

LOCAL SERVICES BOARDS

GUIDE

FOR INHABITANTS AND BOARD

MEMBERS



LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

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HISTORY:

- Local Services Boards (“**LSBs**”) were formed originally under the *Local Services Boards Act*, R.S.O. 1990 Chapter L.28 (the “**LSBA**”) to facilitate the delivery of basic community services in unincorporated areas of Northern Ontario.
- *The Northern Services Improvement Act, 1998*, S.O. 1998, c. 16 (the “**NSIA**”), sections 1-9, which came into force February 1, 1999, and sections 10-12, which came into force April 1, 1999, renamed and amended the *LSBA*.
- Section 12 of the *NSIA* changed the name of the *LSBA* to the *Northern Services Boards Act* (the “**NSBA**”). Sections 1-9 of the *NSIA* amended some of the existing provisions of the *LSBA* and organized all of the existing provisions dealing with Local Services Boards into a new Part I of the *NSBA*.
- Part I of the *NSBA*, along with the Schedule to the *NSBA*, Form 1 and Form 2 (located immediately following Part II of the Act) are applicable to Local Services Boards. Part II of the Act is not applicable to Local Services Boards.

INTRODUCTION:

- The purpose of this guide (the “**Guide**”) is to assist Inhabitants (as defined in Section 1 of the *NSBA*) and elected members of the Board (as defined in the *NSBA*) (“**Board Members**”) by providing information and guidance on the operation of a LSB including compliance with the *NSBA*.
- The version of this Guide provided by the Ministry of Northern Development and Mines is the latest and only official release.
- The *NSBA* is the governing legislation that establishes LSBs. The Guide is a tool developed to assist LSBs in interpreting the *NSBA* and in managing their affairs. The Guide is not the law, but it does contain MNDM policy when making requests relating to the *NSBA* as well as suggestions for LSBs on processes.
- **To the extent that perceived inconsistencies may exist between the Guide and the NSBA, the NSBA will govern.**

DESCRIPTION:

- A Local Services Board is a corporation established under the *NSBA* that has the authority under the *NSBA* to deliver any combination of nine (9) approved powers (the “**Powers**”) within a specific geographic area (the “**Board area**”). LSBs are established in rural areas where there is no municipal structure.
- The *Corporations Act* does not apply to an LSB (*NSBA, subsection 6(1)*).
- A LSB is not a municipality or a local board for the purposes of any Act (*NSBA, subsection 6(2)*). The application of this subsection is that, unless Local Services Boards are specifically named in an Act other than the *NSBA* that applies to local boards or municipalities (such as for the purposes of certain sections of the *Municipal Act, 2001*, S.O. 2001, c.25), then such other Act does not apply to LSBs.
- An LSB has either three (3) or five (5) Board Members (*NSBA, subsection 3(8)*). The term of office of a Board Member is one (1) year beginning October 1 and ending on September 30, unless the Minister orders otherwise (*NSBA, Section 5*). This term of office coincides with the Fiscal Year of the Board.
- Board Members are elected annually between the 1st of August and the 30th of September each year (*NSBA, section 19*)

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- Each Board elects one (1) of its elected Board Members as the Chairperson on the first meeting following the election meeting, and no later than the 10th of October (*NSBA, section 21*) *Section 14 of the NSBA* also permits the Board to appoint a secretary who serves at the pleasure of the Board.

DEFINITIONS:

The following definitions that are used in this guide are also defined at Part I Section 1 of the *NSBA*:

“**Board**” means a Local Services Board established under the *NSBA* Part I. For the purposes of this Guide, “**LSB**” shall mean the same.

“**Board area**” means the geographical area within which the Board may exercise its jurisdiction.

“**Inhabitant**”, except for the purposes of Sections 3 and 31, means a permanent resident of a Board area or an owner of property situated in a Board area, who is a Canadian citizen and who has attained the full age of eighteen (18) years.

“**Inhabitant**” under *Sections 3 and 31*, means a permanent resident of a proposed Board area or an owner of property situated in a proposed Board area, who is a Canadian citizen and who has attained the full age of eighteen (18) years. For the purposes of this Guide, such Inhabitants will be referred to as “**Proposed Inhabitants**”.

“**Minister**” means the Minister of Northern Development and Mines.

“**Owner**” means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper land registry office.

Other terms used in this Guide, but not defined in Section 1 in the *NSBA*:

“**Board Member**” means an inhabitant who is elected by the Inhabitants of the Board area to serve a one (1) year term of office on the Board, or for a different term in the first year as may be set out in the Regulation establishing the LSB (*NSBA, Sections 4 and 5 and Sub-Section 19 (6)*).

“**Chair**” means a Board member who is elected by the Board to act as head of the Board, except in the initial term where the Chair may be determined in the Regulation establishing the LSB. (*NSBA, Section 21*).

“**Dissolution Proposal**” means a proposal for dissolution of an LSB brought forwards by the Dissolution Committee or the Board.

“**Dissolution Committee**” means any ten (10) inhabitants proposing that the Board be dissolved.

“**Election Meeting**” means an annual meeting of Inhabitants called pursuant to Section 19 of the *NSBA* to be held in the Board area after the 1st day of August and before the 30th day of September for the purpose of electing a new Board.

“**Establishment Committee**” means any ten (10) Proposed Inhabitants desiring the establishment of a Local Services Board.

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“Establishment Meeting” means a meeting of Proposed Inhabitants of a specific geographic area called pursuant to Section 3 of the *NSBA* by a person authorized by any ten (10) Proposed Inhabitants to consider the desirability of establishing a Local Services Board.

“Fiscal Year” means the fiscal year of a Board which commences on the 1st day of October and expires on the 30th day of the next September following (*NSBA, Sub-Section 29(3)*).

“First Meeting” means the first meeting of a newly elected Board following the Election Meeting, which must be held no later than October 10th. The Board must elect a Chair at the First Meeting (*NSBA, section 21*).

“may” where the term **“may”** is used, it means that this is suggested but not a requirement under the *NSBA*.

“Ministry” and **“MNDM”** mean the Ministry of Northern Development and Mines.

“MOF” means the Ministry of Finance.

“MPAC” means the Municipal Property Assessment Corporation, a non-share capital, not-for-profit corporation, whose main responsibility is to provide its customers - property owners, tenants, municipalities, and government and business stakeholders - with consistent and accurate property assessments. All LSBs receive a copy of the interim assessment roll for the land in the Board area.

“Public Accountant” means an accountant authorized to perform audits in the Province of Ontario, licensed under the *Public Accounting Act, 2004*, S.O. 2004, c. 8.

“Recording Secretary” is a person appointed by the chair of the Establishment Meeting or the chair of the Dissolution Meeting where the dissolution request came from the Dissolution Committee. The Recording Secretary performs certain duties related to the establishment and dissolution of an LSB (refer to the sections ‘Establishment of an LSB’ and ‘Dissolution of an LSB’ in this Guide for further details).

“Secretary” means a person appointed by the Board to carry out the duties described in the *NSBA*. The Secretary may be a member of the Board other than the Chair. The Secretary holds office at the pleasure of the Board (*NSBA section 14*).

“shall” where the term **“shall”** is used, it means that this is a requirement under the *NSBA*.

“OPTA” (Online Property Tax Analysis) means a tool provided by the Ministry of Finance to LSBs to assist in the calculation of levies/fees. For LSBs that opt into having the Ministry of Finance collect fees on their behalf, use of the OPTA system is mandatory.

“Opted-in LSB” means an LSB that has chosen to opt into the Ministry of Finance Consolidated Billing system, having MOF collect fees on its behalf.

“Levy” refers to assessing costs for LSB services by using a tax rate applied to the assessed value of a property.

“Fee” refers to assessing costs for LSB services by applying a flat fee to properties.

“PLTA” means the *Provincial Land Tax Act, 2006*, S.O. 2006, c. 33, Schedule Z.2.

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“**Power**” means any one (1) of the nine (9) powers set out at the Schedule to the *NSBA* and described in this Guide under the heading ‘Powers (Services) of the Board’. An LSB may provide any one (1) Power or any combination of Powers as authorized by the Minister and provided in a by-law duly passed by the Board in accordance with the *NSBA*, and “**Powers**” means any combination of the nine (9) powers.

“**Tenant**” means any person who rents rather than owns a residence within the Board Area and if a permanent resident is considered an Inhabitant as defined in *Section 1* of the *NSBA*.

Powers (Services) of the Board:

- Powers are not obligations. They give the LSB the authority to provide certain services, but do not impose a legal obligation to provide those services. (*NSBA, Section 7*). In addition, the *NSBA* provides flexibility with respect to the provision of services within the Board area, allowing the LSB to:
 - 1) provide the service to the whole of the Board area or to a part thereof as designated by the Board; or
 - 2) provide a different level of service to different designated parts of the Board area.
- However, no fee may be charged and no levy may be imposed in respect of a service or level of service in any part of the Board area where the service or level of service is not provided (*NSBA, Sub-Section 7(2)*).
- Each LSB is unique in the services it offers within its boundaries.
- The Minister may by order designate any number of combinations of the nine (9) powers to the Board. (For information on requesting additional powers or establishing an LSB refer to the sections in this guide that deal with those items.)
- The powers available to a LSB are set out in the Schedule to the *NSBA* and are as follows:

1) Water supply:

The Board may by by-law,

- (a) acquire, establish, operate and maintain works for; or
- (b) contract for, a supply of water and for that purpose may regulate the time, manner, extent and nature of such supply and the persons to whom water may be supplied, and may charge a fee for the cost of such supply.

2) Fire Protection:

The Board may by by-law,

- (a) establish a fire department and for that purpose acquire, operate and maintain a fire-hall, fire engines and apparatus and equipment for use by volunteer firefighters in connection with fire suppression and other fire protection activities; or
- (b) contract for fire protection, and may charge a fee for the cost of such service.

3) Garbage Collection:

The Board may by by-law,

- (a) establish and maintain a system for the collection and removal of garbage; or
- (b) contract for the collection, removal and disposal of garbage, and for that purpose may regulate the occasions, manner, extent and nature of such service and the persons to whom such service may be supplied, and may charge a fee for the cost of such service.

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4) Sewage:

The Board may by by-law,

- (a) acquire, establish, operate and maintain sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewage collection and treatment system; or
- (b) contract for the collection and treatment of sewage, and for such purposes may charge a fee for such service or add a surcharge to the fee, if any, for water supply, or,
- (c) upon such terms and conditions as the Board considers appropriate and with the approval of a majority of the inhabitants at a meeting called for that purpose, financially assist by grant or loan the installation of private septic tank systems or other systems approved by the Ministry of the Environment for the benefit of any inhabitant or inhabitants.

5) Street or Area Lighting:

The Board may by by-law,

- (a) contract with any person for the provision of street or area lighting in the Board area; or
- (b) contract with any person for the provision of power and acquire by purchase or lease lights, light standards and lighting equipment in order to provide street or area lighting in the Board area, and may charge a fee for the cost of such service, but no Board shall generate its own power.

6) Recreation

The Board may by by-law,

- (a) contract for the use of recreation facilities or participation in programs of recreation;
- (b) provide for the carrying out of programs of recreation; or
- (c) acquire, establish, construct, operate and maintain recreation facilities, and may charge fees in respect of the programs of recreation or the recreation facilities.

7) Roads:

The Board may by by-law,

- (a) contract for the construction, inspection and maintenance of roads and bridges in the Board area;
- (b) determine the work to be performed on roads and bridges in the Board area, and may charge a fee for the cost of such services.

8) Public Library Service:

The Board may by by-law,

- (a) contract for the provision of public library service by a public library board, union board or county library board or by a board of an Ontario library service area acting under subsection 34 (2) of the *Public Libraries Act*; or
- (b) establish and maintain a public library service, and may, subject to the *Public Libraries Act*, charge fees in respect of such service.

9) Emergency Telecommunications:

The Board may, by by-law, contract for the establishment, operation and maintenance of an emergency telecommunications service that communicates with fire, police and ambulance communications services, and may charge a fee for the cost of such service.

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LIMITATIONS:

- A Board is only authorized to deliver the Powers that have been designated to it in an order of the Minister of Northern Development and Mines (the “**Minister**”) from the list of available powers set out in the Schedule to the Act.
 - An LSB cannot, as an example, enact regulations enforcing building code or traffic violations such as speeding and parking, nor can it authorize, regulate or license individuals, groups or businesses as the *NSBA* does not have a provision for these types of items.
- Powers are approved at the time of establishment of the LSB or later as the result of a request by the LSB to the Minister.
 - For more information, refer to the sections on “Establishment of an LSB” and “LSB Requests to Vary Powers (Additional Power(s))” in this Guide.
- A Board can only deliver the Powers within the geographic boundaries of the LSB. (the Board area) (*NSBA, Sub-Section 7(2)*).

MINISTRY OF NORTHERN DEVELOPMENT AND MINES (MNDM):

- The local Ministry of Northern Development and Mines (“**MNDM**”) staff person (known as “**NDO**” or “**NDA**”) is the first point of contact between the LSB and the Ministry.
- MNDM’s role is to administer the *NSBA* and assist LSBs in understanding and complying with the *NSBA*. Ultimately LSBs are responsible for their own compliance with the *NSBA*.
- MNDM **does not** supply legal opinions to LSBs. For items requiring legal interpretation, the LSB is advised to seek out their own counsel.

