



**Monthly Meeting
November 28, 2022**

Minutes of the meeting of the Board of Directors of Fundy Regional Service Commission held on Monday, November 28, 2022, at 10 Crane Mountain Rd, Saint John, NB.

1. Call to Order

The Board Chairperson, Brittany Merrifield, called the meeting to order at 10:05 a.m.

2. Record of Attendance

Brittany Merrifield	Chairperson
Jim Bedford	Vice Chairperson
Bette Ann Chatterton	Mayor, St. Martins
John MacKenzie	Deputy Mayor, Saint John
Nancy Grant	Mayor, Rothesay
Libby O'hara	Mayor, Quispamsis
Ray Riddell	Local Service District Representative
Tina Dealy	Local Service District Representative
John Cairns	Local Service District Representative

Absent

OTHERS

Phil Ouellette, Chief Executive Officer, FRSC
Marc MacLeod, Executive Director, FRSC
Alicia Raynes, Recording Secretary, FRSC
Maurice Robichaud, Transition Facilitator
Robert Doucet, Mayor, Hampton

3. Approval of the Order of Business

The Chairperson asked for approval of the Order of Business

Motion: To approve the November 28, 2022 Agenda as presented.

Moved: Director MacKenzie
Seconded: Director O'Hara
Vote: *Motion Carried*

4. Disclosure of Conflict of Interest

None

5. Approval of the Minutes

None

6. Consent Agenda

None

7. Planning – Building Inspection – August & September, 2022 – Nick Cameron

The October, 2022 Report for Building, Development & Planning for the Village of St. Martins & FRSC Rural areas was provided. Year-to-date total estimated cost of construction at the end of October, 2022 was \$19,470,918 compared to 2021 which was \$11,915,740.

Motion: To receive and file as presented.

Moved: Director MacKenzie
Seconded: Director Grant
Vote: *Motion Carried*

8. Finance

a. Q3 2022 Financial Statements

Executive Director MacLeod presented the Q3 2022 Financial Statements explaining that under the Act, the Financial Statements must be submitted every quarter. Currently, the FRSC is sitting in a favorable position with a surplus of approximately \$149,000.

Some of the highlighted items included the extra revenue received from the Fundy Quay project as well as a favorable mixed paper market for recycling. Additionally, it was explained that some of the surplus has been used up by fuel costs which are a major concern for the FRSC. When preparing the 2023 budget, a weighted trending was used for fuel prices. However, there is still a risk of prices going beyond what has been budgeted. Chief Executive Officer, Phil Ouellette, explained that we will continue to monitor the situation closely and report back to the board as things progress.

It was asked if we should be bulk buying fuel in order to save on costs. Executive Director MacLeod explained that the FRSC already 'piggy backs' on the provincial pricing, which means the FRSC is already paying less than pump price for fuel.

Chairperson Merrifield removed herself as Chair and appointed Vice Chairperson Jim Bedford to act as the Chair in order to propose a motion regarding fuel costs.

Motion: The FRSC submit a letter to the Government of New Brunswick on our collective concerns with the escalating fuel costs and request a response on how the Government of New Brunswick will respond to these escalating fuel costs to protect the services delivered by RSCs and local governments.

Moved: Director Merrifield
Seconded: Director MacKenzie
Vote: *Motion Carried*

Director Merrifield resumed her role as Chairperson.

Another highlighted item in the Q3 Financial Statements was the revenue from the Generation Facility. It was explained that the generator has not been running at the level that was anticipated. In addition, the FRSC has not drilled new wells which impacts the amount methane collected and used for generation. It was noted that drilling new wells is in the budget for 2023. The unexpected retirement of the Building Inspector, was also highlighted as the primary cause of the deficit in Local Planning Services.

Motion: To receive and file the Q3 2022 Financial Statements as presented.

