$ 541,411.26	\$ 501,995.27	\$ 39,415.99	7.28%
Isthmus	\$ 465,186.73	\$ 442,910.12	\$ 22,276.61	4.79%
Southwest Arm	\$ 87,307.15	\$ 91,638.33	\$ (4,331.18)	-4.96%
Carbonear	\$ 124,131.85	\$ -	\$ 124,131.85	100.00%
Bay De Grave	\$ 184,799.25	\$ 177,729.59	\$ 7,069.66	3.83%
Conception Bay Center	\$ 571,385.66	\$ 508,751.02	\$ 62,634.64	10.96%
Clarenville Area	\$ 795,476.62	\$ 416,916.60	\$ 378,560.02	47.59%
AVL/GPS Monitoring	\$ 3,300.00	\$ 6,265.49	\$ (2,965.49)	-89.86%
Insurance	\$ 28,000.00	\$ 41,464.01	\$ (13,464.01)	-48.09%
Tipping Fees not included above	\$ -	\$ 412,883.95	\$ (412,883.95)	-100.00%
Sub-Total	\$ 4,982,654.17	\$ 4,575,758.03	\$ 406,896.14	8.17%

Provincial Water/Wastewater Pilot Program

Payroll Expense - One employee	\$ 50,000.00	\$ 47,309.46	\$ 2,690.54	95%
Other Expenses	\$ 27,500.00	\$ 13,737.76	\$ 13,762.24	50.04%
Sub-Total	\$ 77,500.00	\$ 61,047.22	\$ 16,452.78	21.23%

Contribution to Reserve

Regional Capital Reserve	\$ 170,000.00			0.00%
Curbside Capital Reserve	\$ 130,000.00			0.00%
Operational Reserve	\$ 390,000.00			0.00%
	\$ 690,000.00	\$ -	\$ -	0.00%

TOTAL EXPENSES	\$ 9,609,547.32	\$ 8,137,251.28	\$ 1,472,296.04	15.32%
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Capital ERSB

Clarenville Transfer Station Capital Spending	\$ -	\$ 99,176.47	\$ (99,176.47)	100.00%
Whitbourne WRF Capital Spending	\$ -	\$ 259,141.39	\$ (259,141.39)	100.00%
Waste Disposal Site Closures	\$ -	\$ 4,660.44	\$ (4,660.44)	100.00%
Heavy Equipment Expense for all programs	\$ -	\$ 648,913.29	\$ (648,913.29)	-100.00%
	\$ -	\$ 1,011,891.59	\$ (1,011,891.59)	100.00%
	\$ -			
	\$ -			
	\$ 9,609,547.32	\$ 9,149,142.87	\$ 460,404.45	4.79%

TOTAL OPERATING AND CAPITAL

REVENUE				
Waste Collection Contracts	\$ 5,290,365.01	\$ 4,905,843.47	\$ 384,521.54	7.27%
Provision for Bad Debt	\$ (150,000.00)			
Transfer Station - Clarenville	\$ 554,320.00	\$ 375,729.78	\$ 178,590.22	32.22%
Transportation Charges	\$ 83,600.00	\$ -	\$ 83,600.00	100.00%
Recyclables Metals	\$ 35,000.00	\$ 54,363.82	\$ (19,363.82)	-55.33%
Interest - Investments	\$ -	\$ 11,381.92	\$ (11,381.92)	-100.00%
Misc Revenue	\$ -	\$ 19,857.97	\$ (19,857.97)	-100.00%
Misc Revenue (Other recyclables, etc.)	\$ -	\$ 4,119.79	\$ (4,119.79)	-100.00%
ERSB Surplus (Deficit) Previous Years	\$ -	\$ -	\$ -	-100.00%
Regional Landfill Tipping Fee Derived	\$ 3,418,762.31	\$ 3,367,536.07	\$ 51,226.24	1.50%
HST Rebate	\$ 300,000.00	\$ 147,851.71	\$ 152,148.29	50.72%
Capital Reserve Funds	\$ -	\$ 343,288.00	\$ (343,288.00)	-100.00%
Provincial Capital - Received in 2016	\$ -	\$ 137,197.17	\$ (137,197.17)	-100.00%
Provincial Funding - Water/Wastewater Pilot	\$ 77,500.00	\$ 77,500.00	\$ -	0.00%
TOTAL REVENUE	\$ 9,609,547.32	\$ 9,444,669.70	\$ 314,877.62	3.28%

**(5)(a)(3) Fire and Emergency
Services Report**

FIRE AND EMERGENCY SERVICES

For Salmonier Line and surrounding areas including: Middle Gull Pond, South West Pond, The Wilds, Belbin Mill Pond and Old Prison Camp area.

Service Implemented: January 1, 2017

Service provided by: Holyrood Volunteer Fire Department, Town of Holyrood

Accounts Receivable

Total of Invoices to January 31 (371 ⁺ properties @ \$50.00 per property)	\$18,550.00	
<u>Less:</u> Total Payments Received to January 31 (155 properties paid)	\$ 7,779.18	
<u>Less:</u> Total Adjustments* to January 31 (14 properties)	\$ 700.00	
Amount Remaining to Collect (54%)		\$10,070.82

** As we continue to identify property owners the amount invoiced will change.*

*Adjustments:

- Error correction (property located in LSD of Deer Park/Vineland Road, property vacant, etc.)
- Misc Adjustments (incorrect name on account; owner deceased; etc.)
- Transfer of Fees (property transferred to another family member, owner deceased, etc.)

Accounts Payable

January 2017:

Town of Holyrood invoiced ERSB for 347 properties at \$45.00 per property	
January 12, 2017 – cheque No. 5590 sent as payment	\$15,615.00

We will continue to identify and invoice customers in these areas for fire and emergency services. In addition, we will report to the Town of Holyrood regarding the number of properties identified.

**(5)(b) Strategy and Policy
Committee Report**

**(5)(b)(1) Draft Fire Services Delivery
Policy**

EASTERN REGIONAL SERVICES BOARD FIRE PROTECTION SERVICE DELIVERY POLICY

WHEREAS section 3(3) of the *Eastern Regional Service Board Regulations, 2013*, Nfld. Reg. 8/13 (“Regulations”) under the *Regional Service Boards Act, SNL 2012, c.R-8.1*, as amended, provides the Eastern Regional Services Board with the power to provide fire protection services within the Eastern Region;

AND WHEREAS sections 24 and 26 of the *Regional Service Boards Act, SNL 2012, c.R-8.1* grants the Eastern Regional Services Board the authority to establish user fees for fire protection services;

AND WHEREAS it is the consensus of the Eastern Regional Services Board to establish this policy to regulate the provision of fire protection services by the Board;

NOW THEREFORE the Eastern Regional Services Board establishes the following fire protection service delivery policy:

Definitions

1. In this policy,

(1) "Board" means the Eastern Regional Services Board established by the *Eastern Regional Services Board Order, O.C. 2011-255* under the *Regional Service Boards Act, RSNL 1990 c. R-89* (“Act”).

(2) “Eastern Region” is the geographic region defined in the *Eastern Regional Service Board Order, O.C. 2011-255*.

(3) “Building” means

- (i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
- (iii) a part of and fixtures on buildings referred to in subparagraphs (i) and (ii).

(4) “Fire Protection Area” means an area within the Eastern Region in which fire protection services are provided by the Board.

(5) "Fire Protection Services Agreement" is an agreement entered into between the Board and a Government Funded Body or other providers of fire protection services for the provision of Fire Protection Services for a given Fire Protection Area designated by the Board.

(6) "Fire Protection Services" means those services provided by the Board under this Policy, including, but not limited to, (a) answering and responding to fire, motor vehicle accident, rescue or other emergency calls; (b) attending at fire, motor vehicle accident, rescue or other emergencies; (c) conducting regular inspections as the same may be required of premises; (d) generally coordinating and implementing all those services which may be necessary or incidental to the investigation, prevention and suppression of fires.

(7) "Government Funded Body" means a government funded body as this is defined in the *Public Tender Act*, RSNL 1990, c. P-45.

(8) "Property Owner" means an owner of real property.

(9) "Resident" means an occupant, lessee or tenant of a Building.

(10) "User Fee" is the annual user fee established by the Board to be charged to a Property Owner or a Resident for Fire Protection Services.

Fire Protection Services

2. (1) The Board, or the Board's agent(s), shall provide Fire Protection Services to all Fire Protection Areas in the Eastern Region.

(2) Fire Protection Services provided by the Board to a Fire Protection Area shall include:

(a) Answering and responding to all fire, motor vehicle accident, rescue or other emergency calls from the Fire Protection Area;

(b) Attending at fire, motor vehicle accident, rescue or other emergencies in the Fire Protection Area with all necessary equipment for the purpose of controlling and extinguishing fires, extraction equipment to conduct removal from motor vehicle accidents, standard first aid equipment, rescue response or any other response typical of a volunteer fire department;

(c) Conducting regular inspections as the same may be required of premises within the Fire Protection Area to locate conditions which may cause a fire or increase the danger of a fire or increase the danger to persons therein;

(d) Generally coordinating and implementing all those services which may be necessary or incidental to the investigation, prevention and suppression of fires within the Fire

Protection Area which are normal, within the scope of responsibility of municipal fire departments in Newfoundland and Labrador pursuant to the laws in force from time to time in Newfoundland and Labrador.

Fire Protection Services Agreements

3. (1) The Board may enter into agreements with municipal corporations and local service districts to utilize existing municipal fire departments for provision of fire protection services.

(2) The Board shall ensure that the terms of a Fire Protection Services Agreement provide for no less privilege to Fire Protection Services due to location within the Fire Protection Services Area.

(3) A Fire Protection Services Agreement shall indicate on a map provided by the Board all the communities that fall within the Fire Protection Area as well as all readily accessible static sources of water that are available for firefighting operations.