MNDM Staff:

- While they are not required by the *NSBA* to attend LSB meetings, MNDM staff do so to provide information in respect of the *NSBA*.
- When requested, MNDM staff may play a facilitative role at public meetings to aid in their smooth functioning. Ministry staff will only assume this role at the request of the LSB and then only at the staff member’s sole discretion.
- MNDM staff may provide training to new and existing Board Members on their roles as defined in the *NSBA* and assist in understanding the budget process and operating grant requests.

FREEDOM OF INFORMATION:

- LSBs are subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (“**FIPPA**”) and therefore should familiarize themselves with the requirements and implications of FIPPA.

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RIGHTS, ROLES AND RESPONSIBILITIES:

Inhabitants:

- All Inhabitants are eligible to run for office as a Board Member (*NSBA, subsection 19(6)*).
- Inhabitants are eligible to vote at the following meetings:
 - Meetings for the election of Board Members (*NSBA, Section 19*) (refer to the Section 'Meetings' in this Guide for further details) and,
 - Where a decision is made on the establishment of an LSB (*NSBA, Sub-Section 3(7)*) (refer to the section 'Establishment of an LSB' in this Guide for further details),
 - Where a decision is made on the dissolution of an LSB (*NSBA, Sub-Section 32(1)*) (refer to the section 'Dissolution of an LSB' in this Guide for further details),
 - Where a decision is made in respect of a proposed alteration of the boundaries of the Board area (*NSBA, Section 31*) (refer to the section 'Boundary alterations' in this Guide for further details), and
 - Where a decision is made in respect of a proposed variation of the Powers of the Board (*NSBA, Section 31*) (refer to the section 'Request to Vary Powers (Additional Powers)' in this Guide for further details),
 - Where a decision is made in respect of the incursion by the Board of a debt, the payment of which is not provided for in the current year, and
 - Where a decision is made on the proposed levy if imposed under the *Provincial Land Tax Act, 2006 (NSBA Section 23 (4))* (refer to the section 'Budget process' in this Guide for further details).
- Any ten (10) Inhabitants have the right to propose a dissolution of an LSB, and if they do so, a vote of the Inhabitants must be held (*NSBA, subsection 32(1)*) (refer to the section 'Dissolution of a LSB' in this Guide for further details).
- Inhabitants have the right to attend any and all Board meetings (*NSBA, Sub-Section 10(3)*) and the Board must call sufficient public meetings so that Inhabitants may:
 - participate in discussions on current and proposed programs of the Board,
 - participate in preparation of the annual estimates of the Board, and
 - participate in discussions of the annual audit report on the issues, budgets and audits (*NSBA, Section 16*) (refer to the section 'Meetings' in this Guide for further details).
- If in any year both the Board and the Secretary fail to call an election meeting before the 15th day of September, any ten (10) Inhabitants have the right to call a meeting and may appoint one (1) of their number to act as chair of the meeting
 - The Inhabitant appointed as chair shall act as chair even if the Chair attends the meeting (*NSBA, subsection 19(5)*).
- Inhabitants have the right at any reasonable time to examine and copy the audit report procured by the Board in respect of the LSB (*NSBA, Sub-Section 29(4)*).

Boards and Board Members:

- Boards are made up of either three (3) or five (5) members as set out in the regulation establishing the LSB. (*NSBA, sections 3 & 4*)
- The term of office for Board Members is one (1) year, beginning on October 1 and ending on September 30 (*NSBA, Section 5*), with the exception of the term of office of the first Board, which may be set out in the Regulation establishing the LSB if the Minister so orders (*NSBA, Sub-Section 4 (1)(d) & Section 5*).

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- While many of the activities that a Board undertakes are done at the discretion of the Board, there are certain matters the Board is obliged to undertake. Refer to the *NSBA* and this Guide for details.
- Board Members are responsible, on behalf of the community, to discuss issues and make the necessary decisions for the day-to-day operation of the LSB including responsibility for the management of funds entrusted to the Board.
- A Board Member must bear in mind that he/she is accountable to the community for decisions made by the Board including responsibility for the management of funds entrusted to the Board and should be attentive to the manner in which funds are safeguarded, how financial data is recorded, and how it is disclosed to the public.
- Board Members cannot receive payment for performance of duties as Board Members (*NSBA, Section 13*).
- A Board may appoint one (1) of its own Members as Secretary or choose to appoint an individual other than a Board Member. In both situations the Secretary would serve at the pleasure of the Board.
- The Secretary can receive an honorarium (payment for the duties associated with that position. (*NSBA section 15*).
- If a Board Member:
 - (a) ceases to be an inhabitant,
 - (b) fails to attend any three consecutive meetings of the Board,
 - (c) refuses to act, or
 - (d) dies,then a Board may by by-law call a public meeting to elect an inhabitant of the Board area to serve for the remainder of the term of such Board Member (*NSBA, section 9 (3)*).

Chair of the Board:

- The Chair is a member of the Board elected by the Board Members at the Board's first meeting after its initial election. The first meeting of a Board must take place no later than October 10 of each year. (*NSBA, section 21*).
- The *NSBA* establishes a number of responsibilities for the chair including the following items:
 - The Chair is the head of the Board (*NSBA, Sub-Section 9(1)*).
 - The Chair presides at all Board meetings (*NSBA, Sub-Section 9(1)*).
 - The Chair of the Board shall act as Chair of the annual elections and if necessary, shall administer affidavits of eligibility to vote (*NSBA Sections 19 and 20*).
 - The Chair has the authority to expel or exclude anyone, including a Board member for improper conduct at a meeting (*NSBA Section 18*)
- In the event of:
 - (a) the Chair's absence,
 - (b) the position of Chair being vacant, or
 - (c) the Chair refusing to act,then the Board Members may appoint an acting Chair from among the Board Members. The acting Chair will, during the absence, vacancy or refusal to act, act in the place of the Chair and preside at the meetings of the Board (*NSBA, Sub-Section 9(3)*).

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Secretary to the Board:

- The Secretary is a signing officer for the Board (*NSBA, Sub-Section 12(2)*).
- The Secretary is appointed by the Board on an annual basis, and serves at the Board's pleasure (*NSBA, Section 14*).
- The Secretary may be but is not required to be a member of the Board (*NSBA, Sub-Section 14 (1)*).
- The Secretary cannot be the Chair of the Board (*NSBA, Sub-Section 14 (1)*).
- It is not unusual for the same Secretary to be re-appointed annually over several years, which provides continuity in the conduct of the Board's business.
- A Secretary who is not a Board Member need not be an Inhabitant of the LSB area. *Sub-Section 14(1)* of the *NSBA* provides for the appointment of the Secretary and it does not limit the appointment to an inhabitant of the Board area.
- The Secretary is required to provide security for the faithful performance of his/her duties, including duly accounting for and paying over all money that comes into his/her hands.
 - The security must be in the form and on such terms as the Minister may approve.
 - The premiums in respect of the security are paid for by the Board (*NSBA, subsections 14(2) & (3)*).
- The Secretary is responsible to ensure the items listed in the *NSBA Sub-Section 14(4)* which form part of his/her duties are performed:
 - Attend all meetings of the Board
 - Keep minutes of the meetings
 - Post the minutes of meetings in at least six (6) conspicuous places
 - Post notices of meetings called by the Board
 - Carry on correspondence as directed by the Board
 - Receive and safely keep all money paid to the Board
 - Maintain books of account and other records as may be required by the Board or by the Minister
- The Board has the option to pay an honorarium to the Secretary. Where an Honorarium is paid, the Board must pass a by-law to that effect. (*NSBA Section 15*).
- If the Secretary is an elected Board member the Secretary must declare conflict and must refrain from voting on the budget in which the honorarium is tabled and the supporting by-law.
- Either the Secretary or the person who called the meeting must sign the notice of the meeting (other than election meetings and Establishment Meetings (*NSBA, Section 17*)).
- If the Board fails to call an election meeting before the 10th day of September in a given year, the Secretary must immediately call the election meeting in accordance with the *NSBA* and shall act as the Chair of the meeting even if the Chair attends the meeting (*NSBA, Sub-Section 19(4)*).
- On or before October 15 of each year, MPAC sends the Secretary of a LSB a copy of the portion of the interim assessment roll for the lands in the Board area that are liable to assessment and taxation under the *Assessment Act* and liable to taxation under the *PLTA* showing the amount of the interim assessment of those lands for the following year (*NSBA, Section 22*).
- The Secretary is responsible for sending to the Minister a copy of the by-law passed by the Board to approve the annual estimates (*NSBA, Sub-Section 23(5)*).
- The Secretary is responsible for sending to the Minister of Finance a copy of the by-law passed by the Board of an Opted-in LSB that requests the Minister of Finance to collect under the *PLTA* in the following year the rate or rates in respect of land that is taxable under the *PLTA* (*NSBA, Sub-Section 25(2)*).

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- The Secretary is responsible for sending to the Minister of Finance a copy of the by-law passed by the Board of an Opted-in LSB that requests the Minister of Finance to collect under the *PLTA* in the following year the fees charged by the Board in respect of a service (*NSBA, Sub-Section 25.1(2)*).
- The Secretary is responsible for sending a copy of the annual audit report by registered mail to the Minister (*NSBA, Sub-Section 29(3)*).
- The Secretary must permit any Inhabitant at any reasonable time to examine and copy the annual audit report (*NSBA, subsection 29(4)*).
- The Secretary must record the votes of meetings in accordance with the *NSBA*.
 - The Secretary must send to the Minister voting results, minutes of meetings, and such other correspondence as may be required by the *NSBA*.

Committees of the Board:

The Board may, if it chooses to, appoint committees to advise the Board as the Board considers appropriate (*NSBA, Sub-Section 7 (4)*).

- Committees operate in an advisory capacity and do not make decisions for the Board nor do they maintain separate Bank accounts. Refer to the sections in this Guide on 'Meetings' and 'Financial' for further details.

ESTABLISHMENT OF AN LSB:

Prior to moving forward with the process of forming an LSB, inhabitants are encouraged to contact their local NDO/NDA for guidance on steps to take. Local MNDM staff can be located by referring to the MNDM website at www.mndm.gov.on.ca

Steps to Establish an LSB:

1. Although not a requirement of the *NSBA*, it is recommended that prior to calling a meeting to vote on the establishment of an LSB, sufficient information meetings be held to allow Proposed Inhabitants to review the proposal to form the LSB including: the proposed boundaries, the suggested Power(s), the financial and other implications and the LSB establishment process. Information meetings will enable Proposed Inhabitants to make informed decisions when the time comes to vote on the issue.

MNDM staff are able to assist in this process, including providing contacts to other government ministries responsible for regulating elements of the suggested Power(s). These contacts can then be invited to speak at information meetings and answer questions from the Proposed Inhabitants.

2. Any ten (10) Proposed Inhabitants desiring the establishment of a LSB (the "**Establishment Committee**") may in writing authorize and name one (1) of their number to call a meeting of Proposed Inhabitants of a specific geographic area to consider the desirability of establishing a LSB (the "**Establishment Meeting**") (*NSBA, Sub-Section 3(2)*).
 - The Establishment Committee will be required to provide documented proof that the ten (10) Proposed Inhabitants meet the definition of "Inhabitants" as per the *NSBA Sub-Section 3(1)*, being either a permanent resident of or a property owner in a proposed Board area, who is a Canadian citizen and who has attained the full age of eighteen (18) years.
 - Such documented proof will consist of a listing of the ten (10) Proposed Inhabitants; an attestation by each of their eligibility as Proposed Inhabitants under the *NSBA*; and such other documented proof as may be required by the Ministry.

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3. The person named to call the Establishment Meeting must do so within ten (10) days of being authorized; otherwise, any person who signed the authorization may call a meeting (*NSBA, Sub-Section 3(3)*).
4. The notice of the Establishment Meeting must be posted at least fourteen (14) days before the date of the Establishment Meeting, must be in the format set out in the *NSBA Form 1*, should be dated and signed by the person calling the meeting, and must:
 - be in English and French;
 - include a description or drawing of the proposed boundary of the LSB;
 - include the date, time, place and purpose of the Establishment Meeting (including that a vote will be held);
 - should include a listing of what will be required to prove eligibility to vote, such as proof of residency or property ownership, age and Canadian citizenship
 - be posted in at least six (6) conspicuous places within the proposed Board area; and
 - be forwarded by registered mail to the Minister (*NSBA, Sub-Section 3(4)(a)-(d)*).

The notice may be published in a newspaper having general circulation in the proposed Board area (*NSBA, Sub-Section 3(4)(e)*).

