

# Regional Services Commissions Governance and Administration

## Evergreen Regional Waste Management Services Commission

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# Agenda

1. Roundtable
2. Legislation
3. Establishment Process
4. Board Roles and Responsibilities
5. Financial Matters and Reporting
6. Change in Membership and Disestablishment
7. Dispute Resolution
8. Discussion and Questions

# Roundtable

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- **What are the key things that you want to learn about regional services commissions?**

# Legislation

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- ***Municipal Government Act (MGA) Part 15.1\****
- **Evergreen Regional Waste Management Services Commission Regulation\***
- **Regional Services Commission Debt Regulation**
- **Orders in Council**
- **Ministerial Orders\***
- **Ministry Guidelines – Provision of Solid Waste Services Outside of Members Boundaries\***
- **Commission Bylaws\* and Policies**
- **Agreements**

**Best Practice:** Include the Handouts\* in the Commission's Orientation Package for new directors.

# Regional Services Commission

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- **Corporation**
- **Provides a regional municipal service**
- **Governed by a board of directors**
- **Has natural person powers**
- **Accountable to members**

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602.03  
602.04  
602.1**

# Regional Services Commission

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- **Two or more member municipal authorities**
- **Not-for-profit**
- **Borrow funds**
- **Own and expropriate land**

# Establishment

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- **Established by Order in Council**
- **Commission Regulation**
  1. **Name**
  2. **Members**
  3. **Services**
  4. **Disposal of assets**
  5. **Any other matter respecting the establishment**
- **Amendments by Order in Council**

# **Evergreen Regional Waste Management Services Commission Regulation\***

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## **Commission Regulation**

- 1. Establishment - name**
- 2. Members**
- 3. Services**
- 4. Operating Deficits**
- 5. Sale of Property**
- 6. Profit and Surpluses**



# Provision of Services

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- **Services stated in the Regulation**
- **May be provided**
  - **Within the boundaries of its members;  
and**
  - **Outside boundaries with approval**
    - **Minister**
    - **Municipality where services  
provided**
- **Guidelines\* - Provision of Solid Waste  
Services Outside of Members Boundaries**
- **Ministerial Orders\* (MOs)**

# Review of Services

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## **Best Practice:**

- **Review basic and innovative services and programs in the fall**
- **Include members in the discussions**
- **Develop budget and utility fees for the following year**

# Board and Committee Meetings

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- **Held in public**
  - **May close if matters being discussed are exceptions to disclosure in accordance with the *Freedom of Information and Privacy Act* (Division 2, Part 1)**
- **Board passes a motion to go into camera and names the nature of the issue to be discussed**
  - **Discussion only**
  - **Pass motion to come out of camera**

**Best practice: Advertise the meetings**

# Delegation of Powers

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- Board may delegate any board or commission powers

## **Except:**

- Power or duty to pass bylaws
- Power to expropriate
- Power to authorize a borrowing
- Power to adopt budgets
- Power to approve financial statements

# Commission Bylaws

<u>Mandatory</u>	<u>Discretionary</u>
<p><b>Appointment of directors and designation of chair – requires Ministerial approval</b></p>	<p><b>Provision of the commission's services</b></p>
<p><b>Fees charged for services</b></p>	<p><b>Administration of the commission</b></p>
<p>Amendment or appeal made in the same way as the original bylaw</p>	

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# Fiduciary Duty of Directors

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- Directors act in the best interests of the commission
- This means:
  - A director must not disclose confidential information about the RSC to his/her municipality
- Communication protocols about sharing of commission information with the members
  - when, what, and by whom

# Civil Liability of Directors

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- Directors can be held liable for unlawful expenditures and borrowing
  - Similar to that of a councillor
- Offers protection to councils and residents
- Examples include:
  - Borrowing causing the RSC to exceed its debt limit
  - Spending of grant money on items for which it was not given
  - Making expenditures not included in the budget or otherwise approved by the board

# Commission Administration

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- Determined by the board
- Manager and staff are employees of the board
- Administration Bylaw would include the manager's roles and responsibilities
- Hiring policy



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# Financial Matters and Reporting

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- Must annually adopt a Capital and Operating budget
- Must submit audited financial statements and financial information returns annually to the Minister and members
- Borrowing and Investment
  - Regional Services Commission Debt Limit Regulation
  - Authorized Investments

# Expenditures and Surpluses

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- **Expenditures of Money**
  - Can only make an expenditure if it is:
    - (a) included in the operating budget or capital budget or authorized by its board;
    - (b) for an emergency; or
    - (c) legally required to be paid.

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Best practice: Addressed in a bylaw or policy

# Request for a New Commission

## Information provided to the Minister

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1. Name
2. Members
3. Services
4. Draft Appointment of Directors Bylaw and Utility Fees Bylaws
5. 5-Year Business Plan
  - Capital and Operating Budgets
  - Full-cost recovery rate model
  - Proposed debt
  - Closure and post-closure costs
  - Provisions for addition and withdrawal of members, and disestablishment.

# Changes in Membership Additions and Withdrawals

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- Supporting resolutions from the municipality and the commission
  - Request for change:
    - state how assets, finances, and services of the commission would be impacted or dealt with as a result of the change in membership
    - include updated board appointment bylaw for approval
  - Change in membership by Order in Council
- Best practice: Have bylaws or policies in place

# Discussion and Questions



# Legislative Requirements for RSCs

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- *Municipal Government Act Part 15.1*
- *Freedom of Information and Protection of Privacy Act*
- *Expropriation Act*
- Regional Services Commission Debt Limit Regulation
- Commission Regulation
- Orders in Council
- Ministerial Orders
- Commission Bylaws and Policies

## Other Legislation that may apply

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- *Alberta Land Stewardship Act*
- *Emergency Health Services Act* (ambulance or emergency medical services)
- *Emergency Management Act* (emergency services)
- *Environmental Protection and Enhancement Act* (waste services)
- *Interpretation Act*
- *Regional Municipal Services Act*  
- legislation prior to 1995
- *Traffic Safety Act* (transit services)
- *Water Act* (water services)

# Contact Information

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Financial Advisory Services

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                                 then 780-427-2225



# Dispute Resolution

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- **Utility Disputes**
  - Alberta Utilities Commission
- **Other disputes between a commission and a municipality**
  - Municipal Government Board
- **Municipal Dispute Resolution Services**