(4) A Fire Protection Services Agreement shall contain provisions addressing the following matters:

(a) supply, maintenance and operation of equipment (vehicle, tank, pump, accessories and equipment complement) to industry and NFPA standards;

(b) training of employees, volunteers, agents and sub-contractors to Fire and Emergency Services Level 1 equivalent;

(c) Employee and volunteer health and safety, including *Workplace, Health and Safety Act* and *Occupational Health and Safety Act* requirements;

(d) Reporting requirements, including audited financial reports of the Board and annual statements detailing responses to emergency calls within the Fire Protection Area and other information concerning the Fire Protection Services within the Fire Protection Area;

(e) Insurance, including Fire Fighter Member Insurance, Commercial General Liability Insurance and Officers and Directors Liability Insurance and other insurance coverage necessary for the provision of Fire Protection Services within the Fire Protection Area;

User Fees

4. (1) Property Owners shall pay the User Fee for each property with a Building that they own that is situated in a Fire Services Area regardless of the condition of the Building or ability to access the property.

(2) If the identity of the Property Owner cannot be ascertained by the Board, the Board may charge the User Fee to a Resident.

(3) The amount of the User Fee shall be set by the Board so as to ensure the Board shall be able to recover and offset all of its reasonable costs of providing Fire Protection Services on an annual basis as part of the Board's budget process.

Exemption

5. (1) Property Owners may request an exemption from the provision of Fire Protection Services.

(2) In order to qualify for an exemption Property Owners must demonstrate to the Board that there are no Buildings on their property.

**(5)(b)(2) Discussion of Public
Consultations of Regional
Governance Models**

**CURRENT STATE OF REGIONAL SERVICE DELIVERY IN EASTERN NL AND
OPTIONS FOR CHANGE**

**Presented by:
Ed Grant
Chairperson
Eastern Regional Service Board**

1. What are we trying to accomplish?

The overall thrust of this initiative has been to look for solutions or a solution to a series of issues that we all recognize need to be fixed in our current municipal government and service delivery framework. We can simplify those issues to be some form/version of the following:

- a. There needs to be a basic set of services delivered to a provincial standard;
- b. Everyone should be contributing to the cost of administering and delivering services at the local government level;
- c. Everybody needs to be represented including municipalities, local service districts and unincorporated areas in the governance and administration of local services; and
- d. Support local municipalities to increase their capacity, their economic development potential, build strong organizations and provide a level of autonomy and choice for them to decide how local services will be delivered.

Somehow we have gotten on a track that is going to outline a process of how to eliminate communities and local decision making, how another level of government will be imposed, and how municipalities that have the capacity to deliver services on their own will be subject to a higher level and potentially more costly level of government.

This document outlines the current state of regionalization of services that has already taken place in NL and presents some options for refinement that can address the four issues presented above.

2. What is a Regional Service Board in NL?

The Eastern Regional Service Board (ERSB) was formally established by the Province in September 2011 to implement the Provincial Waste Management Strategy. It is a legal entity operating under the *Regional Service Boards Act* (RSB Act) which outlines the authorities and powers of the regional service board (RSB). Currently the Province has established 7 regional service boards across the island portion of the province – Burin, Central, Coast of Bays, Discovery, Eastern, Northern and Western. Within the Eastern Region there are about 180 communities stretching from St. John's to just west of Clarenville including Swift Current and Random Island with a population of about 270,000.

The legislation for regional service boards dates back to 1990 with the first region established under the RSB Act on the Northern Peninsula in 2005.

One foundational aspect of the current approach to the establishment of regional service boards in the Province has been the focus on a shared mandate or partnership between regional service boards and the municipalities that they serve – incorporated towns or local service districts (LSD).

The impetus for the development of RSB's was waste management and the objective of the Province to modernize the management of waste and to close unlined landfills and teepee incinerators.

The only mandatory service as stated in the *Municipalities Act 1990* that a municipality must deliver to its residents is waste collection and disposal. A municipality is not required to deliver any other service – everything else is a decision or choice of a Council or LSD Executive. The RSB's can offer services to a town or local service district but they cannot impose the service. So, within the province, waste management is a service of collaboration or partnership between the RSB's and the municipalities.

3. What can an RSB do?

The initial mandate included modernizing waste management; however, this has been expanded to include fire protection and a pilot program for water and wastewater. The enabling legislation for regional service boards already contemplates the expansion of services that can be offered - the Minister simply needs to adopt a regulation. No changes to the Act are required. The following is an excerpt from the *Regional Services Board Act* (revised 2012)

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.

One key aspect of the RSB model is that revenue generation is achieved through the levying of fees for services on those who own or occupy property that benefit from the service versus the assessment of taxes.. This includes the ability to levy fees on a municipality such as a town or LSD. The Board has been granted the authority to charge fees in Section 24 of the *RSB Act*:

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.

This ability to assess fees on property owners/occupiers allows the RSB to charge for services delivered in unincorporated areas or within a larger benefitting area. This has been a long standing issue for municipalities that property owners just outside of their municipal boundaries, and their taxing authority, benefit from services that are in the area and paid for by the ratepayers within the town. For example, recreation facilities which benefit a large area that often extends beyond the municipal boundary but are funded by the ratepayers within the single municipality. User fees that are imposed for recreational programs or usage are often not sufficient to cover the operating costs and don't include the initial capital costs of the facility. Fire services is a similar situation in which a municipal fire department may respond to emergencies at structures outside the boundary or to vehicle accidents along highways that they have little recourse for compensation.

4. What does the ERSB do? – (Services Currently Delivered)

Since its inception the Board has advanced the closure of 41 landfills in the eastern region and consolidated the waste collection operations for 30,000 properties or about 70,000 people. The Eastern Regional Service Board is the primary provider of curbside waste collection services for the Southern Shore, Southwest Avalon, Isthmus, Clarenville, Trinity Bay South to Conception Bay North. It is the provider of choice for communities such as Bay Bulls, Witless Bay, Placentia, Carbonear, Holyrood, Clarke's Beach, Old Perlican, Long Harbour, Dildo, Deer Park, Sunnyside, Come By Chance, Arnold's Cove, Clarenville etc....

The Board operates a network of 10 waste recovery facilities across the region that allow property owners to dispose of bulk waste items free of charge within a maximum 70 km drive of their property. The Board operates a waste transfer station in Clarenville that eliminates the need for route collection trucks to commute 2 hours each way to deliver waste to the regional landfill. This facility transfers the waste to long haul transport trailers using a unique conveyor and compaction auger to ensure payloads maximize the trip and maintain costs.

The City of St. John's owns, operates and manages the regional landfill located at Robin Hood Bay including the materials recycling facility. The ERSB sets the user fees for this facility as part of the annual budget process for the regional system and oversees its integration with the overall regional system.

The Board manages the regional water and wastewater system operator program for the Province which assists communities in the eastern region with the proper operation of their water and wastewater infrastructure.

Finally the Board, provides fire services to unincorporated areas through contracts with municipal volunteer fire departments. This program formally establishes the service areas

of the municipal fire departments to include the responsibility for the unincorporated areas and it ensures that the municipalities are compensated for the service. In this manner;

- it provides a sustainable revenue stream to the municipalities,
- it recognizes the service that has been provided to these areas often for several years without payment,
- it provides valuable life safety and property protection services to areas that had none in the past, and
- it provides for inspection services for commercial properties that may not have been inspected in the past for compliance with Provincial regulations.

5. New Services Being Considered

The subject of regional service provision within the Eastern Region is starting to generate discussion in areas of water quality/resources, regional transportation, regional planning (Northeast Avalon Regional Plan), building inspection, road maintenance, snow clearing, civic addressing, engineering services, tendering/contracting, etc....

As highlighted earlier the expansion of the mandate of an RSB can be done by a Ministerial Order. The expansion of mandate can be for an entire region or for a portion of a region. This allows the Minister to tailor the authority within a region to meet the specific needs of that region.

6. Underlying Principles

A regional service board model is complimentary to strong municipalities. The regional service board is built on the efficient, effective and affordable provision of municipal services. This is a different approach than mandated service delivery. The approach taken in a service board model is one of choice and of partnerships. The value proposition in a regional approach is based on the larger area or number of units will allow more efficient contracting or internal service delivery – key expertise can be cost shared across a large number of units versus smaller sub-groups duplicating the expertise for themselves – for example, engineering, planning, fleet management or accounting professionals. In the same manner the cost of capital intensive equipment, specialized equipment or backup equipment is spread across a larger revenue base.

The goal of an RSB is to deliver quality services that meet Provincial standards in the most cost effective and sustainable manner. RSBs have various methods available to them in order to ensure “value for money” in the delivery of services. The ERSB uses its own internal staff and equipment to deliver some services to some areas and in others it might use a contract with a private firm or a municipality as the delivery method.

7. Governance and Operational Structure

The ERSB is governed by a board of 21 composed of 20 members that are elected municipal representatives that are either municipal councilors or local service district executives and one chairperson. The chairperson for the board can be drawn from amongst the 20 elected members or the 20 members can select an unelected person from the public to act as the chairperson. The work of the Board is divided into 3 advisory committees which vet issues and make recommendations to the Board for decisions. The Board has not delegated decision making authority to any committee or other group.

The 20 board members are responsible to engage the town councils and local service district executive committees in their respective wards. A number of the wards in the eastern region have established a joint council as a means for regional issues to be discussed. While these bodies do not have any authority they are a means to start discussions and build potential partnerships. The ERSB is expanding this approach and any ward that does not have a joint council already in place the Board is facilitating the creation of a joint body. The Board is also encouraging these bodies to invite local service districts to be a part of the discussions so that partnerships and arrangements can include these neighbouring communities as well.

The staff of the ERSB is composed of a Chief Administrative Officer and department heads who implement the decisions of the Board.

In terms of direct service delivery the Board has taken an approach that favours contracting out. This provides the Board with an ability to manage costs and risk through contracts. The Board has entered into contracts to purchase service from both private companies and municipalities. To balance the approach and to understand the costs and operational issues the Board also provides some services internally. This approach allows the Board to manage the risks of price creep that often happens when a government is only able to buy from a limited number of suppliers.