Items to consider when setting the date and location for a meeting:

- If there are cottagers in the area, is the meeting date at a time when it would be convenient for them to attend?
 - Are there possible conflicts or overlaps in jurisdiction with other organizations (such as municipalities or other statutory boards)? If any such organizations have any concerns with the establishment of an LSB in the proposed Board area, suggest providing such information to the Ministry.
 - If any opposition to the establishment of an LSB is vocalized, this opposition should be disclosed to the Ministry.
 - If the area is remote or large, consider posting the meeting notices in more locations than the required six (6) conspicuous places or to use additional means such as radio, newspapers, email lists etc., to ensure every effort is made to advise Proposed Inhabitants.
 - Is the chosen location large enough to handle the anticipated number of Proposed Inhabitants that would attend?
 - Where the LSB will cover a significant geographic area that would require travel time by Proposed Inhabitants to attend the Establishment Meeting, it is recommended that the Establishment Committee consider more than one (1) location for the meeting and voting as well as allowing sufficient time for Proposed Inhabitants to attend and to cast a ballot.
 - Is there sufficient parking for Proposed Inhabitants driving to the Establishment Meeting location(s)?
5. The person named to call the Establishment Meeting presides as Chair of the meeting unless that person declines or is absent, then the Proposed Inhabitants present at the meeting will elect one (1) of their number to act as Chair (*NSBA, Sub-Section 3(5)*).
 6. The chair of the Establishment Meeting appoints a Recording Secretary from among the Proposed Inhabitants present at the meeting. The Recording Secretary records the proceedings of the meeting (*NSBA, Sub-Section 3(6)*).
 7. Any recommendation or matters determined at the meeting are arrived at by a vote of the majority of the inhabitants present and voting at the meeting. Proxy voting is not permitted. The chair of the Establishment Meeting decides how the voting will be conducted (*NSBA, Sub-Section 3(7)*).

Items to consider when determining the method of voting:

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- What supporting documentation will be required to prove eligibility to vote? (examples include but are not limited to: proof of residency within the proposed area, proof of property ownership within the proposed Board area, proof of age and Canadian citizenship)
- How will voters be registered (an example may be a sign in sheet)
- How will voting be conducted? (examples include without limitation: show of hands or secret ballot)
- Is the question being asked worded in a fashion that is clear and understandable? (an example of a clearly worded question: “Are you in favour of the establishment of a local services board to be known as XXXXX and to consist of XX number of Board Members in the following geographic area XXXXX which will have the powers of XX and XX? YES or NO”)
- Voting is by secret ballot: are voting stations set up so as to ensure privacy? Who will count the votes and who will observe the vote counters?

Eligibility to vote:

- In order to vote, an individual must be able to prove they qualify as an Inhabitant.
- Where a Proposed Inhabitant's eligibility to vote is challenged by any other individual, it is the responsibility of the Establishment Committee to determine the eligibility of the Inhabitant to vote.
- Where that eligibility is challenged, the chair of the Establishment Committee must require the individual being challenged to swear an affidavit in English or French before the Chair. Once the affidavit has been sworn then the individual is able to vote. The *NSBA, Form 2* provides the format for the affidavit (*NSBA, Section 20*).

8. Once the voting has been completed, where the vote results are in favour of the proposal to establish an LSB, a recommendation is made by the Proposed Inhabitants to the Minister. The recommendation to the Minister must include the following:
- The desirability of establishing a Local Services Board,
 - The boundaries of the Board area,
 - The name of the Board,
 - Whether the number of Board Members should be three (3) or five (5),
 - The Powers chosen, and
 - Any other matters as the Proposed Inhabitants consider appropriate (*NSBA, Sub-Section 3(8)*) (together, the “**Recommendation**”).

The boundaries of the proposed LSB included in the Recommendation cannot include an area greater than the area that was described in the notice calling the Establishment Meeting (*NSBA, Sub-Section 3(9)*).

9. The Recording Secretary is responsible for posting the record of the meeting in at least six (6) conspicuous places in the proposed Board area and for sending by registered mail a copy of the record of proceedings, including the Recommendation (*NSBA, Sub-Section 3(6)*).
10. Prior to the Minister making a decision respecting the establishment of a Local Services Board, MNDM will undertake a due diligence process that may include without limitation the following:

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- MNDM's consultation with other Ministries on the establishment of the LSB including the proposed powers and boundaries, to determine:
 - (a) if there would be any opposition to the establishment of the LSB, and
 - (b) what statutes or regulations or pieces of legislation would impact the proposed LSB (any information obtained in this regard that would be of benefit to the proposed LSB would then be conveyed to the Establishment committee).
 - A request by MNDM to the Office of the Surveyor General of Ontario to provide a legal description of the proposed boundaries ensuring they do not include First Nation lands, Conservation lands, Municipal lands and any other properties that would be exempted from the LSB boundary.
 - A review of the process undertaken by the Proposed Inhabitants to ensure transparency and compliance with the requirements of the *NSBA*. Elements reviewed include without limitation the information provided to Proposed Inhabitants, posting of notices and process to conduct meetings.
11. Once the due diligence process is complete, a recommendation is made to the Minister who will then make a final decision on the establishment of the LSB. Should the Minister choose to proceed with the establishment of an LSB, the Minister will make an order:
- Establishing a Local Services Board by order under the name of "the Local Services Board of XXXX"
 - Establishing the boundaries of the Board area,
 - Establishing the number of Board Members
 - Establishing the term of office of the FIRST Board,
 - Designating the Powers of the Board from those listed in the Schedule of the *NSBA*,
 - Providing for all matters necessary to conduct the election of the FIRST Board Members including where the Minister deems appropriate, the method and timing of the first election of a Board, and
 - Providing for any other matters the Minister considers appropriate (*NSBA, subsection 4(1)*).

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DISSOLUTION OF AN LSB:

- A Board may be dissolved in one of three (3) ways:
 1. at the request of the Board, which request must be put to a vote of the Inhabitants in accordance with the *NSBA (NSBA, Sub-Section 32(1))*,
 2. at the request of ten (10) Inhabitants, which request must be put to a vote of the Inhabitants in accordance with the *NSBA (NSBA, Sub-Section 32(1))*, or
 3. by order of the Minister (*NSBA, Section 30*).

NOTE: Prior to moving forward with the process to dissolve the LSB, the Board or Inhabitants (dependant on who is making the request) are encouraged to contact their local NDO/NDA for guidance on steps to take.

1. Steps to Dissolve an LSB where the Request is from the Board:

1. The notice of the Dissolution Meeting must be posted at least one (1) week before the date of the Dissolution Meeting, and must:
 - include the date, time, place and purpose of the Dissolution Meeting (including that a vote will be held);
 - include what will be required to prove eligibility to vote under the Act, proof of permanent residency or property ownership, age and Canadian citizenship.
 - contain the signature of the Secretary or the person or persons calling the Dissolution Meeting where the request is from the Dissolution Committee;
 - be posted in at least six (6) conspicuous places within the Board area; and
 - outline the Dissolution Proposal (*NSBA, Sections 17 and 32*).

The notice must be forwarded by registered mail to the Minister.

Items to consider when setting the date and location for a meeting:

- If there are cottagers in the area, is the meeting date at a time when it would be convenient for them to attend?
- Are there possible conflicts or overlaps in jurisdiction with other organizations (such as municipalities or other statutory boards)? If any such organizations have any concerns with the establishment of an LSB in the proposed Board area, suggest providing such information to the Ministry.
- If any opposition to the dissolution of an LSB is vocalized, this opposition should be disclosed to the Ministry.
- If the area is remote or large, consider posting the meeting notices in more locations than the required six (6) conspicuous places or to use additional means such as radio, newspapers, email lists etc., to ensure every effort is made to advise Inhabitants.
- Is the chosen location large enough to handle the anticipated number of Inhabitants that would attend?
- Where the LSB covers a significant geographic area that would require travel time by Inhabitants to attend the Dissolution Meeting, it is recommended that the Dissolution Committee consider more than one (1) location for the meeting and voting as well as allowing sufficient time for Inhabitants to attend and to cast a ballot.
- Is there sufficient parking for Inhabitants driving to the Meeting location?

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2. Except where the Dissolution Proposal is from the Dissolution Committee, the Chair of the Board will be the Chair of the Dissolution Meeting (*NSBA, Section 9*).

Where the Dissolution Proposal is from the Dissolution Committee, the person named to call the Dissolution Meeting presides as Chair unless that person declines or is absent, then the Inhabitants present at the meeting will elect one (1) of their number to act as Chair.

3. Where the Dissolution Proposal is from the Dissolution Committee, the chair of the Dissolution Meeting may appoint the existing LSB Secretary or a Recording Secretary from among the Inhabitants present at the meeting. The Recording Secretary records the proceedings of the meeting.

Where the Dissolution Proposal is from the Board, the Secretary will act as Secretary at the Dissolution Meeting.

4. A Dissolution Proposal must be approved by a vote of the majority of the Inhabitants present and voting at the Dissolution Meeting. Proxy voting is not permitted (*NSBA, Sub-Section 32(2)*). The Chair of the Dissolution Meeting decides how the voting will be conducted.

Items to consider when determining the method of voting:

- What supporting documentation will be required to prove eligibility to vote? (examples include but are not limited to; proof of residency within the proposed area, proof of property ownership within the proposed Board area, proof of age and Canadian citizenship)
- How will voters be registered (an example may be a sign-in sheet)
- How will voting be conducted? (examples include without limitation; show of hands or secret ballot)
- Is the question being asked worded in a fashion that is clear and understandable? (an example of a clearly worded question: "Are you in favour of the dissolution of Local Services Board XXXXX? YES or NO")
- If voting is by secret ballot are voting stations set up so as to ensure privacy?
- Who will count the votes and who will observe the vote counters?
- Where the geographic size of the LSB is large, consideration should be given to holding vote meetings in more than one (1) location in order to facilitate inhabitants being able to attend and also enough time allotted for the voting process

Eligibility to vote:

- In order to vote, an individual must be able to prove they qualify as an Inhabitant.
- Where an Inhabitant's eligibility to vote is challenged by any other individual, it is the responsibility of the Board Chair or Chair of the Dissolution Committee, to determine the eligibility of the Inhabitant to vote or be elected as a member of the Board.
- Where that eligibility is challenged, the chair of the Meeting must require the individual being challenged to swear an affidavit in English or French before the Chair. Once the affidavit has been sworn then the individual is able to vote. The *NSBA, Form 2* provides the format for the affidavit (*NSBA, Section 20*).

If the majority of Inhabitants present at the Dissolution Meeting approve a Dissolution Proposal, the Secretary or Recording Secretary must send to the Minister a copy of the Dissolution Proposal together with a statement of the vote for and against the Dissolution Proposal (*NSBA, Sub-Section 32(2)*).

5. The Secretary is responsible for posting the record of the meeting in at least six (6) conspicuous places in the Board area (*NSBA, Sub-Section 14(4) (c)*).

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6. Prior to the Minister making a decision respecting the dissolution of a Local Services Board, MNDM will undertake a due diligence process that may include without limitation the following:
 - Consultation with other Ministries on the dissolution of the LSB including any impacts that may exist as the result of loss of services to the Board area.
 - A review of a complete list of assets and potential liabilities of the Board that may exist at the time of dissolution.
 - A review of the process undertaken by the Inhabitants to ensure transparency and compliance with the requirements of the *NSBA*. Elements reviewed include without limitation the information provided to affected Inhabitants, posting of notices and process to conduct meetings.
7. Once the due diligence process is complete, a recommendation is made by MNDM to the Minister who will then make a final decision on the dissolution of the LSB and the Board area. Should the Minister choose to proceed with the dissolution of an LSB, the Minister makes an order:
 - (a) dissolving the Board and the Board area (*NSBA, Sub-Section 32(2)*), and
 - (b) making such provisions with respect to the transfer of liabilities and assets of the Board as the Minister considers appropriate (*NSBA, Sub-Section 32(3)*).

2. Steps to Dissolve an LSB where the Request is from ten (10) Inhabitants:

1. The Dissolution Committee is to follow a process similar to that of establishing an LSB. The Dissolution Committee may in writing authorize and name one (1) of their number to call a meeting of Inhabitants to consider the desirability of dissolving the Local Services Board (the “**Dissolution Meeting**”)
 - The Dissolution Committee will be required to provide documented proof that the ten (10) Inhabitants meet the definition of “Inhabitants” as per the *NSBA Section 1*, being either permanent resident of or an owner of property in the Board area, who is a Canadian citizen and who has attained the full age of eighteen (18) years.
 - Such documented proof will consist of a listing of the ten (10) Inhabitants; an attestation by each of their eligibility as Inhabitants under the *NSBA*; and such other documented proof as may be required by the Ministry.
2. The person named to call the Dissolution Meeting must do so within ten (10) days of being authorized; otherwise, any person who signed the authorization may call a meeting.
3. Refer to the process set out above under the Heading “1. Steps to Dissolve an LSB where the Request is from the Board”.

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3. Dissolution by the Minister:

If the Minister determines that a Board is:

- (a) miss-using its funds,
- (b) is not administering its affairs in a proper and straightforward manner, or
- (c) cannot or is unlikely to be able to meet its obligations as they fall due,

then the Minister may by order:

- (i) dissolve the Board and call a new election,
- (ii) dissolve the Board and assume the powers of the Board, or
- (iii) dissolve the Board and the Board area (*NSBA, Section 30*).

If the Minister chooses to dissolve the Board and the Board area, then *NSBA, Sub-Section 32(3)* will apply to that order.

