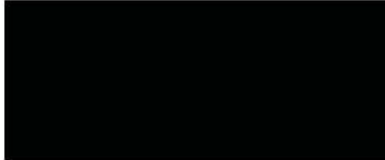


May 4, 2017



Dear  s. 40(1)

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: MAE/10/2017]

On April 5, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Copy of all correspondence between the Town and the Dept. Of Municipal Affairs regarding the appointment of Joanne Wells and Rod Delaney to the Town Council of Cupids.

Who requested the appointment? Were the remaining councillors consulted? On what bases was the appointment made? Were there any meetings between the Town and the Department? If so, who was involved?

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

The email on page 3 from the Town to the Department on the resignation of Mayor Christine Burry would have meant Cupids no longer had a quorum as there were 3 seats already vacant. Sections 211(1) and 211(3) of the *Municipalities Act, 1999* state:

Quorum

211. (1) *A majority of the number of councillors that may be elected or appointed for a municipality constitutes a quorum for the purpose of a meeting of the council.*
- (3) *Notwithstanding subsection (1), where the number of councillors holding office is less than a quorum, the minister may appoint a sufficient number of councillors to make a quorum.*

The notification of the resignation started the process to fill vacant seats based on section 211(3) as stated above. There were no meetings on this matter between the Town and the Department.

Page 4 is the letter to the Town notifying them off the new appointments.

Page 5 is an email from Lori Evoy, Eastern Regional Manager for the Department, to the Town summarizing the sequence of events related to the appointments.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (the *Act*). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act*.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 729-5846 or by e-mail at aliaskary@gov.nl.ca.

Sincerely,



Ali Askary
Manager, Information Services / ATIPP Coordinator

Enclosures

Askary, Ali

From: Town of Cupids <townofcupids@eastlink.ca>
Sent: Wednesday, March 22, 2017 2:51 PM
To: Evoy, Lori
Cc: Hounsell, Sandy
Subject: Mayor Christine Burry

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lori,
Please be advised that effective today Mayor Christine Burry has tendered her letter of resignation from the Town Council of Cupids. Ivy

Ivy King
Town Clerk, Town of Cupids
(709) 528-4428 (office)
(709) 528-4430 (fax)
E-mail: townofcupids@eastlink.ca



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MAR 3 0 2017

COR/2017/00985

Ivy King, Town Clerk
Town of Cupids
P.O Box 99
Cupids NL A0A 2B0

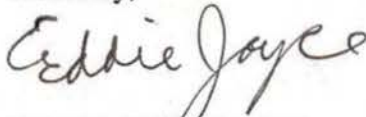
Dear Ms. King:

Re: Appointment to Council

Pursuant to section 211(3) of the *Municipalities Act 1999*, I hereby appoint Joanne Wells and Rod Delaney to the Town Council of Cupids for the duration of the Council's current term of office. The individuals are thereby assuming the responsibilities associated with being councillors in accordance with the *Municipalities Act, 1999*.

This appointment will have effect from the date of this letter.

Sincerely,



EDDIE JOYCE, MHA
District of Humber-Bay of Islands
Minister of Municipal Affairs

Askary, Ali

Subject: FW: Appointment - Town of Cupids

From: Town of Cupids [<mailto:townofcupids@eastlink.ca>]

Sent: Tuesday, April 11, 2017 3:48 PM

To: Evoy, Lori

Subject: Re: Appointment - Town of Cupids

Thanks.

Ivy King

Town Clerk, Town of Cupids

(709) 528-4428 (office)

(709) 528-4430 (fax)

E-mail: townofcupids@eastlink.ca

From: [Evoy, Lori](#)

Sent: Tuesday, April 11, 2017 3:21 PM

To: 'Town of Cupids'

Cc: [Hounsell, Sandy](#)

Subject: Appointment - Town of Cupids

Ivy,

For you Information.

There has been a couple of inquiries regarding the appointments in the Town of Cupids.

As per our discussion, the Minister has the authority, as per section 211 (3) of the *Municipalities Act, 1999*, to appoint a sufficient number of Councillors to make a quorum.

Department officials work with the MHA in the area to identify individuals interested in being appointed. In the case of Cupids, the MHA office was contacted and did provide three names. Department officials followed up with those individuals to determine if they were interested and whether or not they meet the qualifications as per the *Municipal Elections Act*. Two of the three were interested and eligible. I also spoke to a current council member, prior to the appointments, and suggested if he or any other Councillors had names of people interested in Council, that they may forward those names to Municipal Affairs and Environment. We did not receive a response from any Councillors at that time.

The appointments were made and those individuals will hold office until the next General Municipal Election in September 2017.

Sincerely,

Lori

Lori Evoy

Eastern Regional Manager

Department of Municipal Affairs and Environment