8. Challenges of current approach

During the 2014 operating year it became evident to the Board that its efforts to further implement the Provincial Waste Management Strategy were hampered by two significant issues with the enabling legislation.

Firstly, the *Regional Service Boards Act, 2012* and the subsequent regulations do not provide the necessary tools for the appropriate administration of services. In comparison to municipalities the regional service boards lack tools such as:

- the ability to lien a property for non-payment of fees,
- regional service boards have the burden of going to small claims court to collect debts,

- there is no requirement to be notified of property sales similar to cities such as St. John's and Mount Pearl,
- regional service boards do not have the ability to retroactively collect fees or issue certificates of good standing for accounts.

These items combined with the lack of a comprehensive property ownership database in the Province negatively affects the revenue sustainability of regional service boards and its ability to collect fees. The Eastern Regional Service Board is working with various government departments and the Technical Oversight Committee to identify potential solutions. In addition, the Eastern Regional Service Board is mitigating these deficiencies through the creation of a comprehensive property ownership database which is enabled with geographic mapping information. The focus for this database has been in unincorporated areas and local service districts where identifying property ownership and accurate mailing addresses for property owners is the most challenging.

It is the Board's understanding these tangible administrative issues are intertwined with the overall issue of regional governance. These issues may be resolved with the development of a new regional governance model. The Board hopes to participate in the development of the principles and main components of the new governance model and the consultations that are planned by the Province.

Secondly, the full implementation of the Provincial Waste Management Strategy (PWMS) is challenging because the objectives outlined in the PWMS may not always be in sync with the objectives of those charged with implementing the PWMS, mainly the municipalities. Again, we have identified this problem and are working with the various departments and the TOC to identify potential solutions. The authority for waste collection resides with the municipalities, local service districts and waste disposal committees under the *Municipalities Act 1999*. The Eastern Regional Service Board has had great success in working with community leaders to adopt the objectives of the PWMS. Those communities that have not adopted the PWMS often cite the cost of implementing additional services as the main impediment and state that until it is mandatory they will continue to provide a cheaper, garbage only service. The voluntary nature of the PWMS presents a challenge for its full implementation. The Eastern Regional Service Board is working with the PWMS Oversight Committee to explore options to resolve these issues.

However, the opportunities for the Eastern Regional Service Board far outweigh the current challenges. As a regional entity providing services to a vast array of communities from unincorporated areas to large municipalities the Board has focused on building organizational capacity to leverage its knowledge and expertise. One of the most significant aspects for any organization is revenue collection and as discussed this challenge is greater when property ownership is not known. The development of a comprehensive Geographic Information System (GIS) enabled database has given the Board a unique advantage to support municipalities and for future service delivery. This will facilitate the cost effective collection of fees for other services if the mandate of the

Board is expanded. This database can also be a valuable tool for other services such as the dispatch of emergency response services, protecting information on water/sewer lines, regional and local planning.

The expansion of a regional geographic information system can also help protect valuable municipal knowledge. As the municipal workforce ages the ability to capture and map key infrastructure such as buried water and sewer lines will help mitigate the loss of corporate knowledge in these entities as staff retire. Having access to this information may also enhance the design and construction of future infrastructure.

The regional service boards can also build upon their existing relationships with municipalities, local service districts and representative groups such as joint councils, road associations, etc... to facilitate the delivery of other municipal services. The *Regional Service Boards Act, 2012* under Section 19 contemplates the regional service boards delivering other services such as fire, water and waste water, regional transportation, recreation, and other services of a regional nature such as regional planning. In some of these areas the regional service boards could provide an administrative capacity that allows the municipalities to continue to have the authority for provision of the service while purchasing the service from the Board.

The addition of services also provides an opportunity to make the regional service boards more sustainable in that the administrative cost can be shared over more services instead of being carried by only one service.

A cautionary note is also offered in that the creation of too many competing entities which limits overall effectiveness by reducing synergies and the duplication of effort for things such as information (GIS) gathering. Multiple organizations struggling to create database and mapping information because organizations cannot readily share information due to privacy enshrines not only inefficiency but increases or stymies cost efficient delivery of services.

9. Where to from here?

For an example of how the RSB model can evolve in NL we can look to the Province of British Columbia which has had a similar form of regional municipal corporation and cooperation in place since the 1960's. In BC regional districts have three basic roles.

1. regional districts provide regional governance and services for the region as a whole. They provide a political forum for representation of regional residents and communities and a vehicle for advancing the interests of the region as a whole.
2. regional districts provide a political and administrative framework for inter- municipal or sub-regional service partnerships through the creation of "benefiting areas". Any combination of municipalities and electoral areas can jointly decide to provide services and recover the costs from the

beneficiaries.

3. regional districts are, in the absence of municipalities, the "local" government for rural areas. At the very least, this means that the regional district provides community planning and land use regulation in rural areas. However, in addition, it typically means the region is providing the following services: building regulation and inspection; nuisance regulation; street lighting; and house numbering.

The BC model of regional districts has been refined over 60 years and it does present an option for governance and service delivery that they define as a “gentle imposition”. Within the BC description of their model they articulate six principles that define their model. The following is an excerpt from the BC Provincial Government document “Primer on Regional Districts”.

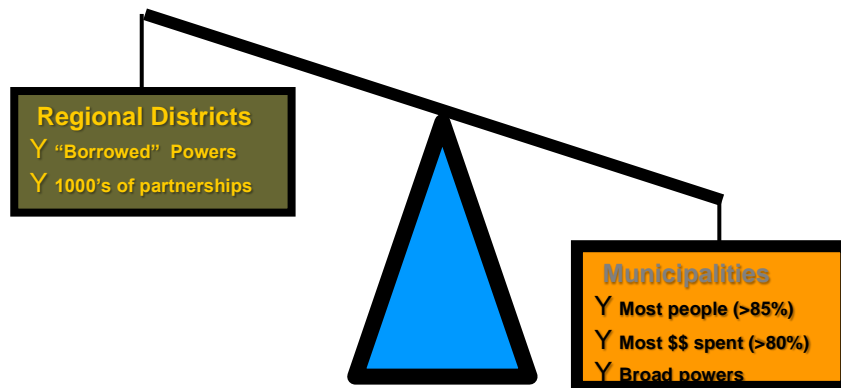
Figure Three:
Key Principles underlying the Regional District System

PRINCIPLE	EXPLANATION
1. federal/confederal	2. part of, not apart, from the municipal system
3. voluntary	4. write your own ticket
5. consensual	6. borrowed power
7. flexible	8. freedom to choose from the menu
9. fiscal equivalence	10. pay for what you get
11. soft boundaries	12. choose your geography

1. Federal/confederal. Federal generally means two or more levels of government where citizens interact directly with each level in terms of voting and receiving services. Confederations (confederal) are where citizens deal with the lower level government (i.e. provincial) and the lower level government deals with the higher level government (i.e. national).

Regional districts are a mixture of both federal and confederal. Rural areas have a federal relation to the region - they vote for directors and they receive services directly from the regional district. For residents of municipal areas their relationship is confederal - citizens do not vote directly for regional board members and the services are not received directly from the region but from the municipality.

Figure Four – Power Relationship between Regional Districts and Municipalities



The federal character is the most important principle for understanding the unique character of regional districts. The region is a federation of municipalities and rural areas. Each constituent unit is in effect a shareholder and has a seat on the board of directors. As a consequence, regional districts are part of the municipal system not separate from it. The regional district does not sit over the municipalities with the municipal units serving the region. Rather it is the reverse: the regional district exists to further the interests of its municipal members.

2. Voluntary. Regional districts are for the most part voluntary organizations that are "self-organizing", in effect "writing their own tickets". That is, they only provide the services that their members or their residents agree they should provide. In the early years, the only functions mandated in provincial statute were the following:

- general government for the region as a whole and especially for rural areas;
- regional planning, subsequently removed in 1983;
- long-term capital financing for municipal members and for the regional district itself through the Municipal Finance Authority pursuant to the Municipal Finance Authority Act;
- hospital capital financing pursuant to the Hospital Districts Act; and
- land use planning in rural areas, although the level of planning effort varies considerably between regional districts.

However, the benefits of the regional district framework have been increasingly recognized and other responsibilities have been mandated through provincial statute:

- solid waste management planning pursuant to the Environmental Management Act;
- liquid waste management planning pursuant to the Environmental Management Act; and
- emergency planning through the Emergency Programs Act.

In addition, regional planning powers were restored in 1995 under the Growth Strategies Amendment Act (GSAA). However, this restored version of regional planning was voluntary not mandatory.

The voluntary aspect of regional districts can be challenging in terms of so called "free-rider" circumstances - people being able to consume services without paying the full costs. However, the primary means of inducing people who are not paying the full costs is to have a system of differential user fees - those areas which are not contributing to the service in terms of property taxes pay higher user fees.

3. Consensual. Regional districts are for the most part consensual organizations. They rely on "borrowed power", that is they only do what their municipal members and the public agree they should do. This is quite different than relying on "statutory authority" or "direct power". It means getting things done by forging agreements and partnerships. Accordingly, extensive procedures are set out in the Local Government Act for obtaining consent of the member municipalities and, in the case of rural areas, elector assent, whether in the form of referendum, petition or counter-petition. Regional districts that bristle at the lack of direct power in comparison to municipalities are missing the point that regional districts are consensual creatures by design.

4. Flexible. Regional districts have a high degree of flexibility to choose which services they wish to provide and at what scale. As a consequence, every regional district has a different menu of services. The same legislation governing the Central Coast Regional District, which has 3,800 people, applies to the Greater Vancouver Regional District, which has 2.1 million people. Each regional district provides services appropriate to its circumstances. The Central Coast Regional District is essentially a rural government providing local services such as planning, fire protection and water supply and distribution. In contrast, the Greater Vancouver Regional District is a regional government which provides regional services like water supply, sewerage disposal and air quality management.

