

LOCAL SERVICES BOARDS COMPLAINT PROCESS FOR INHABITANTS AND BOARD MEMBERS



Local Services Boards (Definition):

Local Services Boards are organizations empowered under the *Northern Services Boards Act (NSBA)* to deliver any combination of up to nine (9) basic services to residents in a specific geographic area. LSBs are governed by an annually elected volunteer board.

Acronym Definitions:

The following definitions are for acronyms used throughout this document.

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

“**NDO** and **NDA**” stands for Northern Development Officer and Northern Development Advisor who are the local representatives of the Ministry of Northern Development and Mines.

“**NSBA**” stands for the *Northern Services Boards Act*, which is the legislation that governs the activities of Local Services Boards.

“**LSB**” stands for Local Services Boards.

Complaint Process:

MNDM assigns local staff (NDO/NDA) to work with LSBs to provide guidance and support to assist LSBs to be in compliance with the *NSBA*, as well as training Board Members and the Board Secretary in processes and interpretation for compliance with the *NSBA*. Also available as a reference tool for Boards and Inhabitants is a Guide, developed to expand on and explain the requirements imposed under the *NSBA*, as well as to clarify policy items and suggestions on processes developed and provided by MNDM.

In situations of conflict or disagreement, Boards and Inhabitants are encouraged to make every effort to address the issue and reach a solution at the local level that is acceptable to all parties concerned.

Where a solution cannot be achieved at the local level, then the Board, an Inhabitant or group of Inhabitants may contact the local Northern Development Officer/Advisor and request his/her assistance in addressing the issue.

Prior to MNDM reviewing a concern/complaint related to a LSB, the complainant will be required to submit the concern/complaint in writing to the local Northern Development Officer/Advisor with the following information

- **Nature of the issue as it relates to compliance with the *Northern Services Boards Act (NSBA)*.**
- **Documentation substantiating the concerns raised in the issue.**
- **Documentation of actions taken with the Board to address and resolve the issue .**

When reviewing the issue the NDO/NDA will determine whether the issue presented is internal to the LSB or falls within the scope of the *NSBA* prior to proceeding. MNDM will not direct or provide oversight to the Board on areas that fall outside of the Ministry’s mandate as outlined in the *NSBA*.

Issues that are Internal to the LSB:

Where the issue is internal to a LSB, it will be referred back to the Board for resolution. Items that are internal to the LSB and therefore must be addressed and resolved at the local level include, without limitation, the following:

- Contracts for services including their development and implementation.
- LSB policies such as procurement, procedural and conflict of interest.
- Scope of annual audit and any legal issues.
- Meeting processes determined by the Board outside the requirements of the *NSBA*.

In situations where the LSB will require a legal opinion, it is the responsibility of the LSB Board to seek its own legal counsel.

Issues within the Mandate of MNDM:

Items that are within the mandate of MNDM include, without limitation:

- Clarification of requirements under the *NSBA*.
- Issues of LSB compliance with the *NSBA*.
- Concerns in relation to the Board's Approved Powers and the exercise thereof.
- Concerns in relation to the administration of the Board's affairs and finances as they relate to the approved Powers of the Board.

Where a conflict arises that is within the scope of the *NSBA*, the NDO/NDA will work with the Board and Inhabitants to resolve the matter at the local level. Where local resolution is not possible, the NDO/NDA will take additional steps as necessary to facilitate a resolution, including consulting with advisors within the Ministry.

Dependant on the nature of the complaint, the NDO/NDA will make a determination on whether the issue can be resolved between the LSB Board and complainant; if not, the matter will be elevated within the Ministry as may be necessary.

After a thorough review and investigation of the issue, the Ministry will respond to the complainant. Where the Ministry deems the issue resolved, the Ministry's response is considered final and the file will be closed.

Although LSBs are able to, within the confines of the law, determine their own policies and processes for conducting business, the *NSBA* under sections 29 and 30 provides authority for the Minister to intervene in certain situations. Such intervention will occur only in very rare situations and as a last resort where an issue is of such consequence that in the Ministry's view, resolution without Ministry intervention is not possible.

MNDM Interventions:

1. The Minister may at any time cause the accounts and transactions of a Board to be audited (*NSBA*, subsection 29(5))
2. The Minister may, where the Minister determines that a Board is: (a) misusing 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, order one of the following actions:
 - 1) dissolve the Board and call a new election.
 - 2) dissolve the board and assume the powers of the Board.
 - 3) dissolve the Board and the Board area.