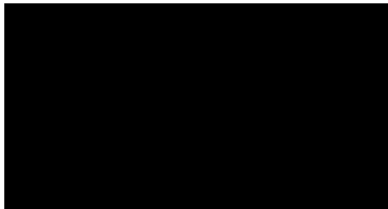


DOC/2019/03357-03

August 28, 2019



Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/158/2019]

On August 14, 2019, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

“July 2019 meeting note titled Meeting of Government MHAs.”

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, certain text contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act, 2015 (the Act)*:

Section 29(1)(a): “The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.”

As required by 8(2) of the *Act*, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference). 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to 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* (a copy of this section of the *Act* has been enclosed for your reference).

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 709-729-1589 or by e-mail at EmmaMeulenkamp@gov.nl.ca.

Sincerely,



EMMA MEULENKAMP
ATIPP Coordinator (Secondary)
Municipal Affairs and Environment

Enclosures

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.
- (2) A complaint under subsection (1) shall be filed in writing not later than 15 business days
- (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
 - (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).
- (3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.
- (4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.
- (5) The commissioner may allow a longer time period for the filing of a complaint under this section.
- (6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.
- (7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.
- (8) A complaint shall not be filed under this section with respect to
- (a) a request that is disregarded under section 21;
 - (b) a decision respecting an extension of time under section 23;
 - (c) a variation of a procedure under section 24; or
 - (d) an estimate of costs or a decision not to waive a cost under section 26.
- (9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

Meeting Note
Department of Municipal Affairs and Environment
Meeting of Government MHAs
July 24, 2019 (Time TBD)
Kilmory Resort

Attendees: Minister Dempster and other Government MHAs.

Purpose of Meeting:

- The purpose of the meeting is for Ministers to discuss upcoming initiatives in their respective departments. Current initiatives pertaining to the Department of Municipal Affairs and Environment (MAE) are noted below.

Agenda item #1 Investing in Canada Infrastructure Program (ICIP)

- ICIP supports projects that will create long-term economic growth, build inclusive, sustainable and resilient communities and support a low-carbon, green economy.
- We have submitted 149 projects to Infrastructure Canada with a total value of approximately \$163M:
 - 140 have been approved valued at \$123M (total project costs);
 - 7 not yet approved valued at \$38M (total project costs); and
 - 2 ineligible valued at \$1.8M (total project costs)
- Our next call for applications will be July 29, 2019, which will close on Sept 30, 2019.
- Applications that were not approved from the last call will be eligible for consideration in this call if the ultimate recipient indicates that the project is still a priority.
- This approach will be more efficient, saving the municipalities time and money as they will not have to re-enter their application details or engage a consultant to complete their application.
- Additional information is required for Infrastructure Canada ICIP applications. The department will be accepting these via email to supplement their previous submittal.
- A new guideline has been developed to assist ultimate recipients in preparing and submitting their applications. This will be available online and referenced in the public call for applications.

Agenda item #2 Status of Environmental Assessment Review

- MAE has undertaken a review of Part X of the *Environmental Protection Act* and the *Environmental Assessment Regulations (The Way Forward commitment 2.28)*, for the purpose of modernizing the legislation to improve the transparency, certainty, efficiency and flexibility of the EA process.

- Public consultations closed July 3, 2019. EngageNL received 40 online questionnaire submissions and 20 written submissions. MAE officials subsequently met with EngageNL representatives to discuss a data analysis approach.