As well, services are delivered at a variety of scales within the boundaries of the regional district. The service area can be a single municipality or electoral area, a grouping of municipalities and electoral areas or a part of a municipality or electoral area.

Services are even provided across regional districts. For example, the Greater Vancouver Regional District provides regional parks services to part of the neighbouring Fraser Valley Regional District. Similarly, the Fraser Valley Regional District provides sewerage treatment services for the City of Sumas in Washington State.

5. Fiscal equivalence. The legislation for regional districts requires a close matching between the benefits and costs of services. The intent is that residents "pay for what they get". In practice, this can mean that each service that is delivered by the regional district

has a cost recovery formula. To this end, the legislation provides a wide range of cost recovery tools including taxes, charges and fees and the flexibility to vary these. As well, it requires that each service be separately accounted for in the budget and accounts of the regional district.

6. Soft Boundaries. Closely related to the principles of flexibility and fiscal equivalence is soft boundaries or custom geography. Every service provided by regional districts has a defined service area, or a custom boundary which, to the maximum extent possible, attempts to match the cost recovery with the beneficiaries of the service. Whereas "hard boundaries" are boundaries that dominate the delivery of a jurisdiction's service portfolio, in a "soft boundary" system it is the natural scope of the service delivery that dominates boundary setting.

For example, in the case of the Greater Vancouver Regional District, most services are provided to the entire regional district. However, in the case of water supply and sewerage disposal services, the costs are recovered only from the members receiving the service.

In fact, regional district boundaries are so soft that, indeed, there are many examples of services that extend beyond the boundary of the regional district encompassing other regional districts, other provinces and even other countries.

10. Conclusion

The Regional Service Board model as currently adopted by the Province is an existing solution to the regional governance question that has the following benefits:

- Does not require the elimination of communities;
- Is a collaborative approach to service delivery;
- Transparent and accountable structure for service provision (contracting on behalf of municipalities – clean);
- Able to collect fees in unincorporated areas;
- Evolution – gentle imposition versus top down mandate;
- Supports municipalities - engage Board or provide for yourself; and
- Maintains community identity (autonomy).

February 1, 2017

OVERVIEW OF EASTERN REGIONAL SERVICE BOARD



www.erbsnl.ca

Agenda

Topics to be covered and placed on a timeline

- Evolution of the Provincial Waste Management Strategy
- Development of the Eastern Regional Service Board

Discussion of Regional Governance

- What is a Regional Service Board?
- How does it compare to other models?
- What is happening in NL with regards to Regional Governance?



Evolution of a Province Wide Initiative

Lib

2001

Public Env Consultation
Avalon Waste Management Cttee
Provincial Waste Mgmt Strategy



Provincial Waste Management Strategy



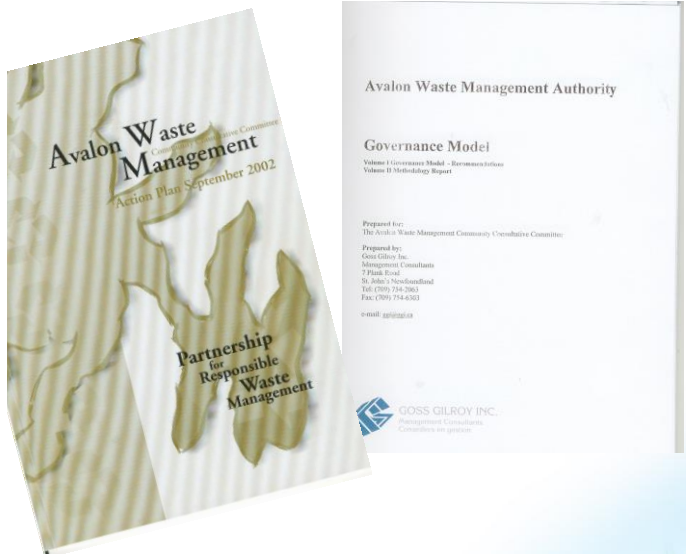
- Development of modern standards
- Disposal bans for tires, cardboard and organics
- Creation of regional waste management authorities
- Maximize economic and employment opportunities
- Full service modern waste management on Avalon Peninsula by 2010
- 50% waste diversion on Avalon Peninsula by 2015
- Full province-wide modern waste management by 2020



