Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MA/3/2016]

On January 28, 2016, the Department of Municipal Affairs received your request for access to the following records/information:

"All documentation and calculations related to the Cost Benefit Analysis for the community relocation of Little Bay Islands and the final report. All documentation and costs related to the contracting of retired Judge Robert Wells for the residency appeal process. All instructions as to how the appeal was to be carried out. All documentation, names blacked out, of the rational in either accepting or denying residency status to the appellants. All briefing notes, emails, meeting minutes, and notes as it relates to the decision to deny Little Bay Islands community relocation."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs to provide access to the requested information. However, some information 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 27 – Cabinet Confidence
s.27(1)(i): "that portion of a record which contains information about the contents of a records within a class of information referred to in paragraphs (a) to (h)."

s.27(1)(h): "a record created during the process of developing or preparing a submission for the Cabinet."

s.27(2)(a): "a cabinet record."

Section 29 – Policy advice or recommendations:
s.29(1)(a): "advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister."

Section 30 – Legal advice
s.30(1)(b): "that would disclose legal opinions provided to a public body by a law officer of the Crown."

P.O. Box 8700, St. John's, NL, Canada A1B 4J6 t 709.729-6528 f 709.729-4475
Section 40 – Disclosure harmful to personal privacy:
s.40(1): “The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.”

Please note that pages 4-13 have been redacted in their entirety in accordance with section 27(1)(h) and section 27(2)(a) of the Act. Page 531 has been redacted in accordance with section 29(1)(a) of the Act. Pages 15, 75 and 251 have also been redacted in their entirety as they are not related to your request.

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 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 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 Office of Public Engagement’s website within one business day following the applicable period of time.

If you have any further questions, please feel free to contact me by telephone at 729-6528 or by e-mail at scottwinters@gov.nl.ca.

Sincerely,

Scott Winters
Manager of Accountability / ATIPP Coordinator
Ken,

Just the one scenario here to review based on Heather’s feedback - all in (Costs and Rate Payer impact). Please review my numbers for accuracy. Please also do another review of my departmental NPV found in excel I sent earlier today. If that is off the whole thing is off.

Thank you.
Cost Benefit Analysis for Little Bay Islands with Hydro Costs and Rate Payer Impact Factored In

Estimated Savings, Costs and CBA Evaluation

**Estimated Savings – Withdrawal of Provincial Services**

<table>
<thead>
<tr>
<th>Department</th>
<th>Details</th>
<th>Operation and Maintenance Savings</th>
<th>Capital Investment/ Other Consideration</th>
<th>20 Year Total Department Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation and Works</td>
<td>Hazel McIsaac ferry 2.5kms of TW-owned road</td>
<td>$5,650,000 $450,000</td>
<td>$654,000 over 20 years in Marine Infrastructure</td>
<td>$6,754,000</td>
</tr>
<tr>
<td>NL English School District and EECD</td>
<td>H.L. Strong Academy School</td>
<td>$3,810,548 less Demolition cost of $750,000</td>
<td>$0</td>
<td>$3,060,548</td>
</tr>
<tr>
<td>MIGA</td>
<td>Municipal Operating Grant</td>
<td>$29,423 x 20 = $588,460</td>
<td>$0</td>
<td>$588,460</td>
</tr>
</tbody>
</table>
| Municipal and Intergovernmental Affairs and Fire and Emergency Services | Annual average of application-based programs for last 10 years | **10 Year Average**
  MCW = $79,499.10/yr
  SA = $1,979/yr
  CEEP = $32,618.25/yr
  FES = $0/yr
  Annual total = $114,096.35/year x 20 years = $2,281,927 total | $0 | $2,281,927 |
| AES                                  | Programs                                     | $0                                 | $0                                                                          | $0                               |
| NL Hydro                             | Rate Payer Impact                            | Not Included here due to Hydro’s own NPV Analysis - |                                                                              |                                  |
| HCS                                  | No Health Services                           | $0                                 | $0                                                                          | $0                               |
| JPS                                  | No anticipated savings                       | $0                                 | $0                                                                          | $0                               |
| BTCRD                                | No Further Investment                        | $0                                 | $0                                                                          | $0                               |