LSB Complaint Process:

Refer to the LSB Complaint policy located on the MNDM website at: www.mndm.gov.on.ca for steps to follow in the event of a conflict or complaint

Steps Required in a Proposal to Alter Boundaries:

1. Prior to moving forward with the process of changing the boundaries of a LSB, the Board is encouraged to contact its local NDO/NDA for guidance on steps to take. Local MNDM staff can be located by referring to the MNDM website at www.mndm.gov.on.ca
2. Although not a requirement of the *NSBA*, it is recommended that prior to calling a meeting to vote to alter the boundaries of an LSB, sufficient information meetings be held to allow Inhabitants in both the existing Board area and, where the Board area is proposed to be enlarged, the proposed Board area (the “**Proposed Board Area**”) to review the proposal to alter the boundaries of the LSB, the existing boundaries, the Powers and the financial implications. Information meetings will enable Inhabitants and Proposed Inhabitants to make informed decisions when the time comes to vote on the issue.

The person named to call the meeting to consider the desirability of altering the boundaries of a LSB, must do so within ten (10) days of being authorized, otherwise any person who signed the authorization may call a meeting.

3. Where the Board considers it desirable that the boundaries of the Board area be altered, the Board must put a proposal to alter the boundaries of the Board area (the “**Boundary Proposal**”) to a vote of the Inhabitants of the Board area as well as the Proposed Inhabitants of the Proposed Board Area (*NSBA, Section 31*).
4. The notice of the meeting must be posted at least one (1) week before the date of the meeting, and must:

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- include the date, time, place and purpose of the meeting (including that a vote will be held, and a description of the Boundary Proposal, which description shall include a description or drawing of the Proposed Board Area) (*NSBA, Sections 17 and 31*);
- contain the signature of the Secretary (*NSBA, Section 17*);
- be posted in at least six (6) conspicuous places within the Board area (*NSBA, Section 17*);
- where the Board area is proposed to be enlarged, be posted within the Proposed Board Area (*NSBA, Section 31*);
- be posted in both French and English (as the Board deems necessary); and
- be forwarded by registered mail to the Minister

The notice may be published in a newspaper having general circulation in the proposed area.

A separate vote must be held for inhabitants of the proposed expansion area *NSBA Section 31(2)*

Items to consider when setting the date and location for a meeting;

- If there are cottagers in the area, is the meeting date at a time when it would be convenient for them to attend?
- If the area is remote or large would it be a good idea to post the meeting notices in more locations than the required six (6) conspicuous places or to use additional means such as radio, newspapers, email lists etc. to ensure every effort is made to advise inhabitants?
- Is the chosen location large enough to handle the anticipated number of inhabitants that would attend?
- Is there sufficient parking for inhabitants driving to the meeting location?

5. Where an area is proposed to be added to the Board area, the Secretary will record separately the vote of the Proposed Inhabitants within the Proposed Board Area that is proposed to be added (*NSBA, Sub-Section 31(3)*).

Where an area is proposed to be removed from the Board area, the Secretary will record separately the vote of the Inhabitants within the Board area that is proposed to be removed (*NSBA, Sub-Section 31(3)*).

6. Any recommendation or matters determined at the meeting are arrived at by a vote of the majority of the Inhabitants present and voting at the meeting. Proxy voting is not permitted (*NSBA, Sub-Section 31(4)*). The chair decides on how the voting will be conducted.

Items that can be considered when determining the method of voting:

- What supporting documentation will be required to prove eligibility to vote? (ex: proof of residency within the proposed area, proof of property ownership within the proposed area, proof of age and Canadian citizenship)?
- How will voters be registered (ex: sign in sheet)?
- How will voting be conducted? (show of hands, secret ballot)
- Is the question being asked worded in a fashion that is clear and understandable? (ex: Are you in favour of altering the boundaries of the local services board of XXXXX to consist of the following geographic area XXXXX which has the powers of XX, XX. YES or NO)
- If voting is by secret ballot are voting stations set up so as to ensure privacy?
- Who will count the votes and who will observe the vote counters?
- Where the geographic size of the LSB is large, consideration should be given to holding vote meetings in more than one (1) location in order to facilitate inhabitants being able to attend and also enough time allotted for the voting process.

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Eligibility to vote:

- In order to vote, an individual must be able to prove they qualify as an Inhabitant.
 - Where an Inhabitant's eligibility to vote is challenged by any other individual, it is the responsibility of the Board to determine the eligibility of the Inhabitant to vote.
 - Where that eligibility is challenged, the chair of the Meeting must require the individual being challenged to swear an affidavit in English or French before the Chair. Once the affidavit has been sworn then the individual is able to vote. The *NSBA, Form 2* provides the format for the affidavit (*NSBA, Section 20*).
7. The Secretary is responsible for posting the record of the meeting in at least six (6) conspicuous places in the Board area (*NSBA, Sub-Section 14(4) (c)*).
8. Recommendations
- Where the vote results are in favour of the proposal to alter the boundaries of the LSB then the Secretary must forward to the Minister the following:
 - A copy of the proposal as approved at the meeting including:
 - The desirability of altering the boundaries of the Local Services Board,
 - The boundaries of the Board area;
 - A statement of the results of the vote showing the vote of the Inhabitants for and against the proposal; and
 - A statement of the vote of the Inhabitants of the area that is proposed to be added or removed from the Board area.
9. Prior to the Minister making a final decision on altering the boundaries of a Local Services Board, MNDM will undertake a due diligence process that may include without limitation the following:
- Consultation with other Ministries on the implications of the LSB altering their boundaries to determine if there would be any opposition or concerns as well as, what Regulations or pieces of legislation would impact the LSB
 - Request to the Surveyor General to provide a legal description of the proposed boundaries ensuring they do not include First Nation lands, Conservation lands, Municipal lands and any other properties that would be considered exempted from the LSB boundary.
 - A review of the process undertaken by the Inhabitants to ensure transparency and compliance with the requirements of the *NSBA*. Elements reviewed include without limitation the information provided to affected Inhabitants, posting of notices and process to conduct meetings.
10. Once the due diligence process is complete, a recommendation is made by MNDM to the Minister who will then make a final decision on the proposal to alter the boundaries of the LSB. Should the Minister choose to proceed with altering the boundaries of an LSB, the Minister may make such order as the Minister considers appropriate (*NSBA, Sub-Section 31(4)*).

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Request to Vary Powers (Additional Powers):

1. Prior to moving forward with the process requesting to vary Powers for a LSB, the Board is encouraged to contact their local NDO/NDA for guidance on steps to take. Local MNDM staff can be located by referring to the MNDM website at www.mndm.gov.on.ca
2. Although not a requirement of the *NSBA* it is recommended that prior to calling a meeting to vote to vary the Powers of an LSB, sufficient information meetings be held to allow inhabitants to review the proposal to vary the powers of the LSB, the implications of the loss or addition of Powers and the financial implications. Information meetings will enable Inhabitants to make an informed decision when the time comes to vote on the issue.
3. Where the Board considers it desirable that the Powers of the Board be varied, the Board must put a proposal to vary the Powers of the Board (the "**Proposal to Vary Powers**") to a vote of the Inhabitants of the Board area (*NSBA, Section 31*).
4. The notice of the meeting must be posted at least one (1) week before the date of the meeting, and must:
 - include the date, time, place and purpose of the meeting (including that a vote will be held), and a description of the Proposal to Vary Powers, which description shall include a description of the requested Powers to be either added or deleted (*NSBA, Section 17*);
 - contain the signature of the Secretary (*NSBA, Section 17*);
 - be posted in at least six (6) conspicuous places within the Board area (*NSBA, Section 17*);
 - Where required or necessary be posted in both English and French (as the Board deems necessary); and
 - be forwarded by registered mail to the Minister.

The notice may be published in a newspaper having general circulation in the proposed area.

Items to consider when setting the date and location for a meeting

- If there are cottagers in the area, is the meeting date at a time when it would be convenient for them to attend?
 - If the area is remote or large would it be a good idea to post the meeting notices in more locations than the required six (6) conspicuous places or to use additional means such as radio, newspapers, email lists etc., to ensure every effort is made to advise inhabitants.
 - Is the chosen location large enough to handle the anticipated number of inhabitants that would attend?
 - Is there sufficient parking for inhabitants driving to the meeting location?
 - The Chair would preside at the meeting unless that person declines or is absent then the inhabitants present at the meeting will elect one (1) of their number to act as Chair.
 - The secretary records the proceedings of the meeting and is responsible for posting the minutes of the meeting in at least six (6) conspicuous places in the Board area as well as sending by registered mail a copy of the minutes and the recommendations agreed upon, at the meeting to the Minister of Northern Development and Mines. *NSBA Section 3(6) (a-c)*.
5. Any recommendation or matters determined at the meeting are arrived at by a vote of the majority of the Inhabitants present and voting at the meeting. Proxy voting is not permitted (*NSBA, Sub-Section 31(4)*).

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Items that can be considered when determining the method of voting:

- What supporting documentation will be required to prove eligibility to vote? (ex: proof of residency within the proposed area, proof of property ownership within the proposed area, proof of age and Canadian citizenship)
- How will voters be registered (ex: sign in sheet)
- How will voting be conducted? (show of hands, secret ballot)
- Is the question being asked worded in a fashion that is clear and understandable? (ex: Are you in favour of varying the powers of the local services board of XXXXX to add/delete the following powers XX, XX resulting in the Board having the powers of XX, XX. YES or NO)
- If voting is by secret ballot are voting stations set up so as to ensure privacy.
- Who will count the votes and who will observe the vote counters?
- Where the geographic size of the LSB is large, consideration should be given to holding vote meetings in more than one location in order to facilitate inhabitants being able to attend and also enough time allotted for the voting process

Eligibility to vote:

- In order to vote, an individual must be able to prove they qualify as an Inhabitant.
- Where an Inhabitant's eligibility to vote is challenged by any other individual, it is the responsibility of the Board to determine the eligibility of the Inhabitant to vote.
- Where that eligibility is challenged, the Chair of the Meeting must require the individual being challenged to swear an affidavit in English or French before the chair. Once the affidavit has been sworn then the individual is able to vote. The *NSBA, Form 2* provides the format for the affidavit (*NSBA, Section 20*).

7. Recommendations

- Where the vote results are in favour of the Proposal to Vary Powers then the Secretary must forward to the Minister the following:
 - A copy of the proposal as approved at the meeting including:
 - The desirability of varying the Powers of the Local Services Board,
 - a description of the Proposal to Vary Powers, which description shall include a description of the requested powers to be either added or deleted; and
 - A statement of the results of the vote showing the vote of the Inhabitants for and against the proposal.

8. The Secretary is responsible for posting the record of the meeting in at least six (6) conspicuous places in the Board area (*NSBA, Sub-Section 14(4) (c)*).

9. Prior to the Minister making a final decision on altering the boundaries of a Local Services Board, MNDM will undertake a due diligence process that may include without limitation the following:

- Consultation with other Ministries on the implications of the LSB varying its Powers to determine if there would be any opposition or concerns as well as information regarding any applicable legislation, and
- A review of the process undertaken by the Inhabitants to ensure transparency and compliance with the requirements of the *NSBA*. Elements reviewed include without limitation the information provided to Inhabitants, posting of notices and process to conduct meetings.

10. Once the due diligence process is complete, a recommendation is made by MNDM to the Minister who will then make a final decision on the Proposal to Vary Powers. Should the Minister choose to proceed with varying the Powers of an LSB, the Minister may make such order as the Minister considers appropriate (*NSBA, Sub-Section 31(4)*).

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

MEETINGS:

All Meetings:

- The *NSBA, Sub-Section 10(3)* states “All meetings of the Board shall be open to the public.” This means that the Board cannot hold meetings to conduct Board business where the public is not allowed access to the meeting.
- Subject to the Board complying with *Part 1 of the NSBA*, the Board may establish its own rules and procedures for transacting the business of the Board (*NSBA, Section 11*).
- The Chair presides at all meetings of the Board. If there is no Chair, or in his or her absence or refusal to act, the Board may appoint from its Board Members an acting Chair (*NSBA, Sub-Sections 9 (1) and (2)*).
- Although there is no provision for the number of meetings a Board is required to hold, the Board must hold at least the following public meetings:
 - Sufficient public meetings to allow for the Inhabitants to participate in:
 - a discussion of the current and proposed programs of the Board
 - the preparation of the annual estimates of the Board, and
 - a discussion of the annual audit report (*NSBA, Section 16*);
 - meeting to establish an LSB (*NSBA, Section 3*);
 - election meetings (*NSBA, Section 19*);
 - meetings to vary the Powers of the Board (*NSBA, Section 31*);
 - meetings to alter the boundaries of the Board area (*NSBA, Section 31*); and
 - meetings to dissolve the LSB, where a group of 10 Inhabitants or the Board of the LSB proposes to dissolve the Board (*NSBA, Section 32*).

Notice of Public Meetings other than Election Meetings and Establishment Meetings

Specific requirements for notices of public meetings other than Election Meetings and Establishment Meetings are set out elsewhere in the *NSBA*. Below are the general requirements that must be included in all notices, but please refer to the relevant sections of the *NSBA* for additional requirements specific to the public meeting you are calling.

- Notices for public meetings **other than Election Meetings or Establishment Meetings** must meet all of the following requirements must be posted at least one (1) week in advance of any public meeting, other than Establishment Meetings or Election Meetings (*NSBA, Section 17*),
 - must be posted in at least six (6) conspicuous places in the Board area (*NSBA, Section 17*),
 - must be posted at least one (1) week in advance of a public meeting (*NSBA, Section 17*),
 - must include:
 - location of the meeting,
 - date of the meeting,
 - time of the meeting,
 - purpose of the meeting, and
 - the signature of the Secretary or the person or persons calling the meeting. (*NSBA, Section 17*).