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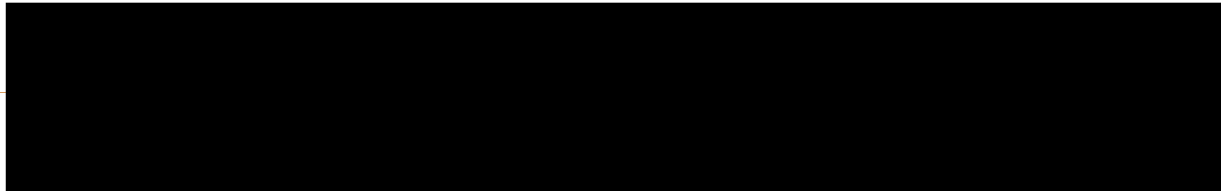
s.29(1)(a)

Agenda item #3 Low Carbon Economy Leadership Fund (LCELf)

- The Federal Government’s LCELf is providing Newfoundland and Labrador with up to \$44.7 million in funding from 2018-2022 to implement greenhouse gas reduction programs. As part of *The Way Forward*, our Government committed to match the federal contribution of \$44.7 million, taking the total funding envelope to \$89.4 million. Funding for LCELf initiatives will allow Newfoundland and Labrador to implement programs that reduce GHG emissions, lower energy bills and support clean economic growth.
- We have encumbered approximately \$64 million of the \$89.4 million allocation for the LCELf, including adaptation initiatives (\$2 million). This includes about \$26 million for improving energy efficiency in public buildings (such as schools, CNA campuses and core government buildings), about \$13 million in residential energy efficiency programs, about \$20 million for the Climate Change Challenge Fund (open to the private sector, municipalities, Indigenous and non-profit entities) and about \$3 million for freight transportation initiative.

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s.29(1)(a)

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s.29(1)(a)

Agenda item #4 Municipal Legislative Review

- We are conducting a comprehensive review of the *Municipalities Act, 1999*, the *City of Corner Brook Act*, the *City of Mount Pearl Act* and the *City of St. John’s Act*, in order to develop modern legislation for more autonomous municipalities.
- Public and stakeholder consultations are complete. More than 2,000 individual ideas, suggestions, and recommendations were generated through the engagement process.
- Department staff have analyzed consultation results and jurisdictional research. Recommendations for renewal of legislation pertaining to our towns, local service districts, and the Cities of Corner Brook and Mount Pearl are currently being finalized.

- We are continuing to work closely with the City of St. John's in developing recommendations for legislation that meets the unique needs of our largest city.

Agenda item #5 Eastern Regional Service Board (ERSB)

- In response to concerns from cabin owners regarding waste collection in cabin areas, on February 8, 2019, the ERSB was directed by my Department to carry out several actions. These actions included: stopping waste collection services on un-serviced roads, or where services cannot reasonably be provided on a regular basis, limiting all outstanding fees and interest to a two-year period; and improving the Board's transparency, accountability, and engagement efforts.
- On March 8, 2019, the ERSB was further directed by my Department to submit a plan by April 1, 2019 to adjust its service delivery policy such that waste collection services and respective fees would no longer be mandatory for individuals who own a secondary residence on any road that is not serviced, directly or indirectly, by a level of government. However, the deadline was extended to June 30, 2019 so that the ERSB could plan for significant impacts on current contracts and human resources.
- On June 27, 2019, the ERSB provided three options to address the direction regarding collection of waste in unincorporated areas, and selected Option B:
 - Option A - A voluntary system on un-serviced roads.
 - Option B - Remove unincorporated areas from the regional system (64 areas/5,600 users).
 - Option C - Implement a regional system in incorporated areas only (municipalities only).
- My Department previously responded to ERSB on July 8, 2019 requesting them to:
 - Thoroughly evaluate Option A further and present the potential range of revenue loss and per household increase resulting from an opt-out program for secondary residents on un-serviced roads in unincorporated areas; and
 - Thoroughly evaluate a fourth option to only discontinue service on un-serviced roads in unincorporated areas, as opposed to all roads in these areas.
- To assist the ERSB, TW identified the roads in the 64 unincorporated areas which are serviced by them.
- We understand the ERSB is working to address this request and we expect the ERSB to submit a revised plan by July 31, 2019.

s. 29.1(a)

Prepared/Approved by: C. Orsborn, J. Sweeney, K. Kieley, G. Crane, C. Soulliere / E. Thompson/ D. Michielson, S. Squires, T. Kelly/ J, Chippett (Pending)

Ministerial Approval: Received from Hon. Lisa Dempster (Pending)

July 24, 2019