<p>| Estimated Total 20 Year Savings      | $12,684,935                                  |
| Inflation – 2 per cent              | $2,725,575                                   |
| Estimated Total 20 Year Savings      | $15,410,510                                   |</p>
<table>
<thead>
<tr>
<th></th>
<th>Net Present Value Adjusted</th>
<th>+ (Plus) Hydro NPV Adjusted Rate Payer Impact</th>
<th>-(Less) Hydro NPV Adjusted Costs</th>
<th>Total Benefit to Province Government Savings plus Hydro Rate Payer Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$10,758,700</td>
<td>$9,803,971</td>
<td>$2,933,582</td>
<td>$17,629,089</td>
</tr>
</tbody>
</table>

### Calculation of Relocation Financial Assistance Costs

<table>
<thead>
<tr>
<th><strong>Currently Known Relocation Financial Assistance Costs</strong></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistance to Permanent Residents/Property Owners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Owner(s) + minor Dependents</td>
<td>Assistance Amount</td>
<td>x Number of Households/Adult Non-Property Owners</td>
</tr>
<tr>
<td>1 Person</td>
<td>$250,000</td>
<td>x 23</td>
</tr>
<tr>
<td>2 Persons</td>
<td>$260,000</td>
<td>x 31</td>
</tr>
<tr>
<td>3 Persons</td>
<td>$270,000</td>
<td>x 1</td>
</tr>
<tr>
<td>Adult non-property owner</td>
<td>$10,000</td>
<td>x 8</td>
</tr>
<tr>
<td><strong>Commercial Properties</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Property Owners</td>
<td>2 x Municipal Assessment Agency Assessed Value</td>
<td>x 7</td>
</tr>
<tr>
<td><strong>Process/Administration</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Conveyance Costs</td>
<td>$750</td>
<td>x 62</td>
</tr>
<tr>
<td>MAA Assessment Costs</td>
<td>$700</td>
<td>x 7</td>
</tr>
<tr>
<td>Water/Sewer Decommissioning</td>
<td>$500</td>
<td>x 59 = $29,500 + $30,000**</td>
</tr>
</tbody>
</table>

**Currently Known Total Costs** $14,570,900

* Commercial property compensation is conservatively estimated based on Municipal Assessment Agency estimated values for the region.
** There are 59 properties (55 residential + 4 commercial) with water/sewer connections. The $30,000 relates to the recommended decommission of water at source and sewer at point of discharge (both costing an estimated $15,000 each).

### NPV Dollars Cost Savings Calculation – Based on DSR of 3.45%

<table>
<thead>
<tr>
<th>NPV Estimated Savings/Benefit</th>
<th>Estimated Costs</th>
<th>=</th>
<th>Outcome</th>
<th>Pass/Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>$17,629,089</td>
<td>$14,570,900</td>
<td>-</td>
<td>$3,058,189</td>
<td>Pass</td>
</tr>
</tbody>
</table>


Hi Amber,

I have some numbers here that can be put into the Net Present Value sheet. Please review and advise of any questions.

Andrew
<table>
<thead>
<tr>
<th>Community</th>
<th>Health</th>
<th>Education</th>
<th>TW</th>
<th>MIGA</th>
<th>20 Year Total</th>
<th>Net Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Bay Islands</td>
<td>0 annual</td>
<td>Years 1-3 ($12,778.00)</td>
<td>$654,000 Capital Investment</td>
<td>$29,423.00 annual MOG</td>
<td>$41.4M</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Years 4-20 $(160,722.00)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost Benefit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Details</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
*these are estimates and can change.

**numbers rounded to the nearest hundred thousand

**Qualitative Description on Preliminary Cost Estimates**

As per the Community Relocation Policy, the department has made preliminary residency status determinations including identifying permanent resident; seasonal residents and potential commercial property owners. The determinations are based on the affidavits and supplementary information provided by the town’s residents.