For information on notices of Establishment Meetings, please see the section above entitled ‘Establishment of an LSB’. For information on notices of Election Meetings, please see the section below entitled ‘Election Meeting’.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Quorum for All Meetings:

Quorum is defined as a majority of the Board Members (*NSBA, Sub-Section 10(1)*).

By-laws:

- Unless a vote of Inhabitants is conducted, all decisions by the Board are done under “By-law”.
- All by-laws should be signed either by the Secretary and one (1) Board member or two (2) Board members with signing authority. (*NSBA Section 12(2)*)
- All by-laws of the Board shall be under seal (*NSBA, Sub-Section 12(1)*).
- All by-laws passed or repealed by the Board shall be referenced in the Minutes of the Board meeting at which the by-law was approved by the Board
- By-laws should be listed one (1) to a page, numbered and filed in order, separately from any other records, and preferably in a three ring binder for easy reference. (example: #1-2010-means the first by-law passed in 2010)
- Where a by-law is changed or repealed, then a notation to that effect should be recorded and a by-law would need to be passed that amends or repeals the original by-law.
- It is further defined in *NSBA Section 10 (2)* “The concurrent vote of the majority of the whole number of Board Members is necessary to pass any by-law or approve any measure” What this means is for any by-law or measure to carry, a majority of all Board Members must approve it.
 - Example: Where a Board has five (5) Board Members, then for a by-law or measure to pass, regardless of the number of Board Members voting, a minimum of three (3) Board Members must vote in favour of the by-law or measure. If at least three (3) Board Members do not vote in favour, the by-law or measure is defeated. If only four (4) of the five (5) Board Members vote on a by-law or measure, then three (3) must be in favour; if only three (3) of the five (5) Board Members vote, then all three (3) must be in favour.

Eligibility to Vote:

- Inhabitants are eligible to vote at the Election meeting, where they would vote on candidates for the Board positions.
- They are also eligible (have a right and obligation) to vote at the Estimates (Budget Meeting) when the LSB uses the levy method to collect funds for provided services.
- When the LSB uses the fee method to collect funds, voting by inhabitants on changes to the fees is not required. Although Inhabitant input is considered, the Board members are authorized to approve the fees. The Board may however choose to provide inhabitants with a vote.
- In all other situations, although input is taken into consideration, voting on by-laws is restricted to Board Members only.
- In order to vote, an individual must be able to prove they qualify as an Inhabitant.
- Any Inhabitant is eligible to be elected as a Board Member (*NSBA, Sub-Section 19(6)*).
 - Where an Inhabitant’s eligibility to vote is challenged by any other individual, it is the responsibility of the Board to determine the eligibility of the Inhabitant to vote or be elected as a member of the Board.
 - Where that eligibility is challenged, the Chair of the Meeting must require the individual being challenged to swear an affidavit in English or French before the Chair. Once the affidavit has been sworn then the individual is able to vote or seek office. The *NSBA, Form 2* provides the format for the affidavit (*NSBA, Section 20*).

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Conflict of Interest:

- The NSBA does not include a strict code or specific requirements for conflict of interest.
- Boards are encouraged to develop a “Conflict of Interest” policy.
- It is not MNDM’s role to determine when a conflict of interest situation arises, rather a clearly defined policy, developed by the Board would ensure transparency in issues where a conflict, real or perceived exists.

Minutes of Meetings:

- The Secretary is responsible for the recording of minutes of all meetings other than the Establishment meeting where the appointed Recording Secretary is responsible (*NSBA, Subsection 14(4)(b)*)
- Minutes are required to be posted in at least six (6) conspicuous places in the Board Area
- In order to facilitate reference to actions or decisions taken at meetings, minutes should be filed in systematic order. For ease of access to review or copy minutes, it is suggested that they be filed in a three ring binder in date order.

Election Meeting:

The Election Meeting is for the purpose of electing a Board for the upcoming LSB Fiscal Year.

Timing:

- The Board must call an Election Meeting each year to take place between the 1st day of August and the 30th day of September (*NSBA, Sub-Section 19(1)*).
- If the Board has not called an Election Meeting before September 10, then the Secretary is responsible to call the meeting (*NSBA, Sub-Section 19(4)*).
- If both the Board and the Secretary fail to call the Election Meeting by September 15, then any ten (10) Inhabitants may call a meeting (*NSBA, Sub-Section 19(5)*).

Notice:

- The Secretary is responsible for posting the Notice of the Election Meeting where the meeting is called by the Secretary or by the Board (*NSBA, Sub-Section 19(2)*).
- The notice must include:
 - the date of the Election Meeting,
 - the location of the Election Meeting, and
 - the time of the Election Meeting (*NSBA, Sub-Section 19(2)*).
- The notice must be posted in at least six (6) conspicuous places in the Board area at least two (2) weeks before the election meeting (*NSBA Section 19 (2)*).
- The Secretary must send a copy of the Notice to the Minister by registered mail (*NSBA, Sub-Section 19(2)*).

Items to consider when setting the date and location for a meeting

- If there are cottagers in the area, is the meeting date at a time when it would be convenient for them to attend
- If the area is remote or large would it be a good idea to post the meeting notices in more locations than the required six (6) conspicuous places or to use additional means such as radio, newspapers, email lists etc., to ensure every effort is made to advise inhabitants.
- Is the chosen location large enough to handle the anticipated number of inhabitants that would attend.
- Is there sufficient parking for inhabitants driving to the meeting location.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Voting process:

Where the Election Meeting has been called by:

- (a) the Board, the Chair of the Board acts as Chair of the Election Meeting (*NSBA, Sub-Section 19(3)*),
 - (b) the Secretary, the Secretary will act as Chair of the Election Meeting, even if the Chair of the Board attends the meeting (*NSBA, Sub-Section 19(4)*), or
 - (c) the Inhabitants, the Inhabitants may appoint one (1) of their number to act as Chair of the Election Meeting who will act as Chair even if the Chair of the Board attends the meeting (*NSBA, Sub-Section 19(5)*)
- Voting for the election of Board Members to the Board must be done by secret ballot. The Board determines all other matters related to all Election Meetings other than the first Election Meeting, procedures for which are set out in the regulation establishing the LSB. (*NSBA, Sub-Sections 19(7) & (8)*).

Items that can be considered when determining the method of voting:

- What supporting documentation will be required to prove eligibility to vote? (ex: proof of residency within the proposed area, proof of property ownership within the proposed area, proof of age and Canadian citizenship)
- How will voters be registered (ex: sign in sheet)
- Voting is by secret ballot, are voting stations set up so as to ensure privacy.
- Who will count the votes and who will observe the vote counters?

Eligibility:

- In order to vote, an individual must be able to prove they qualify as an Inhabitant.
- Any Inhabitant is eligible to be elected as a Board Member (*NSBA, Sub-Section 19(6)*).
- Where an Inhabitant's eligibility to vote is challenged by any other individual, it is the responsibility of the Board to determine the eligibility of the Inhabitant to vote or be elected as a member of the Board.
- Where that eligibility is challenged, the chair of the Election Meeting must require the individual being challenged to swear an affidavit in English or French before the Chair. Once the affidavit has been sworn then the individual is able to vote or seek office. The *NSBA, Form 2* provides the format for the affidavit (*NSBA, Section 20*).

First meeting of the newly elected Board:

- The new Board is required to conduct its first meeting following the Election Meeting (the "**First Meeting**") no later than October 10 (*NSBA, Section 21*).
- The Board must elect a Chair at the First Meeting. The Chair must be a Board Member (*NSBA, Section 21*).
- The election of the Chair is done by the new Board and not the public at large (*NSBA, Section 21*).
- The Board will also appoint a Secretary for the upcoming fiscal year.
- Although not a requirement of the Act, for expediency, it has been the practice of some LSBs to hold the First Meeting immediately following the Election Meeting, while all of the newly elected members are present in order to elect their Chair. This practice enables the Board to begin work as a Board on October 1 without any delays. Where the Board opts to do this, then notice is required to be posted as outlined in *NSBA Section 17*.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Budget Meeting:

- The *Act* requires that the Board prepare annual estimates (*NSBA, Section 23*).
- The estimates (budget) need to be presented to the Inhabitants for discussion at a meeting called for that purpose. (*NSBA Section 16*).

Notice for Budget Meeting:

- Notices for budget meetings must meet all of the following requirements:
 - must be posted at least one (1) week in advance (*NSBA, Section 17*),
 - must be posted in at least six (6) conspicuous places in the Board area (*NSBA, Section 17*),
 - must include:
 - location of the meeting,
 - date of the meeting,
 - time of the meeting,
 - purpose of the meeting, and
 - the signature of the Secretary or the person or persons calling the meeting. (*NSBA, Section 17*).

Process for Budget Meeting:

- The estimates should forecast the amount needed in the current Fiscal Year by the Board for the operating and capital expenditures. (*NSBA Sub-Section 23(1)*)
- When calculating estimates, any surplus from the previous year available in the current year or deficit from the previous year and debts owed to the Crown in the current year must be taken into consideration. (*NSBA Sub-Section 23(2)*).
- The estimates will set out the amounts to be raised, the manner in which they are raised and the rate or rates which the Board proposes to levy inhabitants or the fee to be charged for services. *NSBA Section 23(3)*
- The estimates (budget) need to be adopted before the 1st day of December (*NSBA, Sub-Section 23(1)*).
- Refer to the section on 'Budget Processes' and 'Levy and Fees' in this Guide for further details on the Annual Estimates.

LEGAL MATTERS:

Security for Secretary:

- Because the Secretary handles the financials for an LSB, before the Secretary is permitted to fulfill his or her duties, the Secretary must provide security in a form and on terms approved by the Minister for the faithful performance of his or her duties and for duly accounting for and paying over all money that passes through his or her hands (the "**Security**") (*NSBA, Sub-Section 14(2)*).
- The Security should be for an amount equal to the anticipated revenues for the year plus any accumulated revenues.
- The premium in respect of the Security is paid for by the LSB and the Ministry considers this premium to be an eligible operating expense (*NSBA, Sub-Section 14 (3)*).
- The LSB may want to consult a relevant professional such as their insurance provider or financial advisor to assist with the purchase of an appropriate security instrument that will meet the requirements.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Cheque signing practices:

- The *NSBA Sub-Section 12(2)* requires the Board to pass a by-law authorizing two (2) people to be signing officers on behalf of the Board, one (1) of which would be the secretary and one (1) or more Board Members.

Policies of the Board:

- The content of any policies developed by the Board is at the discretion of the Board (so long as the Board is in compliance with the *NSBA*).
- Any policy developed by the Board must be adopted by a by-law of the Board passed at a Public Meeting. MNDM encourages the Board to allow public discussion in respect of a policy in advance of adopting it.
- The Board is permitted to amend any policy by by-law as it sees fit.
- The implementation and enforcement of any policies of the Board is the responsibility of the Board. There is no provision in the *NSBA* for MNDM to enforce policies of the Board.
- Although there are not constraints on the policies a Board would develop, two (2) of the most common policies a Board should consider developing and adopting are procedural and procurement policies.
- **Procedural Policies** – In order for meetings to proceed in an orderly fashion, it may be beneficial for a Board to develop procedural policies. These policies could, among other things, govern the conduct of meetings, including the conduct of voting and of public discussions.
- **Procurement Policies** – To ensure transparency in the purchase of goods or services, LSBs are encouraged to develop and adopt procurement policies which would govern the purchase of goods and services.

Insurance:

- LSBs are required to contract for insurance against risks that may involve pecuniary loss or liability on the part of the Board (*NSBA, Sub-Section 7(5)*).
 - The insurance requirement is applicable to all LSBs regardless of whether they receive operational grant funding from MNDM or not.
- The Board must pass a by-law to contract for this insurance, and must provide for the premiums for the insurance (*NSBA, Sub-Section 7(5)*).
- The *NSBA Section 7(6)* states that “*No action shall be brought against a Board or any member of a Board for damage caused by any failure by the Board to exercise any of its power or to provide any service*” The liability protection stated here deals with only the failure of the Board to exercise any of its Powers or provide a service. It is not a broad scope liability protection for everything the Board or its Board Members might do or omit to do, which is why the requirement in *Sub-Section 7(5)* exists.
- Where the LSB has a procurement policy in place then they would follow the terms of that policy in purchasing insurance.
- Once an insurance provider is located, then a by-law is passed authorizing the LSB to enter into a contract for coverage.

NOTE: The insurance requirements listed below are a sample only and may not be current. LSBs who receive funding from MNDM must check their funding agreements, and LSBs who do not receive grant funding must contact their local NDO or NDA to confirm the most current minimum insurance requirements.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

- As a reference point, the requirements for insurance on the date of publication of this Guide are: commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than two (2) million dollars (\$2,000,000) per occurrence. The policy shall include the following:
 - (a) the Indemnified Parties as additional insured with respect to liability arising in the course of performance of the LSB's obligations under, or otherwise in connection with, the Agreement;
 - (b) a cross-liability clause;
 - (c) contractual liability coverage; and
 - (d) a thirty (30) day written notice of cancellation, termination or material change.