Moved: Director O'Hara
Seconded: Director Grant
Vote: *Motion Carried*

b. Bylaw 7.4.1 Signing Authority – M. MacLeod

Executive Director Marc MacLeod explained that Bill 82 “An Act Respecting Local Government Reform” received Royal Assent on December 17, 2021. As part of the reform, the Chief Executive Officer was introduced to carry out the duties of the Act and employ any persons necessary to carry out the mandates of the Commission. Under the current FRSC Procedural By-Law, the Chief Executive Officer (CEO) is not recognized as a signing authority. It was further explained that the FRSC’s banking partner, the Canadian Imperial Bank of Commerce (CIBC) requires an official acknowledgement of the CEO as a signing authority from the Board. This would be the best option with regards to operational considerations of the FRSC, and would present no legal risk to the Commission. In addition, it was suggested that all references to the Executive Director in the procedural by-law be removed, except under signing authority.

Board members suggested that there are a number of anomalies in the current Procedural By-Law that need to be addressed, one being that the new entities need to be included in the By-Law. It was suggested that perhaps the Executive Director could maintain signing authority, but the operational costs be approved by the CEO. It was also asked what other RSCs are doing with this regard. It was explained that the majority of RSCs have the CEO acting as the signing authority rather than the Executive Director.

Motion: The FRSC add Chief Executive Officer, Phillippe Ouellette to the signing authority of the FRSC Procedural By-Law 7.4.1 and that the Chief Executive Officer replace the Executive Director within the FRSC Procedural By-Law as presented.

Moved: Director MacKenzie
Seconded: Director Chatterton
Nay: *Director Bedford, Director Grant, Director O'Hara, Director Riddell, Director Dealy, Director Cairns, Director MacKenzie, Director Chatterton*
Vote: *Motion Defeated*

It was suggested that perhaps the CEO could simply be added to the signing authority rather than removing the Executive Director from all areas of the procedural by-law as there are several areas of the by-law that need to be revised.

Motion: To authorize Chief Executive Officer, Phillippe Ouellette to be added to the signing authority for the Fundy Regional Service Commission, as per section 7.4.1 of the Fundy Regional Service Commission Procedural By-law, effective November 28, 2022.

Moved: Director MacKenzie
Seconded: Director Riddell
Vote: *Motion Carried*

9. Office Update – Phil Ouellette

CEO Ouellette provided an update on the search for additional office space for the Fundy Regional Service Commission. It was explained that the main focus currently is to secure a space for 2023. This space is required due to insufficient space at the current head office location at Crane Mountain. It is anticipated that there will be five (5) to seven (7) employees located at this new space. Mr. Ouellette also provided a detailed list of criteria that is being investigated explaining that the Government of New Brunswick will provide financial support towards office space for 2023. It was further explained that we anticipate having a recommendation prepared to present to the Board for the December 19, 2022 meeting. Additionally, FRSC staff will continue to investigate options for 2024 and beyond and expect to have a recommendation prepared by the third quarter in 2024.

When asked if the province has a space available for the FRSC to use, it was explained that all options are being considered at this time.

It was suggested that perhaps it is excessive to expect accommodation for offices and a board room. It was proposed that the FRSC could utilize current council board rooms for meetings rather than taking on extra expenses. It was also asked whether or not it would be possible to implement a work from home policy for staff and use current offices for meetings. It was explained that all options are being investigated at this time, however, more office space is required currently in order to maintain the level of productivity necessary. From an administrative perspective, a new space is a need, not a want. The FRSC has to maintain a minimum standard of service and will keep things as affordable as possible.

Motion: To receive and file as presented.

Moved: Director MacKenzie
Seconded: Director Dealy
Vote: *Motion Carried*

10. Mandate Update – Phil Ouellette

CEO Ouellette, provided an update on the new mandated services for the Fundy Regional Service Commission, explaining that it is important to ensure that Directors receive frequent, quality updates on these new services. There are still many unanswered questions at this point, however, the goal is to provide updates as they become available.

It was explained that the FRSC will look at the minimum requirements to fulfill the new mandated services. Each of the new services requires the introduction of a corresponding committee, which will be finalized in early 2023. Each committee will be expected to include one or two representatives from the Commission. FRSC staff are currently investigating the opportunity to allow Commission members to assign the responsibility of committee representation to members

of their respective local governments. This is in response to concerns associated with the existing and future workload of Commission members.

Mr. Ouellette reviewed the baseline requirements for each of the new mandated services and provided a status update of each service, highlighting some of the key items.