Payouts based on Household Composition/Age/Property Owner

- $250,000 Household of one
- $260,000 Household of two
- $270,000 Household of three
- $10,000 for voting age non property owners

Other costs associated with a more detailed Cost Benefit Analysis:

- Commercial Property Payout, Appeals and Legal Costs
  - Assuming 2 x property value for structures such as stores or rental units
  - Assuming $3000 per Fisher Persons (wharf – Shed)

- Appeals at $3500.00/appeal

- Conveyance Costs - $750.00/home

- Any residual costs to government for permanent residents opting to remain in the community

- Decommissioning Costs
Absorbing any municipal debt

**Qualitative Description on Preliminary Savings**

All amounts are in today’s dollars with no consideration of inflation. Assuming inflation of one to two per cent a year, it is understood that these numbers will increase considerably over 20 years. In completing this analysis, it is also assumed that services and programs will remain at consistent levels although it is expected that services and programs will change over this period. The Department of Transportation and Works’ savings are based on their required capital investment in road infrastructure, annual road maintenance costs, new vessels (where already committed), annual vessel operating costs, and wharf and terminal maintenance. For those communities not on a route and being serviced by one ferry, the required capital investment and operating costs are provided including committed new vessels. For those communities on a route and sharing ferries, replacement vessel savings are not allocated in this table as boats would need to be built or remain in service for the other community(s) on the route.

The Department of Health and Community Services’ savings are based on their annual operating and maintenance costs per year from the closure of rural clinics and the withdrawal of travel services such as helicopter rides by staff to remote communities. The Department of Education’s savings are based on their annual operating and maintenance costs for schools such as teaching unit, library and busing savings. Also considered in their savings calculations were special incentive fees, which are paid to school districts following closures and remediation costs of $500,000 per school. The Department of Municipal Affairs provides municipalities with a Municipal Operating Grant on an annual basis. This operating grant only applied to six of the 21 communities of interest. It is not possible to predict Municipal Capital Works (MCW) expenditures since it is an application driven process; however, all but four communities of interest would be eligible for consideration under the MCW program because they are either a local service district or a town and would require investments in infrastructure over the years. Over 20 years, these costs could be significant. In the final analysis, consideration would also be given to any accumulated deficits or debts owing by incorporated communities which could increase the costs of relocation to government. The addition of Hydro costs was contemplated but they were not included because they do not represent direct savings to government. Savings from the withdrawal of services would be redirected to electricity consumers in the province. It
is important to note that NL Hydro services run a rural deficit in each of their communities listed above. This deficit is absorbed by the taxpayers of the province through electricity fees.
### Annual Savings Year 1

<table>
<thead>
<tr>
<th>Community</th>
<th>School</th>
<th>CAP Savings</th>
<th>Operating Savings</th>
<th>Teaching Units Savings</th>
<th>Library Cost Savings</th>
<th>Connectivity Savings</th>
<th>Busing Savings</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Bay Islands</td>
<td>HL Strong Academy</td>
<td>-</td>
<td>$ (73,972.00)</td>
<td>$ 85,000.00</td>
<td>-</td>
<td>$ 1,750.00</td>
<td>-</td>
<td>$ 127,775.00</td>
</tr>
</tbody>
</table>

### Annual Savings Years 2 - 3

<table>
<thead>
<tr>
<th>Community</th>
<th>School</th>
<th>CAP Savings</th>
<th>Operating Savings</th>
<th>Teaching Units Savings</th>
<th>Library Cost Savings</th>
<th>Connectivity Savings</th>
<th>Busing Savings</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Bay Islands</td>
<td>HL Strong Academy</td>
<td>-</td>
<td>$ (73,972.00)</td>
<td>$ 85,000.00</td>
<td>-</td>
<td>$ 1,750.00</td>
<td>-</td>
<td>$ 127,775.00</td>
</tr>
</tbody>
</table>

### Annual Savings Years 4 - 20

<table>
<thead>
<tr>
<th>Community</th>
<th>School</th>
<th>CAP Savings</th>
<th>Operating Savings</th>
<th>Teaching Units Savings</th>
<th>Library Cost Savings</th>
<th>Connectivity Savings</th>
<th>Busing Savings</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Bay Islands</td>
<td>HL Strong Academy</td>
<td>-</td>
<td>$ 73,972.00</td>
<td>$ 85,000.00</td>
<td>-</td>
<td>$ 1,750.00</td>
<td>-</td>
<td>$ 160,772.00</td>
</tr>
</tbody>
</table>

**Footnotes:**

1. In the first year, there are demolition and site restoration costs. Using an estimate of $250,000 per school, these one-time costs are $750,000.