Contracts:

- In the delivery of their Powers, LSBs may by by-law:
 - Deliver the Power itself, or
 - Contract with a third party for the delivery of the Power.
- Where the LSBs chooses to contract for services, then it is advisable for them to develop a contract with the provider that includes without limitation consideration of the following:
 - The service to be delivered,
 - The location or area to receive the service,
 - The term of the contract,
 - The cost of the contract, and
 - All other items the LSB deems necessary.
- As contracts are legal agreements between parties for goods and/or services, MNDM does not supply advice on the content or form of a contract, nor is MNDM a party to those contracts.
- The LSB is encouraged to seek legal advice in respect of a proposed contract prior to entering into a proposed contract.

Contracts and Section 28 of the NSBA:

- Where a contract involves payment, that payment is considered a debt. A Board cannot incur a debt, the payment of which is not provided for, in the current Fiscal Year's estimates. Therefore all contracts other than the exceptions noted in *Section 28* of the *NSBA* should be for the period of October 1 until September 30 of the next year or any term in that date range.
- Please see the below discussion under the heading "Debt" for details of the exceptions noted at Section 28 of the *NSBA*, and other relevant information related to the application of *Section 28*.

Debt:

- A Board may incur a debt, but cannot incur a debt where the payment of that debt is not provided for in the estimates for the current Fiscal Year (*NSBA, Section 28*).
- The following are exceptions to the above:
 - If the debt is to "the Crown in right of Ontario" which means that the debt is owed to the Crown (Province of Ontario), or
 - If the purpose and amount of the debt has been approved by a majority vote of the Inhabitants present at a meeting called for that purpose and also approved by the Minister.
- Where an LSB is contemplating incurring debt under any condition, they are encouraged first to contact their local NDO/NDA to ensure compliance to *Section 28* and for guidance on the process.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

MNDM Funding to LSBs:

- The *NSBA Section 24(1)* allows for the payment of an operational grant to LSBs by the Minister.
- Funding received under this program can only be used for Eligible Operating Expenses, (as defined in the Bookkeeping section below) in the delivery of approved Powers (refer to the section under "Revenues and Expenses").
- Funding under this program is normally paid out in two (2) instalments. (Refer to 1st and 2nd advances sections for details on payments.)

Funding Agreements:

- Under the Government's "Transfer Payment Accountability Directive" ("TPAD"), prior to receiving funds a recipient must enter into a Funding Agreement with the Province.
- LSB grant payments from MNDM are subject to TPAD; therefore, LSBs must enter into a Funding Agreement with MNDM prior to funds being released.
- LSBs will receive a Funding Agreement, in triplicate, during the month of October, from their local NDO/NDA outlining among other things the Powers of the Board, the term of the Agreement and terms and conditions for funding. After reviewing, the signing officers for the Board sign all three (3) copies and return them to the NDO/NDA who will arrange for a signature on behalf of MNDM. One (1) copy will be returned to the LSB for their files.

FINANCIAL:

Budget Process:

- Refer to 'Budget Meeting' in Meetings section of this Guide for *NSBA* requirements on Budget meetings.
- MNDM will supply an excel workbook to all LSBs to facilitate the completion of the estimates (budget) along with an instruction booklet on how to input information into the workbook. This workbook will be used to submit the budget. The excel workbook will also be used as the request for advances from the grant allocation.
 - Refer to the sections "Eligible/Ineligible Expenses by power" and "Eligible and Ineligible Revenues" for information on eligible revenues and expenses.
- All LSBs are required to submit estimates (an operating budget) to MNDM each LSB Fiscal Year.
- The Secretary must send a copy of the estimates (budget) of the Board accompanied by the by-law adopting the estimates to the Minister before the 10th of December. These can be submitted to the NDO/NDA.
- The by-law adopting the estimates will authorize the Ministry of Finance to collect the levies on behalf of the LSB, and include the approved rates by property (Methodology 3) for the current fiscal year. It is not to include the grand total in the by-law.
- Since the yearly tax roll is only sent out after the fact, and the OPTA is only open subsequent to the tax roll release, the LSB will:
 - Do their usual entries in OPTA in January or February;
 - Obtain from the OPTA summary table the total amount of PLT to be collected – generated by the system;
 - Forward an email to the Ministry of Finance confirming the total amount (must match the amount on OPTA) to be collected on behalf of the LSB by no later than February 25 (Joanne.Liang@ontario.ca).

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Levy and Fees:

- Where in the exercise of its Powers, a LSB provides a service; LSBs have the authority to charge a levy or a fee to Inhabitants in order to raise sufficient funds for their purposes.
- The amount charged, the purpose for which it is charged, and the area where it will be charged is determined when the LSB is structuring its estimates (budgets) for the coming year. Please note any levy to be added or changed must be approved through a vote of the inhabitants during a public meeting. The Board could, but is not required, to put any proposed fee to be added or changed to a vote of the inhabitants. In either case, the annual budget is voted on by the Board after discussion with the inhabitants.
- The *NSBA Section 7 (2) (b)* states that an LSB can only charge a levy or a fee where the LSB delivers a service in the exercise of its Powers.
- **A LSB cannot charge a levy or a fee in any part of the Board area where the service is not being provided (*NSBA, Sub-Section 7(2)*).**
 - This needs to be taken into consideration when developing the estimates (budget) for the LSB.
 - What this means is where the LSB is not providing the service to a particular Inhabitant (i.e. by providing different services or levels of services to different parts of the Board area, then the levy or fee cannot be charged. Where the Board provides a service to an Inhabitant, but the Inhabitant chooses not to access that service, the levy or fee still applies to that Inhabitant.
 - A LSB cannot apply a levy or a fee to a vacant property unless that property is receiving a service. Vacant land would not benefit from certain services and therefore cannot be charged a levy or a fee for them.

Method of Collection for Levy/Fees:

- LSBs have two (2) options available to them for the collection of levy/fee:
 - **Direct Billing:**

Direct billing allows the LSB to conduct their own billing. This includes producing the bills, mailing them to their ratepayers and collecting payment. By opting for Direct Billing, Boards are entering a labour intensive process that requires them to wait to receive payment from ratepayers and leaves them with the responsibility to collect any arrears owing to the LSB.
 - **PLT Consolidated Billing:**

The PLT Consolidated Billing offers Boards the opportunity to opt-in to a consolidated PLT that will include the Provincial Land Tax, Education Property Tax, Local Roads Board Tax and Local Service Board Levy or Fees. Billing will be done by the Ministry of Finance thus eliminating the need for LSBs to bill their ratepayers directly. The Consolidated Billing option also guarantees the LSB will receive the amounts billed as opposed to collected. All post January 1, 2009 arrears will be collected by the Ministry of Finance, Audit Branch, Land and Resource Taxes Sector. Because Boards are being paid amounts billed instead of collected, arrears collected by the Ministry of Finance will not be passed on to the LSB. LSBs are encouraged to consider this option for collecting their levy/fees as it removes the billing and collection process from the LSB. Tracking and collecting of all pre-January 1, 2009 arrears will remain the responsibility of the Board as there is no legislative authority for the Province to collect them. We should indicate here that LSBs that utilized the PLT collection method prior to the January 1, 2009 date and experienced arrears are not eligible to initiate collection action for arrears. The Ministry of Finance maintains this responsibility.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Allowable uses for Levies or Fees collected:

Levies or fees are collected to assist in paying the costs associated with the delivery of services in the exercise of the Board's Powers.

Levies or fees can only be used for the delivery of services in accordance with a Board's approved Powers.

Any other use is prohibited.

Using the Provincial Land Tax billing method:

- In order to assist LSBs in calculating their levy/fee, the Ministry of Finance has made available to all LSBs a tool to assist them in that process. The tool named "OPTA (Online Property Tax Analysis)" enables LSBs to develop scenarios for determining a method to collect as well as amounts that would be charged to inhabitants.
- OPTA has three (3) Methods of collection available to LSBs:
 - Method 1 – used when the LSB wants to charge the same amount of fee for every property. This method divides the total revenue to be collected equally to all properties in the LSB area.
 - Method 2 – provides some flexibility for the LSB to charge different fees for the same service for year-round/seasonal/vacant properties. If the LSB uses Method 2 and charges the same fee for all types of properties, the result would be the same as Method 1.
 - Method 3 – the LSB can levy a tax based on a property's value. The LSB tax is calculated by multiplying the tax rate times the assessed value of the property. LSBs have the option of imposing a minimum tax in this situation.
- Note - If an LSB decides to change Methods (i.e.: change from a fee to a levy), the Ministry of Finance should be informed as soon as possible so that they may prescribe a tax ratio for the LSB through Regulation.
- In order to use the PLT system to collect a levy or a fee, the LSB is required to provide the Ministry of Finance with a By-law authorizing them to bill and collect on their behalf before December 31 of the previous year. The By-law should contain the following:
 - Name of LSB
 - Total amount to be collected
 - The year in which it applies
 - Method of calculation (which of the three (3) options will the LSB choose)
 - Example: "The LSB of XXXX authorizes the Ministry of Finance to collect levy/fee calculated using Methodology (1 or 2) in the OPTA system, on their behalf for a total amount of \$XX.XX . Dated, signed and sealed by the LSB.
 - In keeping with the dates in the NSBA, Section 23 for the finalizing of estimates, the LSB should submit their by-law to the Ministry of Finance no later than December 10.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

MNDM Grant Program Payment Process:

1st Advance Request:

- At the same time as submitting the annual estimates (budget) to MNDM, LSBs eligible for the Operating Grant Program will also request their 1st Advance of 50% of the eligible grant total.
- Prior to requesting the advance, LSBs must have signed and submitted their Funding Agreements to MNDM. **No advances can be processed until the agreement is signed by both the LSB and MNDM.**
- The 1st Request for Payment will include the following items:
 - The Annual Budget Estimates (Excel Budget Workbook) and 1st Request for Payment form
 - Completed Schedule “D”.
 - By-laws supporting all service contracts entered into by the LSB;
 - Note - bylaws should state the ***parties to the contract***, the ***term of the contract***, the ***amount***. (Where a contract term will exceed the current LSB Fiscal Year, it is advisable for the LSB to submit a draft of the contract to MNDM for review to ensure compliance with *Section 28 of the NSBA* prior to entering into the agreement). MNDM reserves the right to request a full copy of all contracts for further review.
 - By-law approving the Annual Budget Estimates and 1st Request for Payment from MNDM.
 - By-law approving the PLT levies/fees (if applicable) (refer to ‘levies/fees’ section in this Guide).
 - By-law approving the insurance, insurance certificate and security bond for the Secretary (ensure MNDM is listed as additional insured) as outlined in the Funding Agreement.
 - By-law approving any Service Contracts (if applicable)
 - A copy of the meeting notice and minutes of the meeting of inhabitants approving the PLT levies/fees (***only required if the PLT levies/fees have changed from the previous fiscal year***).
 - Copies of the Insurance, Insurance Certificate and Security Bond for the Secretary.
- Where a LSB does not meet the **December 10th** deadline as outlined in the *NSBA Section 23(5)* **MNDM cannot confirm that the grant request will be honoured as that would depend on the availability of funds remaining in the program after that date.**

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2nd Advance Request

- The 2nd Request for Payment will include the following;
 - Interim Budget Report (Excel Budget Workbook) and the 2nd Request for Payment form.
 - Completed Schedule “D”.
 - By-laws approving the Interim Budget Report and 2nd Request for Payment from MNDM.
 - By-law approving the insurance, insurance certificate and security bond for the Secretary (**only required if entered into since the 1st Request for Payment**) (Note – ensure MNDM is included as additional insured) as outlined in the Funding Agreement.
 - By-law approving any service contracts (**only if entered into since the 1st Request for Payment**) (MNDM reserves the right to request a full copy of any contracts. Where a contract term is beyond the current LSB fiscal year, then it is advisable for the LSB to submit a draft of the contract to MNDM to ensure it complies with Section 28 of the NSBA).
 - By-law approving the Audited Financial Statements.
 - Copy of the complete Audited Financial Statements (**signed by two (2) officers of the LSB**) and report supplied by the Auditor (for the previous fiscal year).
 - Copies of the insurance, insurance certificate and security bond for the secretary (**only if entered into since the 1st Request for Payment**) (Note – ensure MNDM is included as additional insured) as outlined in the Funding Agreement.

- Where a LSB does not meet the June 10 deadline as outlined in the *LSB Funding Agreement* then **MNDM cannot confirm that the grant request will be honoured as that would depend on the availability of funds remaining in the program after that date.**

Revenues and Expenses:

- For the purposes of determining whether a LSB meets the criteria for the MNDM operating grant program, revenues and expenses are broken down into both Eligible and Ineligible categories.
- Only Eligible items can be considered when determining whether an LSB has met the requirements to receive the operating grant.

Eligible Revenues:

- Revenues considered eligible for operating grant purposes, must be derived from the community, from items such as;
 - Net proceeds of community fund raising events
 - User fees
 - Levy imposed under the Provincial Land Tax

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Ineligible Revenues:

- Revenues considered ineligible for operating grant purposes, include the following:
 - In kind donations, such as voluntary labour or materials
 - Proceeds from the sale of assets.
 - Rental of facilities other than on a per event basis, that takes away from community use.
 - Grants or monies received from government sources, and interest earned on those funds including the MNM annual LSB operating grant
 - Bequests and legacies
 - While other revenues or “in-kind” contributions can be considered eligible for capital projects, they are not eligible for operating purposes.

