

Local Governance
Commission
OF NEW BRUNSWICK



Commission de la
Gouvernance Locale
DU NOUVEAU-BRUNSWICK

Giselle Goguen, B.A., LL.B
Chair / Présidente

The contents of this presentation are intended for educational purposes only and are not to be construed as advice.

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- The LGC is an expert body charged with ruling or making recommendations on matters affecting local governments, regional service commissions and rural districts.
- The LGC is also tasked with supporting and advising on matters relating to local governance generally.
- The *Local Governance Commission Act* was proclaimed on May 15, 2024.

Governance and Operational Structure



Commission

Chair / Commissioner

Giselle Goguen, B.A., LL.B

Vice-Chair:

Jacques Dubé

Members of the commission:

Troy Stone, CPA, CA

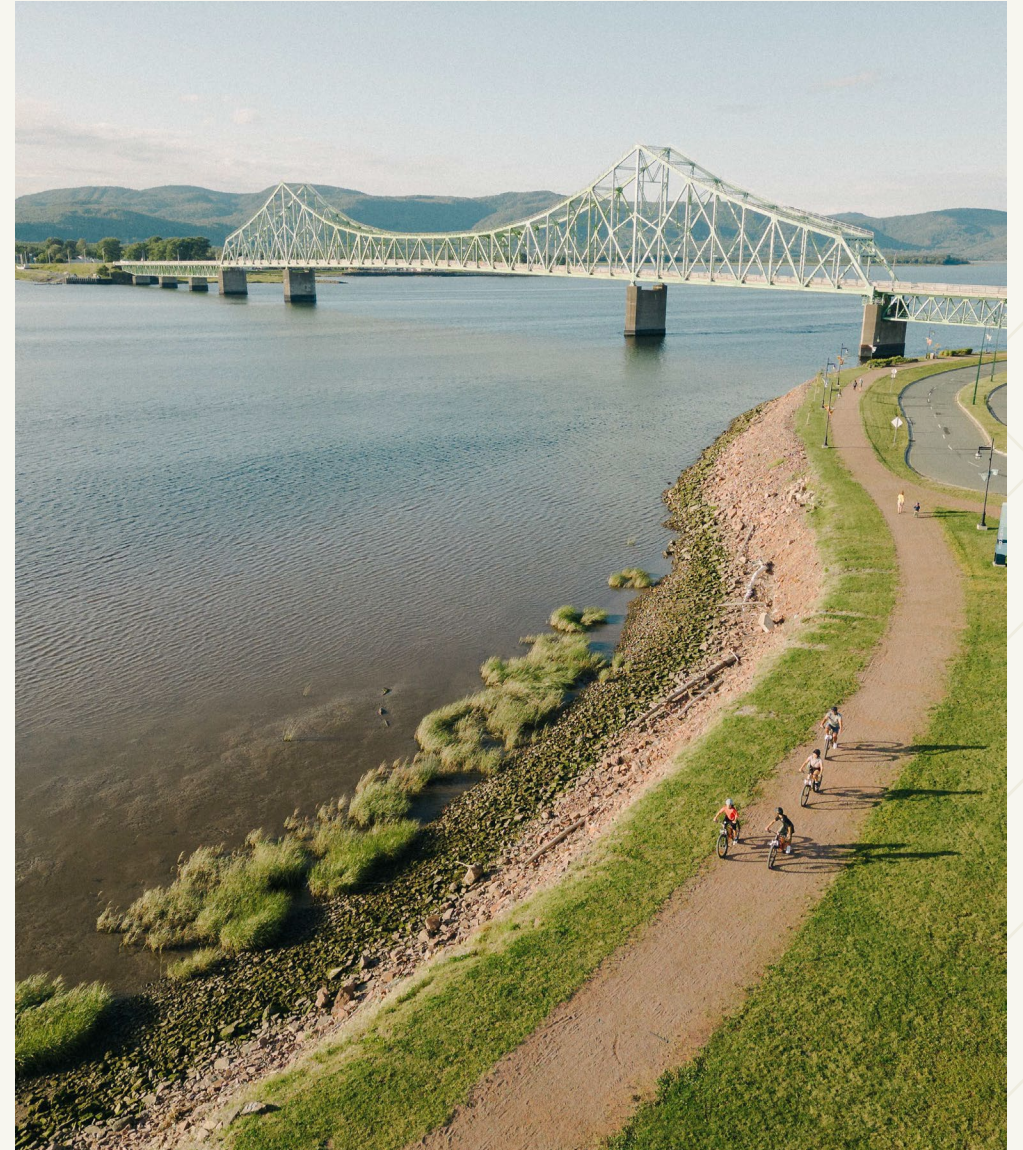
Donna Redmond-Gates

John Nugent, K.C.



Staff

- Full complement since April 29
- Director and General Counsel
- Senior Advisors (2)
- Administrative Assistant



Powers of the commission

Rulings

Codes of Conduct

- Alleged breaches of a code of conduct by a member of a LG council, local board or RSC
 - If a matter cannot be resolved under the applicable code of conduct, a person may request in writing that the LGC investigate.
 - Following an investigation by LGC staff, the Commission may rule and impose sanctions.

Conflicts of Interest

- Alleged conflict of interest violations by a senior officer of a LG or local board; a member of a local government council or local board; or a board member or designated employee of an RSC.
 - If a matter respecting an alleged conflict of interest violation cannot be resolved by the local government, local board or RSC, under the *Local Governance Act* or the *Regional Service Delivery Act*, a person may request in writing that the LGC investigate.
 - Following an investigation by LGC staff, the LGC may rule and impose sanctions.

Complaint Process

1

A person makes a complaint to the Local Governance Commission (LGC) alleging a code of conduct or conflict of interest violation.



2

Staff of the LGC will determine whether the person has already filed a complaint with their public authority (local government, regional service commission or rural district) and whether the public authority has made a final decision on the matter.



3

LGC staff will carry out an initial review of the complaint to ensure the allegations are made in good faith. If a complaint is not made in good faith, or is frivolous or vexatious, or is outside of the LGC's mandate, the Chair of the LGC may dismiss the complaint without conducting an investigation.