2. Under the school board's location, the Department will continue to pay the districts a special incentive amount for the closure of each school.

3. There are no libraries and no CAP sites in these areas.
Winters, Scott

From: Wright, Andrew
Sent: Monday, August 10, 2015 9:49 AM
To: Curtis, Ken
Subject: DOC 2015 01233 Notes - Decision - Decision Note Cost Benefit Analysis Little Bay Islands.DOC
Attachments: MASTER FILE Little Bay Islands Relocation 2014.xls; DOC 2015 01233 Notes - Decision - Decision Note Cost Benefit Analysis Little Bay Islands.DOC

Please review as discussed – numbers specifically......
<table>
<thead>
<tr>
<th>Year</th>
<th>Total Costflow</th>
<th>NPV 8%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2015</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2016</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2017</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2018</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2019</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2020</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2021</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2022</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2023</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2024</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2025</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2026</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2027</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2028</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2029</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
<tr>
<td>2030</td>
<td>$7,372,382</td>
<td>$1,384,999</td>
</tr>
</tbody>
</table>

NPV: Net Present Value

*Note: Numbers in the table are rounded for simplicity.*
Decision Note
Department of Municipal and Intergovernmental Affairs

Title: Potential Relocation of the Town of Little Bay Islands

Decision Required: Whether to approve the Cost Benefit Analysis for Little Bay Islands and proceed to the community vote for voting-aged permanent residents.

It is recommended that:

(1) The Cost Benefit Analysis indicating net savings to government over a 20 year period from the relocation of Little Bay Islands be approved;

(2) Proceed to the vote for voting-aged permanent residents.

Background and Current Status
- The Town of Little Bay Islands (the Town) is located in the Baie Verte – Springdale District. Map is attached as Annex A.
- The Town applied for relocation assistance in April 2013, after the increased financial assistance was announced in Budget 2013. Since that time, the Department of Municipal and Intergovernmental Affairs (the Department) has reviewed their request as per the steps in the Community Relocation Policy (the Policy) attached as Annex B.
- In August 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency/commercial property status. Permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate.
- Section 2(c) of the Policy states “Based on the determination of residency status, the Department will complete an analysis of the total cost of relocation assistance compared to the total savings over a twenty year period that would result from the withdrawal of Provincial Government services to the Community. If the estimated costs exceed the estimated savings, Government’s consideration of relocation assistance will stop unless there are significant health or life-safety considerations involved in the relocation request.”
- The Department determined the residency status of individuals from the Town and mailed-out determination letters to all relevant residents and/or property owners in October 2014.

As per the appeal process under the Policy, the Department received 18 appeal requests from individuals/families dissatisfied with their residency determination.
- In February 2014, Honourable Robert Wells was appointed as independent reviewer to consider the appeals and make recommendations to the Minister. Mr. Wells is expected to conclude his work in mid-April. A judicial review is available to any appellant still determined to be a non-resident following the appeal process.

Analysis:
Cost Benefit Analysis
- Based on the known current costs to government from the provision of financial assistance to permanent residents, the Department has undertaken a Cost Benefit Analysis
(CBA). The CBA was completed using the approved methodology steps attached as Annex C.

- Elements of step #6 of the methodology are not yet factored in to the CBA such as providing residual essential services to those who may choose to remain in the community following relocation. We are unable to determine these costs at this time as the provision of an essential service could only be determined once the number of people choosing to remain in Little Bay Islands is identified through the community vote for voting-aged permanent residents. Following this vote, the Department may need to update the CBA to capture potential reductions in department’s initial cost savings as a result of providing residual essential services and modifications to previously provided decommissioning costs.