Eligible Expenses

For those LSBs that access the MNM grant program, the following expenses classed as eligible are taken into consideration when calculating grant eligibility. Any expenses not listed will be reviewed on a case by case basis.

For all LSBs, the following expenses classed as eligible should be taken into consideration when determining acceptable expenditures in the delivery of services under approved powers where revenues from levies/fees are to be allocated

Eligible Expenses:

- Eligible expenses are those costs incurred in the day to day operation and maintenance of approved services for which the LSB has powers.
- In general, expenses consist of those items where the benefits are realized during the year which the cost is incurred.

Repairs and Maintenance:

- Repairs, replacement parts or restoration of units, plants, buildings etc., in order to return to normal working efficiency or to extend the useful life of the asset. Does not include the replacement or renewals that alter the original use of the asset (improvement of the asset) these would be considered as a capital expenditure.
- Maintenance means the cost of keeping a property or asset (equipment) in efficient working condition. Enhancements that go beyond maintenance and add value would be considered a capital expense.
- Repairs and Maintenance will be allowed as eligible operating expenses on the following basis:
 - The Ministry may require a detailed breakdown of this budget item
 - Any repair or maintenance over \$1,000.00 that was not included in the annual budget will require the prior written approval of the Ministry. Please forward any requests to your local NDO/NDA
 - Prior to including these items in the MNM grant allocation, funding from other government sources (only if available) must be sought and used first.
- Repairs and Maintenance of equipment will be allowed as an operating expense on the following basis:
 - The Ministry may require a detailed breakdown of this budget item
 - Any repair or maintenance of \$500.00 that was not included in the annual budget will require the prior written approval of the Ministry. Please forward any requests to your local NDO/NDA.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Fixed Assets:

- The MNDM grant program will not fund the purchase or lease of fixed assets, other than as listed below:
 - Minor asset items less than \$3,000.00 once per year are eligible to be included in the LSB estimates (budget) as eligible expenses. These are to be listed in the section titled “Other” with a clear description of the item. Excluded from this are firefighting and communications equipment.
 - Capital leases may be considered an eligible expense, in extraordinary circumstances, with the prior written approval of the Ministry.
 - MNDM may disallow any planned expenses which are either beyond the scope of the LSB Program or is considered inconsistent with the LSB program objectives.

Acquisition of Land:

- The *NSBA Section 8* allows for a Board to acquire land in the situation where that land is necessary in the exercise of its powers (delivery of services).
- Land can be acquired by purchase or lease.
- Land no longer of use to the Board can be disposed of.

Disposition of Assets (including land):

- Where funding from MNDM was used (MNDM operating grant) in the purchase of an asset or land, Ministry approval must be obtained prior to disposing of it.
- Although not a requirement of the NSBA, to ensure a transparent process is used in the disposition of an asset or land, it is recommended that the LSB Board adopt a policy on the process to be followed when disposing of the asset or land. Items to consider when developing a policy:
 - Where the asset is useful (such as surplus fire equipment) LSBs may want to consider requesting bids be submitted.
 - Similar to a procurement policy, determine a method to dispose of assets based on their value at the time of disposition i.e.: advertise for sale or request bids, etc.

Eligible, Ineligible Expenses by Power:

- The following section describe eligible and ineligible expenses for each LSB Power and LSB administration costs:

LSB Administration:

Eligible Expenses:

- Utilities (heat, electricity, telephone, internet, water, sewer).
- Insurance (including the security bond for the secretary).
- Office expenses (office supplies including photocopying, faxing, advertising, newsletter – only if not used for the purposes of fundraising).
- Honorarium paid to Secretary.
- Rental costs associated with LSB board office/meeting room.
- Audit expenses for preparation of Audit for all Board operations.
- Bank charges (service charges and interest costs on temporary borrowing where borrowing does not contravene *NSBA Section 28*).
- Legal fees incurred in the collection of revenues.
- Dues, fees and permits relating to the delivery of approved powers (services).
- Repairs and maintenance (refer to Repairs and Maintenance section for eligible expenditures).
- Mileage costs incurred for LSB administration purposes only.
- Other items that are subject to MNDM approval (ex: minor assets under \$3,000.00)

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Ineligible Expenses:

- Legal fees for the purchase or sale of property (land and capital assets other than items under \$3,000.00).
- Write off of bad debts (uncollectible fees and levies).

Fire Protection:

Eligible Expenses:

- Utilities (heat, electricity, telephone, internet, water and sewer).
- Communications (operation of a call system, lease of pagers once approved by MNM as per capital assets under \$3,000.00).
- Insurance (community owned vehicles, fire hall, liability insurance where required).
- Office supplies
- Training and fire fighting supplies, consumable within the current year (can include video tapes, membership fees, subscription related to the service and mutual aid dues).
- Repairs and maintenance of vehicles (fuel, oil, license fees, repairs on community owned vehicles).
- Repairs and maintenance for all community owned fire equipment
- Repairs and maintenance of property (includes repairs and maintenance of the fire hall as well as snow removal costs).
- Where the LSB contracts to an independent fire department for fire protection services, the cost of that contract is considered eligible
- Other items that are subject to MNM approval (ex: minor assets under \$3,000.00)

Ineligible Expenses:

- Capital purchases and related expenses other than minor assets under \$3,000.00.
- Honorariums paid to Volunteer Fire Fighters

Recreation:

- Services considered as recreational include: Community Hall, Parks, Playgrounds, Ice Rink, Beach, Curling Rink (if not privately owned), Swimming Pool, Playing Fields, Community Docks or Wharf.

Eligible Expenses:

- Heat, electricity, telephone, internet, water, sewer
- Insurance (including liability) on recreational facilities
- Office and recreational supplies
- Repairs and maintenance of equipment/property (includes snow removal and up keeping of landscaping)
- Programs (as defined by the Ministries of Culture, Recreation and Health Promotion)
- Where the LSB contracts to an independent provider for recreation services, the cost of that contract is considered eligible.
- Other items that are subject to MNM approval (ex: minor assets under \$3,000.00)

Ineligible Expenses:

- Fundraising Expenses
- Capital purchases and related expenses other than minor assets under \$3,000.00.

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Water Supply:

Eligible Expenses:

- Heat, electricity, telephone, internet, water, sewer
- Insurance
- Materials and supplies (chemicals and materials needed in the day-to-day operation of the water system, office supplies)
- Repairs and maintenance of the system (distribution system)
- Repairs and maintenance of the property (building repairs and maintenance, snow removal)
- Where the LSB contracts to an independent provider for water supply or to an operator for their water distribution system, the cost of that contract would be considered an eligible expense.
- Other items that are subject to MNDM approval (ex: minor assets under \$3,000.00)

Ineligible Expenses:

- Capital purchases and related expenses other than minor assets under \$3,000.00
- Direct financial assistance to owners of private systems is not considered an eligible expense.

Sewage:

Eligible Expenses:

- Heat, electricity, telephone, internet, water, sewer
- Insurance
- Repairs and maintenance of equipment (does not include equipment that is part of the collection system)
- Repairs and maintenance of the collection/disposal system
- Repairs and maintenance of property
- Where the LSB contracts to an independent contractor or company for the collection and disposal of sewage as per the Ministry of the Environment regulations, those costs would be considered as an eligible expense
- Other items that are subject to MNDM approval (ex: minor assets under \$3,000.00)

Ineligible Expenses:

- Capital purchases and related expenses other than minor assets under \$3,000.00
- Direct financial assistance to owners of private systems is not considered an eligible expense

Garbage Collection:

Eligible Expenses:

- Insurance
- Repairs and maintenance of equipment
- Repairs and operating cost of a garbage truck
- Where the LSB contracts to an independent contractor for the collection, removal and disposal of garbage, those costs would be considered as an eligible expense
- Costs associated with the operation of a transfer station for the collection of garbage as long as the LSB contracts for the disposal of the garbage by an independent contractor.
- Other items that are subject to MNDM approval (ex: minor assets under \$3,000.00)

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Ineligible Expenses:

- Costs associated with the operation of a landfill site or the disposal of garbage by the LSB would not be considered as eligible as a LSB is not authorized under the power of Garbage to carry out these activities.
- Capital purchases and related expenses other than minor assets under \$3,000.00

Street or Area Lighting:

Eligible Expenses:

- Electricity
- Repairs and maintenance of equipment
- Contracted services
- Other items that are subject to MNDM approval (ex: minor assets under \$3,000.00)

Ineligible Expenses:

- Capital purchases and related expenses other than minor assets under \$3,000.00

Roads:

Eligible Expenses:

- Contracted services (road maintenance, includes administration costs)
- Insurance (third party liability)
- Office expenses (supplies, telephone, etc)
- Summer Maintenance
 - Dragging/grading
 - Patching/mulch
 - Dust laying
 - Rock work
 - Brush work
 - Ditching
 - Beaver dams
 - Signs (that meet MTO requirements)
 - Drainage/clearing
 - Gravelling
 - Roads patrol
 - Line painting
 - Culvert repairs
 - Pothole repairs on surface treated/paved roads
- Winter Maintenance
 - Snow clearing, plowing and removal
 - Snow ditching or draining control
 - Ice blading
 - Sanding
 - Salting
 - Culvert thawing
- Construction
 - Gravelling
 - Pit run gravel
 - Crushed gravel
 - Surface treatment
 - Road rehabilitation/realignments

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- Bridges and culvert replacement
- Road reconstruction
- New signs
- Other minor asset items, less than \$3,000 in cost

Ineligible Expenses:

- Sidewalks, new roads/entrances
- Street or area lighting (the LSB would need that power for costs associated with it)
- Any work performed on roads that are not part of the LSB roads system
- Capital purchases and related expenses.

Public Library Service:

Eligible Expenses/Costs:

- Operating costs (all costs that are reasonable and that are related to providing public library service)
- Minor assets under \$3,000.00

Ineligible Expenses:

- Capital purchases and related expenses

Emergency Telecommunications:

Eligible Expenses/Costs:

- 911 dispatch services

Bookkeeping and Recordkeeping:

Bookkeeping (financial tracking):

- LSBs are encouraged to consult an accounting professional regarding the most effective bookkeeping system/process to use.
- The following items should be taken into consideration in developing a bookkeeping process:
 - Must reflect Generally Accepted Accounting Principles (GAAP)
 - Should be set up in such a fashion to ensure easy transfer of information from the bookkeeping system to the financial reporting forms (excel budget document, that is submitted to MNM)
 - Either a manual or automated bookkeeping system is acceptable

Accounting Method:

- The Sample Journals provided in this Guide are designed primarily for a cash basis type of accounting. This however does not prevent the auditor from preparing the year-end-statements on the accrual basis.
- The LSB will make the final decision on what method of accounting it will use
- MNM encourages LSBs to consult with an accounting professional prior to making this decision.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

RECORDKEEPING:

Records Retention:

- All LSBs should adopt a By-law that clearly outlines their records retention policy. Where concern exists on the amount of time to retain records, the LSBs should consult legal counsel for assistance.
- MNDM recommends that LSBs should, at the minimum, adopt a By-law establishing the following ground rules for records retention:
 - It is recommended that financial records be maintained for a minimum of seven (7) years
 - Where financial records are specific to a government program (funding program), such as the Northern Ontario Heritage Fund Corporation (NOHFC), the records would be retained based on the conditions set out in the Funding Agreement.
 - Records should be filed in at least the following five (5) categories and maintained as follows:
 - 1) Minutes of Meeting – these records serve as the history of the organization and it is recommended that they be kept on file indefinitely or for the lifespan of the LSB plus an additional seven (7) years, in the event they need to be referenced at some later date.
 - 2) By-Laws – these records should be numbered and filed in order. When a by-law is changed or revoked, a notation should be placed on the original by-law and it should reference the By-law that effected the change. These should be maintained for the lifespan of the LSB, plus an additional seven (7) years.
 - 3) Correspondence – maintained for a minimum of seven (7) years
 - 4) Financial records – maintained for a minimum of seven (7) years
 - 5) Legal documents – Retention of these would be determined by what the document is for, but at the least seven (7) years

Audit Requirements:

- There are two (2) provisions in the *NSBA* for financial audits
 - *Subsection 29(1)* requires that an Audit be performed by a Public Accountant on an annual basis or more often as the Board requires
 - *Subsection 29(5)* states that the Minister may, at any time, cause the accounts and transactions of a Board to be audited.

Copy to MNDM:

- The Secretary must send a copy of the annual Audit report by registered mail to the Minister (*NSBA, Sub-Section 29(3)*).
- Delivery of the annual audit to the local NDO/NDA would satisfy this requirement.

Examination of Audit Report:

- The Board must conduct sufficient meetings to allow Inhabitants to participate in a discussion of the annual Audit report (*NSBA, Sub-Section 16(c)*).
- The Secretary must permit any Inhabitant at any reasonable time, to examine and copy the Audit report. Where an Inhabitant makes a request to view and/or copy the Audit report, then the Secretary should endeavour to make the Audit available within a reasonable and mutually agreed upon time (*NSBA, Sub-Section 29 (4)*).