4

LGC staff notifies the public authority that it has received a complaint and provide the public authority with the opportunity to respond to the complaint and provide the LGC with any relevant documents.



5

LGC staff will attempt to resolve the complaint informally through mediation or conciliation.



6

If a complaint is not resolved informally, LGC staff will investigate the complaint, which includes conducting interviews, and collecting and reviewing documents and other evidence.



7

LGC staff will prepare a report containing a recommendation to the commission members.



8

LGC staff will present the report and recommendation to the commission members.



9

The commission members will rule and may impose sanctions.



Powers of the commission

Recommendations



Restructuring: incorporations, amalgamations, annexations & boundary alterations

- The proponent (one or more LG councils, the Minister, or 25+ residents in a rural district) must submit a proposal to the LGC.
- The LGC then determines whether the proposal meets the legislative requirements, if so, the LGC will notify:
 - the Minister;
 - all affected local governments;
 - the applicable Regional Service Commission; and
 - any other entities affected by the proposal.

Restructuring: incorporations, amalgamations, annexations & boundary alterations

- Following public engagement (by the proponent), the proponent must prepare a report for the Commission's review.
- If the Commission deems that the report is complete, it will:
 - post the report on its website for at least 30 days for public review and feedback;
 - provide notice of the report in the Royal Gazette;
 - provide notice to all affected LGs, the Minister, and the applicable RSC; and
 - accept feedback on the report for up to 10 days, once the 30-day period has elapsed.
- The LGC will then have 45 days to review the report and any additional information before making a recommendation to the Minister, who will ultimately determine whether to complete the restructuring.

Amendments to Descriptions of Regions

- Where a member (LG or rural district) of a RSC wants to become a member of another RSC.
- The description of a region may only be amended where:
 - the boundaries of the LG(s) or rural district(s) becoming a member/group of members of another RSC are contiguous to the boundary of the RSC receiving the member(s).
- Proponents (a LG or rural district) must prepare and provide an impact study to the LGC for review.