- To undertake the CBA for the Town, the Department consulted with the following stakeholders:
  - The Department of Transportation and Works;
  - The Department of Health and Community Services;
  - The Department of Justice and Public Safety;
  - The Department of Education and Early Childhood Development;
  - The Department of Advanced Education and Skills;
  - The Department of Business, Tourism, Culture and Rural Development;
  - Fire and Emergency Services;
  - Newfoundland and Labrador Hydro;
  - Newfoundland and Labrador English School District;
  - Municipal and Intergovernmental Affairs
    - Central Regional Office;
    - Municipal Engineering;
    - Municipal Support and Policy;
    - Employment Support and Corporate Services; and
  - The Department of Finance.

- The following bullets provide a summary of the CBA performed (see Annex D):

  **Savings**
  - The Department of Transportation and Works estimates $6,754,000 in 20 year savings from the withdrawal of Hazel McIsaac Ferry and capital investment in marine infrastructure.
  - The Department of Education and Early Childhood Development estimates $3,810,548 in savings from the closure of H.L. Strong Academy.
  - Municipal and Intergovernmental Affairs would save approximately $588,460 over 20 years from the withdrawal of their Municipal Operating Grant.
  - Application based funding programs such as Municipal Capital Works (MCW), Community Enhancement Employment Program (CEEDP), Special Assistance (SA), or Fire and Emergency Services (FES) programs have been allocated an amount based on average funding provided over the last 10 years. The total average annual amount is $2,281,927.
  - The Department of Advanced Education and Skills has advised there are no anticipated savings over 20 years from the income support program.
o NL Hydro has advised approximately $11,211,092.80 in 20 year savings would accrue from diesel fuel savings, operating and maintaining 5.3kms of circuit length and capital upgrades.

o The Department of Health and Community Services has advised there are no health services in the Town resulting in no savings to government.

o The Department of Justice and Public Safety has advised there would be no savings.

o Business, Tourism, Culture, and Rural Development has advised there are no new investments planned in Little Bay Islands resulting in no savings to government.

o Based on the fact that government normally experiences growth in program expenditures every year, a 2 per cent annual increase has been factored in to provide a reasonable projection of future costs over a twenty year period. This equates to an additional cost of $5,295,645 for the 20 year period.

Costs

o The known current relocation costs would accrue from the provision of financial assistance to the 55 property owners and 8 voting-age non-property owners, 7 commercial property owners as well as the legal conveyance costs associated with 62 properties (55 residential and 7 commercial), resulting in a total cost of $14,500,900.

o Potential future costs would be associated with decommissioning/remediation costs. The potential future costs would not have a dramatic impact on the analysis given the estimated savings are so significant. The only potential future cost that could negatively impact the CBA would the costs associated with providing residual essential services. In previous relocations no one has chosen to remain the community following relocation so the cost providing residual essential services is unknown.

Analysis

• The CBA of the Town (Annex D) indicates that there is $6,928,100 in net savings over 20 years from the withdrawal of provincial services.

Judicial Review Risk

• There are 18 rejected appellants of voting-age who can file for a judicial review, although none have been filed to date. There is no limitation period for filing a judicial review application; however, an application should be made within a reasonable time after being informed of the decision which is to be challenged. Reasonableness depends on the facts of the situation.

• Given the large numbers of potential additional voters involved in the judicial review, the Department is unable to build in a suitable buffer to accommodate additional voters if they are eventually found to be eligible to vote.

Alternatives: Section 30(1)(b)
Prepared / Compiled / Approved by: A. Wright; K. Curtis
Consultation with:

Approved by:
Annex A – Map of Little Bay Islands
Annex B – Community Relocation Policy
Annex C – Relocation Cost Benefit Analysis Methodology
Annex D – Estimated Savings, Costs and CBA Evaluation
ANNEX A

Map of Little Bay Islands
ANNEX B

Community Relocation Policy
ANNEX C

Relocation Cost/Benefit Analysis Methodology

1. MIGA will contact government departments and request information regarding current and historic costs incurred by them and their entities (e.g. Regional Health Authority, School Boards, RNC etc.) in the community proposing to relocate. This will include ongoing expenditures related to ferry services, roads, schools, health services, municipal operating grants, etc.