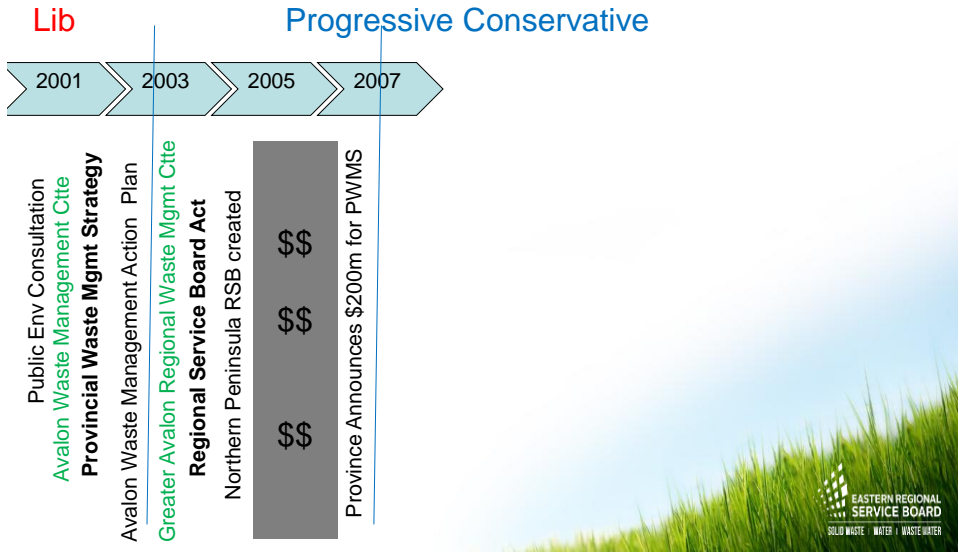
Evolution of a Province Wide Initiative



Previous Reports



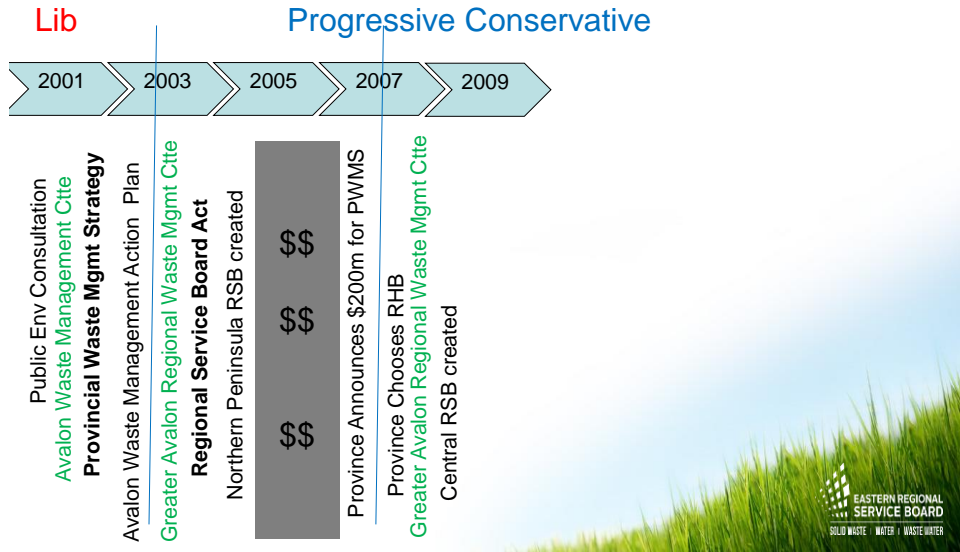
Evolution of a Province Wide Initiative



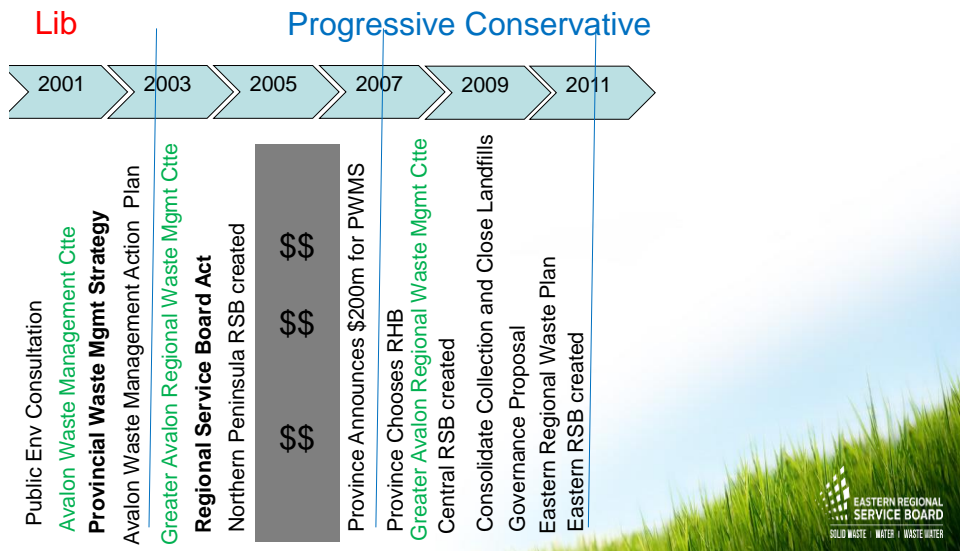
Previous Reports



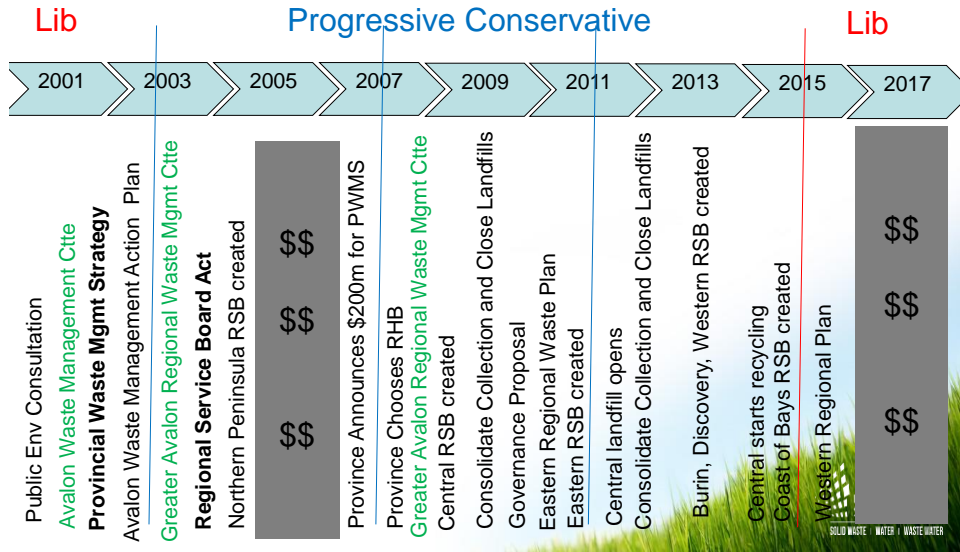
Evolution of a Province Wide Initiative



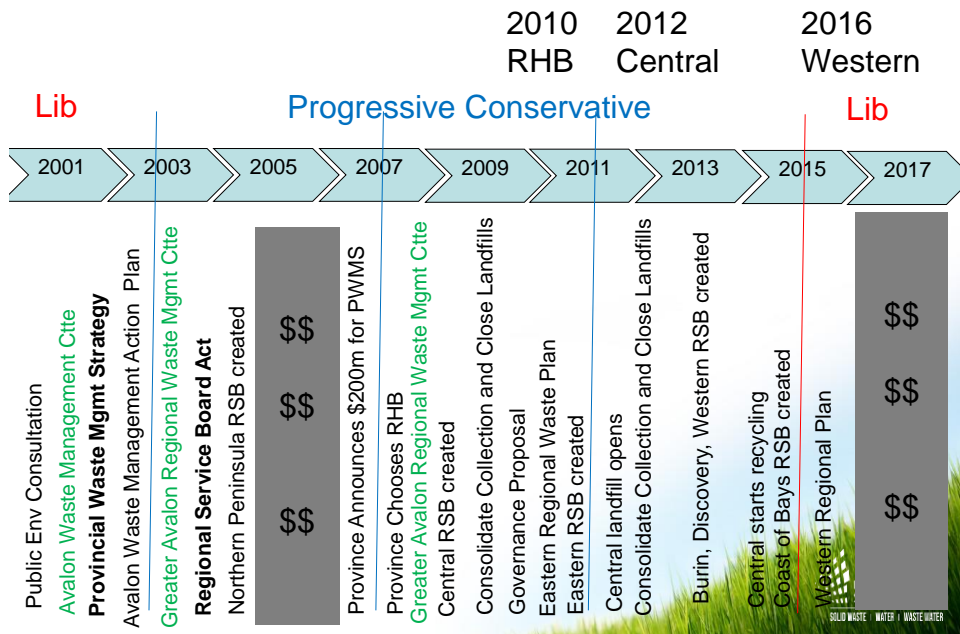
Evolution of a Province Wide Initiative



Evolution of a Province Wide Initiative



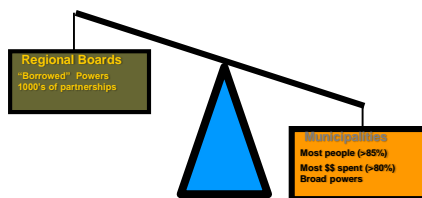
Evolution of a Province Wide Initiative



Summary

- This Strategy has been ongoing for 5 successive governments.
- Both Liberal and Conservative parties supported.
- It is a model of cooperation with municipalities and the regional service boards sharing responsibility for a service.
- Targets for implementation do move.
- This can be a model for other regionalization initiatives.

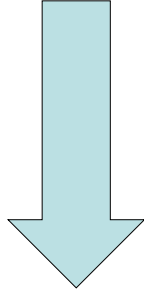
Regional Governance



- Federal and Confederal representation
- Borrowed powers
- Partnerships
- Flexible Boundaries
- User Pay
- Not another layer of government

Regional Governance

Top Down Authority



- Mandated powers
- Taxing Authority
- Boundaries
- Another layer of government
- Confederal – no room for the unincorporated or LSD's

**(5)(c) Governance Committee
Report**

(5)(c)(1) WorkplaceNL Report



Assessment Services Department

Notice of Assessment Rate

JANUARY 25 2017

EASTERN REGIONAL SERVICE BOARD
EASTERN WASTE MANAGEMENT
SUITE 3
255 MAJORS PATH
ST. JOHN'S NL A1A 0L5

Dear President or CEO:

Re: 2017 Assessment Information for Firm Number 2018349

This letter contains important information concerning your company's 2017 assessment and the impact of the PRIME program on your annual assessment, if you are eligible for PRIME. This is not an invoice.

Your 2017 assessment information

Business Description

Collective Waste Management

Newfoundland Industrial Classification (NIC) Code

8300 Local government services - Municipalities

2016 assessment rate	\$2.06
2017 assessment rate	\$1.98

New maximum assessable earnings limit

Pursuant to Section 21 of the *Workplace Health, Safety and Compensation Regulations*, effective January 1, 2017, the maximum assessable earnings used to calculate assessments paid by employers will be \$63,420 per worker.

You are responsible for notifying WorkplaceNL of changes in your company's activities. Failure to do so in a timely manner could negatively impact your account. Assessment rates are based on five (5) years of claims cost in your industry and will fluctuate from year to year.

Be ready for PRIME

Your assessment rate is only one portion of your total annual assessment. When your annual employer statement is processed in 2017, your 2016 assessment may be adjusted by a PRIME practice refund and experience refund or charge.

In 2015, your PRIME results were:

Total PRIME refund

\$4,436.73 applied

To save money through PRIME, follow these tips:

- ✓ Prevent injuries before they happen.
- ✓ Meet your PRIME practice requirements.
- ✓ Answer ALL applicable questions in the PRIME refund section of your Annual Employer Statements.
- ✓ Submit your Annual Employer Statements on time, by February 28th each year.
- ✓ Submit your Occupational Health and Safety Committee minutes on time, if applicable.
- ✓ Ensure your payroll estimate is accurate. Inform WorkplaceNL of any changes in your operation throughout the year so your estimated experience results are realistic.
- ✓ Monitor claim costs using monthly PRIME status reports. If your company is not currently receiving your monthly PRIME status report, contact us at 709.778.1211.
- ✓ Participate in early and safe return-to-work (ESRTW) programs to help your workers come back.

Rate Letter Available Online

Rate letters are now available online for connect users! Simply click on the Rate Letter option under the Reports and Statistics section of connect and you can view, print or save your Rate Letter. As a connect user you can access your Rate Letter at any time.

If you have questions about the PRIME program, call 709.778.1552 or toll free at 1.800.563.9000 or visit workplacenl.ca.

If you have questions about your assessment rate contact Lisa Hynes 709.778.1189 lisa.hynes@workplacenl.ca or Marlene Parsons 709.778.1211 marlene.parsons@workplacenl.ca or toll-free 1.800.563.9000.

Sincerely,

Assessment Services Department

B01

WORKPLACE NL 2016 EXPERIENCE REPORT

(formerly WHSCC)

Total paid to Workplace NL - 2016 premiums **\$ 33,774.90**

The table below outlines all Workplace NL claims for 2016 and the amount paid out by Workplace NL (experience report).

Month	Employee	Health Care Costs^	Claims Costs**
January	1	\$ 895.46	\$ -
March	1	\$ 215.73	\$ -
	2	\$ 75.64	\$ -
May	3	\$ 181.06	\$ 799.98
June	1	\$ 239.00	\$ -
	2	\$ 103.24	\$ -
July	3	\$ 264.00	\$ -
October	4	\$ 416.06	\$ -
	5	\$ 105.92	\$ -
November	4	\$ 379.50	\$ -
December	5	\$ 129.00	\$ -
		\$ 3,004.61	\$ 799.98
GRAND TOTAL	\$ 3,804.59	PAID OUT BY WORKPLACE NL	

^Health Care Costs includes medications, physiotherapy, travel to appts., etc.

**Claims Costs includes payments for lost time (wages)

Employee #1 Follow up health care and travel costs/claim following MVA 2015

Employee #2 Slip and fall injury

Employee #3 Back injury

*Employee #4 Employee terminated on September 12th and submitted claim to Workplace NL
 on the same day. No report of injury to employer. Claim denied.*

Employee #5 Leg injury (cut)

(5)(c)(3) Video Surveillance Guidelines



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER

NEWFOUNDLAND AND LABRADOR

**OIPC Guidelines for Video Surveillance
by Public Bodies in
Newfoundland and Labrador**

June 26, 2015



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The intent of this document remains to assist public bodies in deciding whether collection of personal information by means of CCTV is both lawful and justifiable and, if so, what privacy protection measures (including policies and procedures) must be considered. Review of multiple academic studies over the past decade or more on CCTV and comprehensive analysis of both provincial and international guidelines have helped formulate this document.

These *Guidelines* do not apply to covert surveillance, or surveillance when used as a case-specific investigation tool for law enforcement purposes where there is statutory authority and/or the authority of a search warrant to conduct the surveillance.