Amendments to Descriptions of Regions

- Once the impact study review is complete, the LGC will determine and report to the Minister whether, in its opinion, sufficient local support for the amendment to the description of the region in question has been demonstrated.

Review of By-laws (Amendments or Repeal)

- Minister may direct the LGC to conduct a study respecting the repeal or amendment of a by-law.
- The LGC conducts the study and provides the Minister with a report setting out its findings and recommendations.
 - The LGC must give public notice that a report is being prepared and invite submissions from interested persons, including other LGs
 - may hold public hearings to hear representations from interested persons, including other LGs.
- The report must include a description of the impact of repealing or amending the by-law on land use and on residents of the LG.

Review of By-laws (Amendments or Repeal)

- There is an extensive list of exemptions, for example:
 - dangerous or unsightly premises and property;
 - maintenance and occupancy standards for buildings and premises;
 - dog control activities;
 - by-laws subject to standards, such as the *Building Code Administration Act*;
 - by-laws respecting the provision of services;
 - etc.
- LGC's Authority does not apply to by-laws adopted under the *Community Planning Act*.

Review of a Decision of an RSC Re: Regional Infrastructure Cost-Sharing

- LGC may review a decision made by an RSC that any or all members are not required to contribute to the costs attributable to regional sport, recreational and cultural infrastructure.
- Requests come from RSC, member of RSC or the Minister.
- No matter who submits the request, the RSC must submit a report to the LGC.

Review of a Decision of an RSC Re: Regional Infrastructure Cost-Sharing

- Following a review of the report, the LGC shall conduct a review of the decision itself.
- Upon completion of a review of the decision, the LGC shall send the results of the review, including any recommendations to the Minister, with a copy to the RSC.

Power to Appoint

Supervisors, Trustees,
Investigators & Auditors



Supervisors

- The LGC may appoint a **Supervisor** where in the opinion of the LGC, a council is not able to form a **quorum due to vacancies**.
- The LGC may recommend Cabinet appoint a supervisor where a LG:
 - has defaulted in meeting its obligations and probably cannot meet its future obligations;
 - is unable to carry on its business;
 - is not functioning effectively, as determined by an audit;
 - fails to fulfil its legislative responsibilities under the LGA & other Acta; or where
 - it is in the public interest.
- Supervisor functions as council for the LG.
- Either the LGC or Cabinet terminates appointments.
- Costs paid by LG.

Trustees

- The LGC may recommend that the Minister appoint a Trustee for an RSC following an investigation or audit that found:
 - board of directors is not functioning effectively
 - board of directors fails to fulfil its responsibilities under the RSDA and Regs
 - it is in the public interest
- The Minister can also appoint directly (unlike supervisor or other appointments)
- The Trustee acts as the board of the RSC.
- The Minister terminates the appointment of trustees.
- Costs paid by the LG.

Investigators

- LGC appoints by own initiative or at request of a LG, Minister or Cabinet.
- LGC determines scope.
- Investigation may include
 - affairs of the local government;
 - exercise of any officer's duties; and
 - inspecting any relevant records,
 - documents, invoices etc in possession or under the control of the LG.
- Report to the LGC.
- LGC can take any action necessary, including suspending an officer of a LG or an RSC or a local board (for instance, a wastewater commission) for duration LGC deems fit & Advise Minister.
- Costs paid by LG.

Auditors

- LGC may appoint an auditor to audit the financial affairs of a
 - local government
 - local board
 - RSC
- Auditor's report to LGC, shared with Minister and local government.
- LGC can take any action necessary, including suspending an officer of a local government for length of time LGC deems fit.
- LGC advises Minister.
- Costs paid by LG