2. MIGA will request that departments to provide cost estimates for them and their entities regarding known and/or quantifiable future expenditure increases related to infrastructure upgrades and maintenance. Unless specific cost increases are known, future cost increases will not be included in the analysis other than as noted in bullet 3 below.

3. Depending on the circumstances, MIGA will use current and/or historic costs to develop a projection of future costs for the next 20 years in the community.

4. Based on the assumption that Government normally experiences inflationary growth in its program expenditures every year, MIGA will add a percentage annual increase to the costs obtained in the bullets above in order to provide a reasonable projection of future costs over a twenty year period, accounting for inflation. In addition, the nominal discount rate used to complete a Net Present Value (NPV) calculation, will include an allowance for inflation and government’s real cost of borrowing. The inflation rate and NPV discount rate will be determined in consultation with the Project Analysis Division and Debt Management Division of the Department of Finance.

5. Using the cost information collected in bullets above, MIGA will project the benefit to Government over a 20 year period.

6. MIGA will calculate the up-front and/or future costs to Government of relocating the community including assistance payable to property owners; the maintenance of essential services to residents who choose to remain in the community; decommissioning costs for Government services in the community; and an estimate (if available) of future liabilities the Province will assume when it acquires legal title to property in the community which may include removal/remediation costs of deteriorating structures, residential oil tanks, and/or closure/decommissioning of Government facilities.
7. The projected 20 year value of the benefit to Government will be completed on a Net Present Value (NPV) basis in order to ensure cost and benefit data are analyzed on a comparable basis. In cases where future costs are identified, these future costs will also be calculated on a NPV basis to ensure comparative data.

8. If the projected benefit over the 20 year period exceeds the projected cost calculated on a NPV basis the community will be eligible for relocation approval.
## ANNEX D

Estimated Savings, Costs and CBA Evaluation

### Estimated Savings – Withdrawal of Provincial Services

<table>
<thead>
<tr>
<th>Department</th>
<th>Details</th>
<th>Operation and Maintenance Savings</th>
<th>Capital Investment/Other Consideration</th>
<th>20 Year Total Departmental Savings</th>
</tr>
</thead>
</table>
| Transportation and Works | • Hazel Melisaac Ferry  
• 2500M of TW owned Road | • $282,000 x 20 = $5,650,000  
• $22,500 x 20 = $450,000 | $654,000 over 20 years in Marine Infrastructure | $6,754,000 |
| Newfoundland and Labrador English School District and Education and Early Childhood Development | H.L. Strong Academy School | $89,000 (teaching unit savings) x 20 = $1,780,000 | $0 | $3,810,548 |
| Municipal and Intergovernmental Affairs | Municipal Operating Grant | $29,423 x 20 = $588,460 | $0 | $588,460 |
| Municipal and Intergovernmental Affairs and Fire and Emergency | Annual average of application based programs for last 10 years. | **10 Year Average**  
MCW = $79,499.10/year (Denis to confirm)  
SA = $1,979/year  
CEEP = $32,618.25/year  
FES = $0/year  
Total = $114,096.35/year | $0 | $2,281,927 |
<table>
<thead>
<tr>
<th>Services</th>
<th>Programs</th>
<th>$0</th>
<th>$0</th>
<th>$0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Education and Skills</td>
<td>Diesel</td>
<td>$579,289.64/year x 20 years - $600,000 decommissioning cost = $10,985,792.80</td>
<td>$225,300</td>
<td>$11,211,092.80</td>
</tr>
<tr>
<td>NL Hydro</td>
<td>No Health Services</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Health and Community Services</td>
<td>No anticipated savings</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Justice and Public Safety</td>
<td>No Further Investment</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Business, Tourism, Culture and Rural Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Total 20 Year Savings</td>
<td></td>
<td></td>
<td></td>
<td>$24,646,028</td>
</tr>
</tbody>
</table>

(Before Program Growth)

Inflation – 2 per cent

| Estimated Total 20 Year Savings      | $29,941,673 |
| Net Present Value Adjusted          | $21,419,000 |
ANNEX D