The OIPC published separate guidelines for the use of CCTV in schools in February 2013. These guidelines can be found at the OIPC website as OIPC Guidelines for the use of Video Surveillance in Schools. (<http://www.oipc.nl.ca/pdfs/SchoolGuidelinesVideoSurveillance.pdf>)

Introduction

For the purposes of these guidelines CCTV refers to any video surveillance technology (video cameras; still frame cameras; digital cameras; and time-lapse cameras) that enables continuous or periodic recording (videotapes, photographs or digital images), viewing, or monitoring of public areas. CCTV has been in common usage for approximately the past two decades, but its first known usage was over 70 years ago. It has become quite common throughout the world to see CCTV in stores, airports and banks, and it is becoming increasingly more likely for CCTV to be found in government buildings, on streets and even in schools. The technology that enables this video surveillance is readily available. Equipment including night-vision cameras, time-lapse recorders, wireless pinhole cameras, surveillance vans, broadcast capable camera systems, radio frequency identification systems, facial recognition software, automatic license plate recognition software, unmanned aerial vehicles (drones) and covert body-worn video equipment are all becoming common surveillance tools. So while the term CCTV is a bit antiquated in that it doesn't just cover overt surveillance cameras anymore, the term is still used in common vernacular to encompass a broad array of technology.

The idea of catching criminals or wrong-doers in the act may be enough for some individuals, companies, or public bodies to justify the use of video surveillance. Others may see video surveillance as a necessary and effective tool in deterring crime and protecting public safety. And some will insist that they actually feel safer knowing when they are in a public area that it is monitored by video surveillance. But, do the ends always justify the means? Public bodies may have legitimate operational purposes for using CCTV systems, but cameras do not just capture particular incidents of crime, they also record the daily activities of anyone passing within view of the camera. Despite many international studies on the subject there is no clear consensus whether surveillance systems deter crime. In fact, conflicting studies point to displacement rather than deterrence; to prevention of crime in certain locations such as parking areas but not in other locations such as open streets; to prevention of certain crimes such as theft but not of others such as assault; and some studies show that while CCTV does not effectively deter crime, it does aid in the criminal investigation and prosecution fields.

The installation of surveillance cameras in public buildings (elevators, parking lots, entrances), and public areas (buses, parks, streets) is increasing in jurisdictions all over the world. The UK has over 6 million cameras covering public spaces across the country and these numbers continue to grow. New Zealand and Australia as well as most of Asia are now reporting vast increases in the use of CCTV.

How commonplace is video surveillance in Newfoundland and Labrador? To our knowledge no comprehensive survey has taken place to determine the extent of the use of video surveillance by public bodies, but evidence exists to show that it is becoming more and more commonplace. Over 25% of all K to 12 schools in Newfoundland and Labrador currently have CCTV in place, with all new schools being pre-wired for installation. The Multi-Materials Stewardship Board provides funding for municipalities to place CCTV systems near suspected illegal dump sites, and many towns/cities currently have CCTV in operation. The RNC have been running a CCTV operation on George Street in St. John's for a number of years. Locations including Confederation Building, airports, and nursing homes are also using CCTV technology.

Obviously, some public bodies have identified needs for using video surveillance. But, how do public bodies know what can be done legally with this "captured" information? Privacy is a

recognized fundamental right and must be balanced carefully with the use of any technology that captures personal information.

ATIPPA, 2015

The *Access to Information and Protection of Privacy Act* was passed by the Newfoundland and Labrador House of Assembly in March of 2002. The access provisions were proclaimed into force on January 17, 2005 and the privacy provisions were proclaimed into force on January 16, 2008. The *ATIPPA* was amended in 2012 and it was repealed in 2015, replaced by the current statute known as *ATIPPA, 2015*. The *ATIPPA, 2015* governs access to records in the custody of or under the control of a public body and sets out requirements for the collection, use, and disclosure of personal information contained in the records they maintain.

A public body is defined in section 2 of the legislation and includes provincial departments and agencies, school districts, public post-secondary institutions, health boards and municipalities.

The protection of privacy provisions (Part III) of the *ATIPPA, 2015* limit the extent and means by which public bodies can collect personal information, as well as the extent to which public bodies can use and disclose that information. Part III also requires public bodies to make every reasonable effort to ensure that personal information is accurate and complete, to make reasonable security arrangements against unauthorized access, collection, use, disclosure or disposal of personal information, and to retain certain personal information about an individual in order to allow that individual a reasonable opportunity to obtain access to the information.

It is important to recognize that an individual has the right to file a complaint with the Information and Privacy Commissioner if that individual has reasonable grounds to believe that his or her personal information has been collected, used or disclosed by a public body in contravention of the provisions of Part III of the *ATIPPA, 2015*. The public body under *ATIPPA, 2015*, would be the party required to respond to such a complaint. The Commissioner (or delegate) may investigate such a complaint, and if the complaint cannot be resolved informally, the Commissioner may make a finding as to whether or not the alleged collection, use or disclosure was in compliance with Part III of the *ATIPPA, 2015*. Whether or not the Commissioner finds that the public body has complied

with Part III, the Commissioner may report the findings of his investigation in a published report and/or in the Commissioner's Annual Report to the House of Assembly. If the Commissioner finds that the public body has acted contrary to the provisions of Part III, the Commissioner may also issue recommendations to ensure compliance with the *ATIPPA, 2015*. Also, if the Commissioner's recommendation is to stop collecting, using or disclosing personal information in contravention of *ATIPPA, 2015* and the public body fails to comply, he may prepare and file an order with the Trial Division.

Section 61 of the *ATIPPA, 2015* states:

61. No personal information may be collected by or for a public body unless

- (a) the collection of that information is expressly authorized by or under an Act;*
- (b) that information is collected for the purposes of law enforcement; or*
- (c) that information relates directly to and is necessary for an operating program or activity of the public body.*

Definitions

The following definitions are provided for assistance in interpreting these *Guidelines*:

- *Personal Information* as defined in the *ATIPPA, 2015* means recorded information about an identifiable individual, including
 - (i) the individual's name, address or telephone number,
 - (ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,
 - (iii) the individual's age, sex, sexual orientation, marital status or family status,
 - (iv) an identifying number, symbol or other particular assigned to the individual,
 - (v) the individual's fingerprints, blood type or inheritable characteristics,
 - (vi) information about the individual's health care status or history, including a physical or mental disability,

- (vii) information about the individual's educational, financial, criminal or employment status or history,
- (viii) the opinions of a person about the individual, and
- (ix) the individual's personal views or opinions, except where they are about someone else;

This definition provides a non-exhaustive list of examples of what constitutes personal information. **The requirement that personal information must be “recorded information about an identifiable individual” is critical. A recorded CCTV image of an identifiable individual meets this definition.** Also, it is important to note that while these guidelines refer to public areas, CCTV in a staff only area may also constitute a collection of personal information, and as such should also comply with these guidelines.

- *Policy* refers to statements of the public expectations defining the boundaries for administrative and staff action in carrying out its role and mandate. Policies should reflect what is expected and be directed towards outcomes. Policies must be consistent with law.
- *Procedures* are usually associated with each policy, detailing how something is done and the administrative action necessary to implement the policy.
- *Record*, as defined in Section 2 of the *ATIPPA*, means a record of information in any form, and includes information that is written, photographed, recorded or stored in any manner, but does not include a computer program or a mechanism that produced records on any storage medium.
- *Storage Device* refers to a videotape, computer disk or drive, CD-ROM, computer chip, or other device used to store the recorded data or visual, audio or other images captured by a video surveillance system.
- *CCTV* refers to any video surveillance systems or any video surveillance technology (including but not limited to video cameras; still frame cameras; digital cameras; and time-lapse cameras) that enables continuous or periodic recording (videotapes, photographs or digital images), viewing, or monitoring of public areas.

Collection of Personal Information Using CCTV Surveillance

Recording a person's image is a collection of personal information as defined by the *ATIPPA, 2015*. Prior to undertaking the installation of a CCTV surveillance system, public bodies should consider the privacy implications of such action. Public bodies should conduct due diligence and training with respect to privacy awareness among staff and undertake a **Privacy Impact Assessment** prior to implementation.

Public bodies should draft policies and procedures that outline the roles and responsibilities of individuals or groups involved in the collection of personal information by CCTV.

Without limiting the content of these policies and procedures they should include:

- privacy-specific criteria that must be met before CCTV surveillance is undertaken including a description of alternative measures undertaken and their result;
- documentation of the decision, including a detailed rationale and purpose for the surveillance;
- written authorization at an appropriate level of the organization for undertaking video surveillance;
- limits on the collection of personal information to that which is necessary to achieve the stated purpose, including a description of the kind of information collected through the surveillance;
- limits on the use of the surveillance to its stated purpose and the duration of surveillance;
- details on the times when surveillance will be in effect and whether and when recording will occur;
- limits on the location and field of vision of the equipment including the rationale and purpose of the specific locations of equipment and fields of vision selected;
- limits on any special capabilities of the system, for example, sound, zoom, facial recognition or night-vision features;
- requirements that any recorded surveillance data or images be stored in a secure manner, including guidelines for managing video surveillance recordings, such as security, use, disclosure,

and retention and appropriate details on the place where signals from the equipment will be received and monitored;

- designations of the persons in the organization authorized to operate the system, including the names of the individuals who may have viewed the surveillance and what the surveillance was used for;
- procedures for the masking of and/or removal of third party information;
- a retention period for the surveillance;
- procedures for disposal of images including details on when and how images are to be disposed of;
- a service agreement with any third party hired to conduct the surveillance, if applicable;
- requirements that appropriate and ongoing training is provided to operators to make certain that they understand their obligations under all relevant legislation including *ATIPPA, 2015*, these Guidelines, and the organization's video surveillance policy;
- details on the process to follow if there is an unauthorized disclosure of images;
- procedures for individuals to access their own personal information captured through CCTV in compliance with the access provisions of the *ATIPPA, 2015*;
- sanctions for the organization's employees and contractors for failing to adhere to the policy; and
- the name and business contact information of the individual accountable for privacy compliance who can answer any questions or address concerns about the surveillance.

How to Decide Whether to Use a Video Surveillance System?

Prior to installing CCTV or before deciding whether to expand or continue utilizing the CCTV systems already in place, the first and paramount consideration is as follows:

Is there a real, pressing and substantial problem which is ongoing in nature that has not and cannot be mitigated by other less privacy intrusive measures?