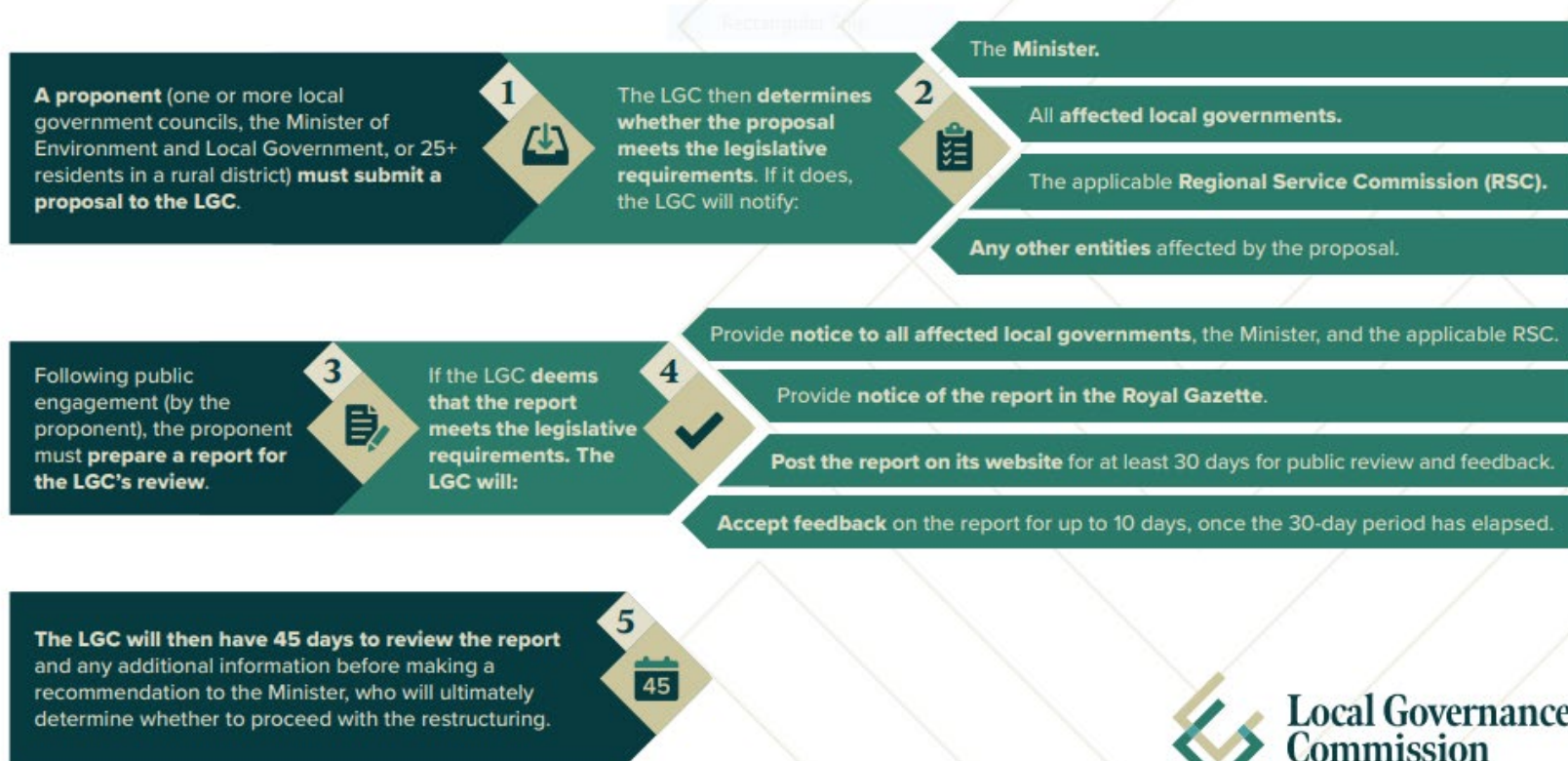
ABOUT US

The Local Governance Commission of New Brunswick

The Local Governance Commission of New Brunswick is a neutral, arm's length expert body tasked with ruling or making recommendations relating to local governments, regional service commissions, and rural districts.

Our office has been operational since May 15, 2024.

Restructuring a Local Government



Local Governance
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Reviewing Regional Service Commission (RSC) Decisions Regarding Cost-Sharing