Calculation of Relocation Financial Assistance Costs

Currently Known Relocation Financial Assistance Costs

<table>
<thead>
<tr>
<th>Assistance to Permanent Residents/Property Owners</th>
<th>Assistance Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Composition</td>
<td>Household Composition</td>
</tr>
<tr>
<td>Property Owner(s) + minor Dependents</td>
<td>Assistance Amount</td>
</tr>
<tr>
<td>1 Person</td>
<td>$250,000</td>
</tr>
<tr>
<td>2 Persons</td>
<td>$260,000</td>
</tr>
<tr>
<td>3 Persons</td>
<td>$270,000</td>
</tr>
<tr>
<td>Adult non-property owner</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

Commercial Properties (Estimated)

<table>
<thead>
<tr>
<th>Hospitality/Rental/Fishing Properties (2 x Municipal Assessment Agency Assessed Value)</th>
<th>Residential (4) (Hospitality/Rental)</th>
<th>Fishing (3) Wharves/Stages/Sheds (Estimated to be $6,000 - $20,000)</th>
<th>=</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,000-$30,000</td>
<td>$60,000</td>
<td>3 x $20,000 = $60,000</td>
<td>$300,000*</td>
</tr>
</tbody>
</table>

Process/Administration

<table>
<thead>
<tr>
<th>Legal Conveyance Costs</th>
<th>MAA Assessment Costs</th>
<th>Water/Sewer Decomm. disconnect/home</th>
<th>=</th>
</tr>
</thead>
<tbody>
<tr>
<td>$750</td>
<td>$700</td>
<td>$500</td>
<td>$46,500</td>
</tr>
<tr>
<td>x 62</td>
<td>x 7</td>
<td>x 59 = $29,500 + 30,000**</td>
<td>$4,900</td>
</tr>
<tr>
<td>$59,500</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Currently Known Total Costs $14,500,900

* It is estimated that the maximum payout will be provided per property.

*30,000 relates to the recommended decommission of water at source ($15,000) and sewer at point of discharge at ($15,000).

NPV Dollars Cost Savings Calculation

<table>
<thead>
<tr>
<th>NPV Estimated Savings</th>
<th>Estimated Costs</th>
<th>=</th>
<th>Outcome</th>
<th>Pass/Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>$21,419,000</td>
<td>$14,500,900</td>
<td>$6,928,100</td>
<td>Pass</td>
<td></td>
</tr>
</tbody>
</table>

This calculation is based only on known current costs.
From: Wright, Andrew  
Sent: Thursday, September 24, 2015 2:56 PM  
To: Tizzard, Heather  
Subject: FW: ANALYSIS WITH UPDATED HYDRO ANALYSIS SEPTEMBER 23.doc  
Attachments: ANALYSIS WITH UPDATED HYDRO ANALYSIS SEPTEMBER 23.doc

FYI

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t: 709 729 7143  
andrewwright@gov.nf.ca

From: Wright, Andrew  
Sent: Thursday, September 24, 2015 2:53 PM  
To: Curtis, Ken  
Subject: ANALYSIS WITH UPDATED HYDRO ANALYSIS SEPTEMBER 23.doc

Ken,

Just the one scenario here to review based on Heather's feedback - all in [Costs and Rate Payer impact]. Please review my numbers for accuracy. Please also do another review of my departmental NPV found in excel I sent earlier today. If that is off the whole thing is off.

Thank you.
Cost Benefit Analysis for Little Bay Islands with Hydro Costs and Rate Payer Impact Factored In