One incident, no matter how serious or severe, does not constitute a real, pressing and substantial problem. Nor does a series of minor incidents constitute a real, pressing and substantial problem. Public bodies must determine if there is a problem that requires the use of CCTV systems.

Specific, ongoing and verifiable reports of incidents of crime, public safety concerns, or other compelling circumstances are required to proceed. This does not include anecdotal evidence or speculation. The purpose of the proposed CCTV system must be clear, and the use of CCTV must be necessary to address the specific incidents or problems which have been identified. This means that less privacy-invasive measures must be evaluated, and where practical, implemented, to see whether the issue can be addressed through such measures, prior to the installation or usage of a CCTV system. Less privacy-invasive measures should be utilized unless they are ineffective or not feasible.

The following are other essential considerations for making a decision to decide whether or not to use CCTV:

1. Has the impact of the proposed CCTV system on privacy been assessed?

A Privacy Impact Assessment of the proposed CCTV system should be conducted by the public body to determine the actual or potential kind and degree of interference with privacy that will result, and the ways in which adverse effects will be mitigated.

2. Has the public been consulted?

It is recommended that public consultation be conducted with relevant stakeholders, including representatives of communities that will be affected. Prior to the installation of CCTV systems, public bodies should notify individuals and groups of the intention to consider installation of CCTV. The specific rationale for a CCTV system should be explained, and there should be an opportunity to ask questions and debate other ways in which both privacy and security can be protected and maintained while addressing the issues which gave rise to the decision to explore the use of CCTV. Public bodies should also be able to explain the legal authority for the collection of personal information through CCTV. Notification should consist, at a minimum, of a memo/letter/newsletter to affected individuals, and posting of the information on the

public body website. Public meetings with affected individuals are also suggested. Any written notices or memos should outline the principal purpose(s) for which CCTV is intended to be used and the name, title and contact information of someone who can answer questions about it. Regardless of the outcome of the consultation, public bodies must still be able to support the use of CCTV on the basis, as noted above, that there is a real, pressing and substantial problem which is ongoing in nature that has not and cannot be mitigated by other less privacy intrusive measures.

3. **Is the CCTV system consistent with applicable laws including *ATIPPA, 2015*?**

CCTV systems must be consistent with all applicable laws, including overarching laws such as the *Canadian Charter of Rights and Freedoms* and the *ATIPPA, 2015*.

4. **Has the CCTV system been designed to minimize the impact on privacy?**

The surveillance system should be designed and operated so that the privacy intrusion it creates is no greater than absolutely necessary to achieve the system's goals. For example, limited use of video surveillance (e.g., for limited periods of day, peak periods when problems have typically occurred) should be preferred to always-on surveillance if it will achieve substantially the same result. Furthermore, cameras should be limited to only those locations which are necessary to address the problem(s) identified as the rationale for CCTV. Privacy enhancing technology such as encryption of files or available face blurring technology might be useful.

5. **Has the public been advised that they will be under surveillance?**

The public should be informed with clearly written signs at the perimeter of surveillance areas, which advise that the area is or may be under surveillance, and indicate who is responsible for the surveillance, including who is responsible for compliance with privacy laws, and who can be contacted to answer questions or provide information about the system.

6. **Does the public body have fair information practices in place for the collection, use, disclosure, retention and destruction of personal information?**

The information collected through video surveillance should be minimal; its use should be restricted, its disclosure controlled, its retention limited, and its destruction assured. If a camera is manually controlled or actively monitored, the recording function should only be turned on in the event of an observed or suspected infraction. If an unmonitored camera records continuously, the recordings should be conserved for a limited time only, according to a retention schedule, unless a serious incident has been captured or the recordings are relevant to a criminal act that has been reported to the police. Information collected through video surveillance should not be used for any purpose other than the purpose that law enforcement or another body with legal authority to do so has explicitly authorized. Any release or disclosure of recordings should be documented.

7. **Does the CCTV system eliminate or minimize excessive or unnecessary intrusions on privacy?**

Surveillance cameras should not be present in areas where people have a heightened expectation of privacy: for example, into windows of buildings, showers, washrooms, change rooms, etc. If cameras are adjustable by an operator, reasonable steps should be taken to ensure that they cannot be adjusted or manipulated to capture images in areas that are not intended to be under surveillance.

8. **Are the CCTV system operators sensitive to privacy issues?**

The operators of surveillance systems, including operators hired on contract, should be fully aware of the purposes of the system, and fully trained in rules protecting privacy. Operators and users of the CCTV system and recordings should sign confidentiality agreements.

9. **Are there assurances that the security of the equipment and images is protected?**

Access to the system's controls and reception equipment, and to the images it captures, should be limited to persons authorized in writing under the public body's policy. Recordings should be securely held, and access within the organization limited to a need-to-know basis.

10. **Are the rights of individuals to have access to their personal information respected?**

People whose images are recorded have a right under *ATIPPA, 2015* to request access to their recorded personal information, including their image recorded by CCTV. Severing the personal information in a recording (including software to implement blurring or blocking of the identities of others) may be necessary to allow individual access. Policies and procedures must accommodate such requests.

11. **Is the CCTV system subject to compliance review and evaluation?**

The system's operations should be subject to a regular compliance review and evaluation intended to identify any unintended negative impacts on privacy. In ideal circumstances a compliance review and evaluation should be conducted by persons or organizations independent of the management and direction of the video surveillance system. However, if financial challenges or other difficulties associated with contracting an external third party to do this work would prevent or unreasonably delay it, it is recommended that internal compliance reviews be conducted. Compliance reviews should ensure compliance with the *ATIPPA, 2015* as well as the policy governing the system, including ensuring that only pertinent information is collected, that the system is used only for its intended purpose, and that privacy protections in the system are respected. Evaluation should take special note of the reasons for undertaking surveillance in the first place, as determined in the initial statement of the problem and the public consultation, and determine whether video surveillance has in fact addressed the problems identified at those stages. Evaluation may indicate that a video surveillance system should be terminated or reduced in scope, either because the problem that justified it in the first place is no longer significant, or because the surveillance has proven ineffective in addressing the problem. Evaluation should take into account the views of different groups in the community (or different communities) affected by the surveillance. Results of compliance reviews and evaluations should be made publicly available.

12. Does the public body have an explicit policy on the use of CCTV surveillance?

As described above in the section entitled “Collection of Personal Information Using CCTV Surveillance,” a comprehensive written policy governing the use of the surveillance equipment should be developed.

13. Is there a mechanism in place to notify the public that the CCTV system has been adopted?

Public bodies should recognize that individuals will want information about video surveillance systems. They may seek to know, for example, who has authorized the recording, whether and why their images have been recorded, what the images are used for, who has access to them, and how long they are retained. Public bodies should be prepared to provide this information.

Designing, Installing and Maintaining a Video Surveillance System

The CCTV surveillance system should be set up and operated to collect the minimum amount of information necessary to effectively achieve its intended purpose. This helps reduce the intrusion on individuals’ privacy. Specifically, we make the following recommendations:

- Cameras that are turned on for limited periods in the day are preferable to “always on” surveillance.
- Cameras should be positioned to avoid capturing images of individuals in areas which are not being targeted. The field of view or angle of view should be large enough to capture the optimum view for the purpose of installation, however should be small enough to avoid unnecessary privacy intrusion.
- Cameras should not be present in areas where people have a heightened expectation of privacy, for example, showers, bathrooms, change areas, staff rooms or into windows. Steps should be taken to ensure that cameras cannot be adjusted or manipulated by the operator to capture images in such areas.
- Sound should not be recorded unless there is a specific and demonstrable need to do so. Sound recording represents an additional and even more significant layer of privacy

intrusion, and therefore a decision to consider recording sound must follow a rigorous analysis. Sound recording should not be viewed as a routine element of CCTV.

Wireless technology poses additional security and privacy risks and should not be employed unless all necessary precautions are taken. Wireless video surveillance systems, or wireless CCTV, typically refer to systems that transmit wireless signals to monitors. Commercially available systems do not normally have privacy or security designed into the transmission of the signal. As a result, such systems are easy to install but may allow unauthorized access unless special precautions are taken. Wireless transmissions like CCTV broadcasts are inherently subject to interference and interception, especially when they use publicly available frequency bands. CCTV signals are generally not encrypted or secured, and may easily be captured by others with an appropriately tuned receiver. As there are only a limited number of transmission channels, the chances of inadvertent interception are high.

As a general rule, wired solutions are more secure than wireless solutions due to the reduced likelihood of interception. If a wired solution is not available, or if wireless is required for some other purpose, then the public body is responsible for ensuring that the security provisions of the system meet privacy requirements. The best way currently available to prevent the viewing of intercepted messages is by utilizing an encrypted, or scrambled, signal.

Notification and Signage After CCTV Installation

After installation public bodies should notify and inform individuals of the legal authority for the collection of personal information; the principal purpose(s) for which the personal information collected through CCTV is intended to be used and the name, title, and contact information of someone who can answer questions about that collection. Notification should consist, at a minimum, of signage and posting on the public body's website. Social media may be used as an additional means of notification.

Public bodies should use clearly written signs, prominently displayed at the perimeter of the video surveillance area, of CCTV equipment locations, so that each person has reasonable and adequate warning that surveillance is, or may be, in operation. At a minimum, there should be a sign in place

that notifies individuals of the recording and informs them that they may contact the public body with any questions.

Use of Video Surveillance Records

Information collected through CCTV surveillance should only be used for the purpose for which that surveillance has been undertaken. In other words, there must be a clear and specific rationale for installing CCTV, and personal information gathered through CCTV should only be used for purposes directly connected with that rationale. Public bodies should have clearly defined policies and procedures for the use of CCTV surveillance records. The public body is responsible for the content of the policies and procedures, including meeting the minimum standards as set out in these Guidelines.