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

MISCELLANEOUSE ITEMS:

Employees:

- The *NSBA* does not include a provision enabling an LSB to hire employees, nor does it state that the LSB cannot hire employees.
- The *NSBA* allows the Board to exercise its Powers and to do all things and make all arrangements necessary to provide, maintain and improve services in the Board area. Therefore, the Board would only be able to hire employees so long as such hiring is consistent with the exercise of the Board's Powers (*NSBA Sub-Section 7(1)*).
- For both liability and financial reasons, LSBs are encouraged to avoid hiring employees and instead contract for the services they provide consistent with their Powers so that the LSB is able to avoid incurring employment related costs including without limitation the following:
 - Canada Pension Plan (CPP)
 - Employment Insurance (EI)
 - Employer Health Tax

Voting by Seasonal Residents:

- An Inhabitant is a permanent resident of a Board area or an owner of property situated in a Board area, who is a Canadian citizen and who has attained the full age of eighteen (18) years (*NSBA, Section 1*).
- A tenant who is not a permanent resident but rather only occupies a rented property on a seasonal basis would not be considered an Inhabitant and therefore not be eligible to vote. (ex. maintains a permanent residence outside the board area, but rents a camp, cottage, trailer lot then these are not considered Inhabitants)
- Where an individual rents a property that is his or her permanent residence, while also spending part of the year away, then that individual(s) would be considered an Inhabitant and thus eligible to vote.
- The responsibility to confirm whether an individual meets the criteria of Inhabitant rests with the Chair of the Board.

Voting by Corporations:

- A corporation is a separate entity with a separate legal existence from that of its shareholders/owners. If the corporation is the owner of the land and has registered title in its name, then the individual shareholders/owners cannot meet the definition of an "owner" set out in Section 1 of the Northern Services Board Act (the Act). If the individual is not an owner of land within the proposed LSB area then the individual is not an "Inhabitant" under *Sub-Section 3(1)* of the Act and is not eligible to vote at a meeting held according to *Section 3* of the Act to establish a LSB.

Can a corporation be eligible to vote to establish a Local Services Board?:

- No. A corporation is not an inhabitant or proposed Inhabitant under the definition of Inhabitant in the *NSBA*.

Voting rights of joint owners:

- A person is considered an "Inhabitant" if the person owns property in a Board area.
- "Owner" means a person who is entitled to convey land, who has a defined interest in the land and whose name is specified in an instrument registered in the proper registry office.
- Therefore, if the property in question is located in the Board area, and the individuals in question meet the definition of "Owner", they are Inhabitants and are eligible to vote.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Agreements between LSB and OFM:

- Where a LSB delivers Fire Protection services directly by setting up its own volunteer fire department, then the LSB would enter into an agreement with the Ontario Fire Marshal's office (the "OFM") under Section 3 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 (the "FPPA").
- A LSB is not permitted to provide Fire Protection services beyond the LSBs defined geographic boundary.
- The LSB should contact the Fire Marshal's office to discuss this issue and for details,
- Where the LSB makes the decision to contract with an independent Fire Department for Fire Protection services, then the LSB would not enter into or sign an agreement with the OFM; rather that agreement would be between the OFM and the independent Fire Department. The LSB would, however, enter into an agreement with the independent Fire Department for Fire Protection services, ensuring that the agreement coincides with the LSB fiscal year and does not go beyond the one (1) year term.

Automatic and Mutual Aid Agreements:

- LSBs are not legally authorized to enter into mutual aid agreements that would require the LSB to provide services beyond its boundaries.
- LSBs are not legally authorized to enter into automatic aid agreements, as these are limited to municipalities pursuant to the *FPPA* and, in any event, would not be authorized under the *NSBA* to the extent that they would require providing services outside of the LSB boundaries.

First Response Teams:

- First response services are provided by volunteer First Response Teams, which were originally established under the Ministry of Health and Long-Term Care to provide first aid to persons in remote areas pending the arrival of an ambulance service.
- The *NSBA* does not permit the LSB itself, to provide first response itself or to contract for these services. The *NSBA* only allows for the delivery of fire suppression and fire protection activities and does not provide the LSB with the legal authority for medical or ambulance related services.

Transfer Stations (for garbage disposal):

- So long as the LSB does not dispose of the garbage itself, there are no legal impediments to the operation of a transfer station.

Landfill Sites:

- Under the *NSBA*, LSBs do not have the legislative authority to manage or own waste disposal sites nor to enter into maintenance agreements for waste disposal sites. LSBs are permitted to pass a By-law to do the following in respect of Garbage Collection:
 - (a) establish and maintain **its own system** for **only** the **collection and removal** of garbage, **OR**
 - (b) **contract** for the **collection, removal and disposal** of garbage.
- Therefore, LSBs cannot themselves:
 - own or manage a landfill site, **OR**
 - hold a Certificate of Approval for a landfill site.
- However, LSBs may enter into contracts with third parties who own or operate landfill sites for the collection, removal or disposal of waste.

Operation of a Dock:

- Operating a dock would be considered to be within the boundaries of the Power of Recreation.
- The LSB must ensure that they have adequate operational funding planned for in their estimates (budget) and also that insurance coverage is adequate to cover the additional risk involved with owning and operating the dock.

LOCAL SERVICES BOARDS GUIDE FOR INHABITANTS AND BOARD MEMBERS

Operation of a Marina:

- Under the Schedule to the *NSBA* at Paragraph 6, a Board with the Power of Recreation may by By-law do the following:
 - contract for the use of recreation facilities or participation in programs of recreation;
 - provide for the carrying out of programs of recreation; or
 - acquire, establish, construct, operate and maintain recreation facilities.
- The operation of a marina would fall within the meaning of a recreational facility.

Zoning By-Laws:

- LSBs do not have the authority under the *NSBA* to create or to enforce zoning By-laws.

Cemetery:

- LSBs are not authorized to provide cemetery services or to purchase or manage a cemetery.
- For inquiries on cemeteries in the unincorporated areas of Ontario, individuals should contact the Ministry of Culture. Refer the Ontario Government website for contact information.

Emergency Measures (Disaster Relief Program):

- There is no specific power to apply for emergency funding under the Disaster Relief Program. Further, there is no general power to do what is necessary in the event of an emergency. Therefore, from the perspective of the *NSBA*, LSBs do not have the power to apply for this Disaster Relief.
- Even if LSBs are not authorized to do this under their powers, the Disaster Relief Program allows individuals to make a request on behalf of their community.

**LOCAL SERVICES BOARDS
GUIDE FOR INHABITANTS AND BOARD MEMBERS**

APPENDICES

LSB Requests to Vary Powers (Additional Power(s))

| Name of LSB: | |
|---|----------|
| Power being requested; | |
| TASK | COMMENTS |
| Contact MNDM (local Northern Development Officer/Advisor) for guidance on the process to follow | |
| Plan and advertise sufficient information meetings to allow affected inhabitants the opportunity to inform themselves on the Power (Service) being requested, including financial implications | |
| Refer to the section “Request to Vary Powers” in the ‘Guide for Inhabitants and Board Members for the process to follow regarding timing and posting of meeting notices | |
| Ensure timing of information meetings and vote meetings are such as to include any seasonal inhabitants (cottagers) | |
| In advance of the vote meeting, procedures to follow need to be determined. Items to consider are <ul style="list-style-type: none"> • Registration of voters (proof of eligibility to vote) • Method of vote (show of hands or secret ballot) • Who will scrutinize the voting and count ballots • Ensure the question being asked is clear and understandable. Refer to the “Request to Vary Powers” section for suggested wording. | |
| After the vote meeting is held and if the results were in favour, then follow the instructions in the “Request to Vary Powers” section for next steps. | |
| If approved by the Minister of Northern Development and Mines then prior to implementing the service, the LSB must pass a By-law to undertake the activities as stated in the Regulation. | |

**LOCAL SERVICES BOARDS
GUIDE FOR INHABITANTS AND BOARD MEMBERS**

LSB Request to Dissolve

| | |
|--|-----------------|
| Name of LSB: | |
| Reason for request to Dissolve: | |
| TASK | COMMENTS |
| Contact MNDM (local Northern Development Officer/Advisor) for guidance on the process to follow | |
| Plan and advertise sufficient information meetings to allow affected inhabitants the opportunity to inform themselves on the reason for the desire to dissolve as well as the implications including the loss of existing services as the result. | |
| Refer to the section “Dissolution of an LSB” in the ‘Guide for Inhabitants and Board Members for the process to follow regarding timing and posting of meeting notices etc. | |
| Ensure timing of information meetings and vote meetings are such as to include any seasonal inhabitants (cottagers) | |
| In advance of the vote meeting, procedures to follow need to be determined. Items to consider are <ul style="list-style-type: none"> • Registration of Voters (proof of eligibility to vote) • Method of vote (show of hands or secret ballot) • Who will scrutinize the voting and count ballots • Ensure the question being asked is clear and understandable. Refer to the “Dissolution of an LSB” section for suggested wording. | |
| After the vote meeting is held and if the results were in favour, then follow the instructions in the “Dissolution of an LSB” section for next steps. | |
| If approved by the Minister of Northern Development and Mines then the Regulation issued will cover such items as disposition of assets (land, buildings, equipment, bank accounts, etc.) as well as outstanding creditors. | |

**LOCAL SERVICES BOARDS
GUIDE FOR INHABITANTS AND BOARD MEMBERS**

Request to Establish a Local Services Board

| Proposed name of LSB: | |
|---|----------|
| TASK | COMMENTS |
| Contact MNDM (local Northern Development Officer/Advisor) for guidance on the process to follow | |
| Ensure the proposed geographic Boundaries and requested powers (services) are clearly defined. | |
| Plan and advertise sufficient information meetings to allow affected inhabitants the opportunity to inform themselves on the Power (Service) being requested, including financial implications | |
| Refer to the section “Establishment of a LSB” in the ‘Guide for Inhabitants and Board Members for the process to follow regarding timing and posting of meeting notices | |
| Ensure timing of information meetings and vote meetings are such as to include any seasonal inhabitants (cottagers) | |
| In advance of the vote meeting, procedures to follow need to be determined. Items to consider are <ul style="list-style-type: none"> • Registration of voters (proof of eligibility to vote) • Method of vote (show of hands or secret ballot) • Who will scrutinize the voting and count ballots • Ensure the question being asked is clear and understandable. Refer to the “Request to Vary Powers” section for suggested wording. | |
| After the vote meeting is held and if the results were in favour, then follow the instructions in the “Establishment of a LSB” section for next steps. | |
| If approved by the Minister of Northern Development and Mines then follow the steps outlined in the Regulation for the first election meeting. | |

**LOCAL SERVICES BOARDS
GUIDE FOR INHABITANTS AND BOARD MEMBERS**

Local Services Board Request to Alter Boundaries

| Name of LSB: | |
|---|----------|
| TASK | COMMENTS |
| Contact MNDM (local Northern Development Officer/Advisor) for guidance on the process to follow | |
| Plan and advertise sufficient information meetings to allow affected inhabitants the opportunity to inform themselves on the proposed boundary alteration | |
| Refer to the section “Boundary Change Request” in the ‘Guide for Inhabitants and Board Members for the process to follow regarding timing and posting of meeting notices | |
| Ensure timing of information meetings and vote meetings are such as to include any seasonal inhabitants (cottagers) also where a Boundary expansion is proposed, ensure residents in that area are advised of the proposed change and meetings dates and places. | |
| In advance of the vote meeting, procedures to follow need to be determined. Items to consider are <ul style="list-style-type: none"> • Registration of voters (proof of eligibility to vote) • Method of vote (show of hands or secret ballot) • Who will scrutinize the voting and count ballots • Ensure the question being asked is clear and understandable. Refer to the “Boundary Change Request” section for suggested wording. • A separate vote must be held by residents in a proposed expansion area. | |
| After the vote meeting is held and if the results were in favour, then follow the instructions in the “Boundary Change Request” section for next steps. | |

**LOCAL SERVICES BOARDS
GUIDE FOR INHABITANTS AND BOARD MEMBERS**

Notice of Meeting Form 1 (Establishment of an LSB)

**FORM 1
NOTICE OF MEETING
(Subsection 3 (4))**

TAKE NOTICE that a meeting will be held to consider the desirability of establishing a

Local Services Board in the _____ area.

The proposed Board area to be considered at the meeting is
(describe boundaries of proposed Board Area)

or attach a drawing or map depicting the proposed Board area.

The meeting will take place:

at: _____
time

on: _____
day

in: _____
place

A vote will be held

Date of notice:

Signature of Person Calling the Meeting _____

**LOCAL SERVICES BOARDS
GUIDE FOR INHABITANTS AND BOARD MEMBERS**

Affidavit Eligibility to Vote (Form 2)

**AFFIDAVIT OF ELIGIBILITY TO VOTE
(Section 20)**

I _____ of
(Print Name)

_____ make oath and say as follows:

- 1 I am a Canadian Citizen;
- 2 I am the full age of eighteen (18) years;
- 3 I permanently reside at _____

In the Board area: (a brief description of the property's locations)

OR

If the person making the affidavit is not a permanent resident but owns property within the Board area

- 4 I am the owner of

(legal description, or if unavailable, a brief description of property's location)

Located in the Board Area.

And I believe that I am an inhabitant as defined under the *Northern Services Boards Act*.

Sworn before me in the _____)
District of _____)
In the Province of Ontario, _____) signature of person
This _____ day of _____, 20 _____) making affidavit

Chair,
The Local Services Board of

Name of Local Services Board