With regards to Economic Development and Tourism Promotion, it was explained that Envision Saint John will be the service provider for both of these mandated services. FRSC staff has worked closely with Envision Saint John and the Government of New Brunswick to develop an agreement with Envision Saint John and a first draft is anticipated to be completed by early December. The objective is to uphold the spirit and the intent of the original Envision Saint John Members' Agreement.

Cost sharing for recreational, cultural and sport infrastructure was discussed. It was noted that the Fundy Region is ahead of the rest of the province as it relates to regional facility planning as other areas have never done this before. The first step to fulfill this mandate would be to create a committee to oversee the regional facilities for early 2023. Additionally, it was mentioned that through the recently presented Bill 16, the government of New Brunswick is seeking to repeal the Greater Saint John Regional Facilities Commission Act, which is expected to occur prior to 2023.

The requirements of the Community Development service mandate were discussed. One of the first steps to fulfill this service mandate is to adopt terms of reference and appoint representatives to the Community Development Committee in early 2023. It was explained that the FRSC is currently finalizing the hiring process for the Community Inclusion Network (CIN) Coordinator for the Fundy Region, which continues to be supported by the New Brunswick Economic and Social Inclusion Corporation (ESIC).

The Regional Transportation mandate will primarily be adopting terms of reference and appointing representatives to the Regional Transportation Committee in early 2023. This committee will provide regional focus and accountability framework for regional transportation planning. It was explained that FRSC staff has engaged with community partners from a variety of sectors in preparation for a recommendation to the Commission.

A brief overview with regards to the Public Safety Collaboration was provided, noting that at this time, the FRSC will adopt the terms of reference and appoint representatives to the Public Safety Collaboration Committee in early 2023. It was explained that FRSC staff has identified a core group of organizations that are intended to make-up the Public Safety Collaboration Committee, and an email was sent asking for feedback on how to best coordinate this committee and maximize value to the organizations and the region. It was further explained that this mandate is not a forum to merge services, it is simply a forum for discussion about these services.

Members asked when they would know what the minimum requirements are for each of the new mandated services. It was explained that the report provided the minimum requirements. However, it was noted that we will continue to receive further information and details as it pertains to these services and that information will be shared with the Board.

One area of concern is the contract with Envision Saint John as it pertains to Economic Development and Tourism Promotion. Specifically, the concern is how the existing members' contract with Envision will be dissolved. It was explained that the FRSC is mandated to do this,

therefore, a new agreement is being drafted between the FRSC and Envision Saint John. This contract will uphold the spirit and the intent of the original members' agreement.

Concerns regarding the list of Regional Facilities were also brought forward. Members had voted to remove one of the facilities from the list, however, it was explained that as per GNB, all five facilities will remain. The need for parameters for adding a regional facility to the list were also discussed, as well as the voting structure. It was explained that Bill 16 provides some clarity on the weighted voting system in place.

Compensation to committee members for the new mandated services and their corresponding workloads was discussed. One area of concern is that those doing the work that would have normally been done by the province should be compensated. It was also suggested that committee members may not have the expertise in the corresponding mandated services which would place a rather large demand on their time. Members expressed their concern that the Government of New Brunswick has shown a lack of respect towards the RSCs through the whole process.

Motion: To receive and file as presented.

Moved: Director Grant
Seconded: Director MacKenzie
Vote: *Motion Carried*

11. Correspondence – City of Saint John – Nov 2/22

A copy of a letter from the City of Saint John to CEO, Phil Ouellette, was provided concerning the Gardner-Pinfold – Greater Saint John Regional Task Force Analysis report. However, it was suggested that this issue be tabled until 2023, at which time, the FRSC can take a closer look at this issue.

Motion: To table the correspondence from the City of Saint John, dated November 2, 2022, until 2023, when the FRSC can take a closer look at this issue.

Moved: Director MacKenzie
Seconded: Director Grant
Vote: *Motion Carried*

Chairperson Merrifield called for a motion to adjourn.


Motion: To adjourn the meeting at 11:43 a.m.

Moved: Director O'Hara
Seconded: Director MacKenzie
Vote: *Motion Carried*

APPROVED (date) Dec 19, 2027



Brittany Merrifield, Chairperson



Alicia Raynes, Recording Secretary