Any information obtained through CCTV surveillance systems may only be used for purposes set out in the public body's policies and procedures and must relate to the protection of the public or property, or it must assist in the detection and deterrence of criminal activity and serious vandalism. Information should not be retained or used for purposes other than those described in the policy. For example, CCTV installed to prevent ongoing vandalism after normal working hours should not be used to deal with human resource matters during the work day.

Policies and procedures established by the public body should:

- Clearly state who can view/use the information and under what circumstances it may be viewed/used. The number of persons who may view the recorded information should be limited to specific individuals, such as the appointed CCTV director or ATIPP Coordinator and a designated alternate.
- Ensure that circumstances warranting a review of recorded CCTV images should be limited to instances where a serious incident has been reported/observed or to investigate a potential crime.
- Provide that where real-time viewing of the monitors takes place, the authority to view the monitors may only be delegated by the director to a limited number of individuals.

- Provide for logs of who accesses, uses or otherwise views information.
- Establish that electronic logs be kept if the technology to do so is available.
- Clearly state that CCTV surveillance should not be used for monitoring staff performance.

Disclosure of Video Surveillance Records

Personal information must not be disclosed except in accordance with *ATIPPA, 2015*. Because CCTV surveillance systems create a record by recording personal information, public bodies with a CCTV system should implement written policies and procedures and ensure that these are adopted.

Policies and procedures established by the public body should:

- Clearly state who is responsible for deciding to disclose images or other information from CCTV systems and under what circumstances these images or information may be disclosed.
- Provide for logs of who the information is disclosed to and for written confirmation of receipt of the information by the person who has received it.
- Clearly state that CCTV surveillance images can only be disclosed in compliance with the *ATIPPA, 2015*.

Retention of Video Surveillance Records

Public bodies should have clearly defined policies and procedures for the retention of CCTV surveillance records. The public body is responsible for the content of these policies and procedures, including meeting the minimum standards as set out in these Guidelines.

All recorded images must be stored in a secure location, and access should be granted only to a limited number of authorized individuals. All recordings that are not in use should be stored securely in a locked receptacle located in a controlled-access area or if stored electronically, with appropriate security to prevent unauthorized access. Each physical storage device that has been used should be dated and labeled with a unique, sequential number or other verifiable symbol.

Policies and procedures established by the public body should:

- Ensure that logs are kept of all instances of access to, and use of, recorded material, to provide for a proper audit trail.
- Set out the retention period for information that has not been viewed for the purpose of protecting public safety or to deter, detect, or assist in the investigation of criminal activity. Recorded information that has not been used in this fashion should be routinely erased according to a standard schedule. Unused recordings that are not viewed should be erased on a schedule not exceeding one month. The relevant retention periods should be clearly documented in both the public body policy and in the procedures;
- Establish a separate retention period when recorded information has been viewed for the purpose of protecting public safety or to deter, detect, or assist in the investigation of criminal activity. The length of this retention period may be established by the public body but should not exceed a reasonable period for which the personal information may be used for the aforementioned purpose.
- Require the public body to store and retain storage devices required for evidentiary purposes according to standard procedures until the law enforcement authorities request them. A storage device release form, or an entry in a logbook, should be completed before any storage device is disclosed to the appropriate authorities. The form should indicate who took the device, under what authority, when this occurred and if it will be returned or destroyed after use. This activity should be regularly monitored and strictly enforced.
- Establish that electronic logs should be kept where records are maintained electronically.

Disposal of Video Surveillance Records

Recordings should only be kept as long as necessary to fulfill the purpose of the CCTV surveillance. Recordings no longer required should be destroyed. Public bodies must ensure that the destruction is secure.

Policies and procedures established by the public body should:

- Establish who is responsible for ensuring the safe and proper disposal/destruction of storage devices.
- Ensure that old storage devices must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved. Disposal methods could include overwriting electronic records, shredding, burning or magnetically erasing the personal information.
- A storage device disposal/destruction form, or an entry in a logbook, should be completed before any storage device is disposed of and/or destroyed. The form should indicate who disposed of/destroyed the device, under what authority, when this occurred and what method of destruction/disposal was utilized.

Access to Personal Information

ATIPPA, 2015 establishes that individuals have the right to access their own personal information, including their own images as recorded by CCTV. When disclosing recordings to individuals who appear in them, the public body must ensure that identifying information about any other individuals on the recording is not revealed. This can be done through technologies that mask identity.

Policies and procedures established by the public body should:

- Clearly state who is responsible for deciding to provide access to the information and under what circumstances it was accessed.
- Provide for logs of who was given access to the information and when.
- Clearly state that CCTV surveillance is accessed for a specific purpose and is to be used only for that purpose.

Privacy Impact Assessment

A privacy impact assessment (PIA) is a formal evaluation of the privacy implications within a specific project. The term "project", in this context, is very broad; it refers to a project, program, initiative, legislation, system, application, program, or any other defined course of endeavor. Section 2 (w) of the *ATIPPA, 2015* defines a PIA as "... an assessment that is conducted by a public body ... to determine if a current or proposed program or service meets or will meet the requirements of Part III of this Act..."

A PIA is a comprehensive process for determining the privacy, confidentiality and security risks associated with the collection, use or disclosure of personal information. It may also define the measures used to mitigate and, wherever possible, eliminate the identified risks.

The *ATIPPA, 2015* states:

72. (1) A minister shall, during the development of a program or service by a department or branch of the executive government of the province, submit to the minister responsible for this Act

(a) a privacy impact assessment for that minister's review and comment; or

(b) the results of a preliminary assessment showing that a privacy impact assessment of the program or service is not required.

(2) A minister shall conduct a preliminary assessment and, where required, a privacy impact assessment in accordance with the directions of the minister responsible for this Act.

(3) A minister shall notify the commissioner of a common or integrated program or service at an early stage of developing the program or service.

(4) Where the minister responsible for this Act receives a privacy impact assessment respecting a common or integrated program or service for which disclosure of personal information may be permitted under paragraph 68 (1)(u), the minister shall, during the development of the program or service, submit the privacy impact assessment to the commissioner for the commissioner's review and comment.

While section 72 requires a PIA from departments or branches of the executive government of the province, the OIPC strongly urges all public bodies and local public bodies that are contemplating the use of CCTV systems conduct a PIA prior to reaching a decision on the installation of a CCTV system. The PIA, while addressing *ATIPPA, 2015* should also focus on privacy in a wider context and the impact the CCTV system has on privacy. It should look at the pressing need the surveillance system is supposed to address, and show whether or not the system will meet this need. It should be based on reliable evidence and show whether the surveillance system proposed can be justified as proportionate to the needs identified. Where the system is already in use, the same issues should be considered and modifications should be made where a less privacy intrusive method could be used to address the pressing need.

While Section 72 of the *ATIPPA, 2015* requires departments or branches of the executive government to submit PIAs for common or integrated programs or services to the OIPC, any public body or local public body conducting a PIA is welcome to submit the PIA to the OIPC for review.

Without limiting the scope of the PIA for a CCTV system it is important to address the following issues: general rationale for the introduction of CCTV and background to the installation of the program; technical specifications of the cameras and their locations; ownership and management of the system; objectives of the system; accountability and complaints procedures; management of the control room; and retention of and access to recorded images.

Additional information on PIAs is available on the OIPC's website ([PIA Guidance Document](#)) and in the Government of Newfoundland and Labrador's Protection of Privacy Policy and Procedures Manual.

Reviewing and Evaluating the Use of Video Surveillance

Public bodies should ensure that the use and security of video surveillance equipment are subject to regular compliance reviews and evaluations. These compliance reviews and evaluations should also address the public body's compliance with operational policies and procedures. An external body

may be retained in order to perform the audit where possible. Any deficiencies or concerns identified by the audit must be addressed as soon as possible.

Employees and service providers should be aware that their activities are subject to such a review and that they may be called upon to justify their use of CCTV surveillance.

Public bodies should regularly review and evaluate the CCTV surveillance program in order to ascertain whether it is still justified in accordance with the requirements. This should include an assessment of whether the deployment of cameras at a particular location remains justified, or whether CCTV programs should be decreased or increased in scope. This evaluation should occur in a timely manner.

Tips for limiting the privacy impact of a CCTV system:

- Only install cameras in problem areas identified at the time the decision was made to proceed with CCTV. For example, if the justification for CCTV was vandalism to the exterior of a property, there may be no need for cameras inside the building.
- Activate cameras only during those times when the problems which led to the CCTV installation have occurred or are likely to occur in order to deal only with the identified problem. If there has been damage to the inside of a property due to break-ins on evenings or weekends, only turn on the cameras after the regular working hours of the operation. That way, the CCTV will capture the image of anyone who has broken in to vandalize or steal from the building, but will not impact the privacy of staff or visitors. If there have been criminal activities or serious vandalism inside the building, when do these activities normally occur? If these problems generally occur after regular working hours when parts of the building are not occupied, turn on the cameras for those periods of time only.
- The Office of the Information and Privacy Commissioner is available to consult with public bodies at any time. As the oversight body for *ATIPPA, 2015*, we are in a position to make recommendations to help ensure compliance with that law, and we are willing to work with all stakeholders to help ensure that privacy can be protected while meeting other operational and security needs.

Conclusion

In an October 2014 interview Jonathon Bamford of the UK's Information Commissioner's Office stated:

“Surveillance cameras should not be deployed as a quick fix, but a proportionate response to a real and pressing problem. Putting in surveillance cameras or technology like automatic number plate recognition and body worn video is often seen as the first option, but before deploying it you need to understand the problem and whether that is an effective and proportionate solution. Failure to do proper privacy impact assessments in advance has been a common theme in our enforcement cases.”

Public bodies using video surveillance systems are required to comply with the *ATIPPA, 2015* and other relevant statutes. Prior to implementing a video surveillance system, or any new program with privacy implications, public bodies should seek legal advice and complete a PIA of the proposed program/system. Adoption of all of these guidelines is also encouraged by the OIPC.

**For more information on video surveillance or other privacy considerations
contact the OIPC at 729-6309 or toll free at 1-877-729-6309.**