Estimated Savings, Costs and CBA Evaluation

**Estimated Savings – Withdrawal of Provincial Services**

| Department and Services | Details | Operation and Maintenance Savings | Capital Investment/Other Consideration | 20 Year Total Department Savings |
|-------------------------|---------|-----------------------------------|----------------------------------------|--------------------------------|--|
| Transportation and Works | Hazel McIsaac ferry 2.5 kms of TW-owned road | $5,650,000 $450,000 | $654,000 over 20 years in Marine Infrastructure | $6,754,000 |
| NL English School District and EECED | H.L. Strong Academy School | $3,810,548 less Demolition cost of $750,000 | $0 | $3,060,548 |
| MIGA | Municipal Operating Grant | $29,423 x 20 = $588,460 | $0 | $588,460 |
| Municipal and Intergovernmental Affairs and Fire and Emergency Services | Annual average of application-based programs for last 10 years | **10 Year Average**  
MCW = $79,499.10/yr  
SA = $1,979/year  
CEEP = $32,618.25/yr  
FES = $0/year  
Annual total = $114,096.35/year x 20 years = $2,281,927 total | $0 | $2,281,927 |
| AES | Programs | $0 | $0 | $0 |
| NL Hydro | Rate Payer Impact | Not Included here due to Hydro’s own NPV Analysis | | |
| HCS | No Health Services | $0 | $0 | $0 |
| JPS | No anticipated savings | $0 | $0 | $0 |
| BTCRD | No Further Investment | $0 | $0 | $0 |

**Estimated Total 20 Year Savings** $12,684,935  
**Inflation – 2 per cent** $2,725,575  
**Estimated Total 20 Year Savings** $15,410,510
Net Present Value Adjusted $10,758,700
+ (Plus) Hydro NPV Adjusted Rate Payer Impact $9,803,971
-(Less) Hydro NPV Adjusted Costs $2,933,582
Total Benefit to Province Government Savings plus Hydro Rate Payer Impact $17,629,089

Calculation of Relocation Financial Assistance Costs

Currently Known Relocation Financial Assistance Costs

<table>
<thead>
<tr>
<th>Assistance to Permanent Residents/Property Owners</th>
<th>Assistance Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Household Composition</strong></td>
<td><strong>Financial Assistance to be Paid</strong></td>
</tr>
<tr>
<td>Property Owner(s) + minor Dependents</td>
<td>Assistance Amount x Number of Households/Adult Non-Property Owners = Financial Assistance to be Paid</td>
</tr>
<tr>
<td>1 Person</td>
<td>$250,000 x 23 = $5,750,000</td>
</tr>
<tr>
<td>2 Persons</td>
<td>$260,000 x 31 = $8,060,000</td>
</tr>
<tr>
<td>3 Persons</td>
<td>$270,000 x 1 = $270,000</td>
</tr>
<tr>
<td>Adult non-property owner</td>
<td>$10,000 x 8 = $80,000</td>
</tr>
<tr>
<td><strong>Commercial Properties</strong></td>
<td><strong>$300,000</strong></td>
</tr>
<tr>
<td>Commercial Property Owners</td>
<td>2 x Municipal Assessment Agency Assessed Value x 7 = $300,000*</td>
</tr>
<tr>
<td><strong>Process/Administration</strong></td>
<td><strong>Currently Known Total Costs $14,570,900</strong></td>
</tr>
<tr>
<td>Legal Conveyance Costs</td>
<td>$750 x 62 = $46,500</td>
</tr>
<tr>
<td>MAA Assessment Costs</td>
<td>$700 x 7 = $4,900</td>
</tr>
<tr>
<td>Water/Sewer Decommissioning</td>
<td>$500 disconnect/home x 59 = $29,500 + $30,000 = $59,500</td>
</tr>
</tbody>
</table>

* Commercial property compensation is conservatively estimated based on Municipal Assessment Agency estimated values for the region.
** There are 59 properties (55 residential + 4 commercial) with water/sewer connections. The $30,000 relates to the recommended decommission of water at source and sewer at point of discharge (both costing an estimated $15,000 each).

NPV Dollars Cost Savings Calculation – Based on DSR of 3.45%

<table>
<thead>
<tr>
<th>NPV Estimated Savings/Benefit</th>
<th>Estimated Costs</th>
<th>=</th>
<th>Outcome</th>
<th>Pass/Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>$17,629,089</td>
<td>-</td>
<td>$14,570,900</td>
<td>-</td>
<td>$3,058,189</td>
</tr>
</tbody>
</table>
Winters, Scott

From: Morgans, Andy
Sent: Wednesday, September 02, 2015 8:30 AM
To: Wright, Andrew
Subject: FW: Cost Benefit Analysis Little Bay Islands
Attachments: Isolated Communities.xlsx; LBI CBA Guess v1.xlsx

Pli file and incorporate into revised CBA.

Any questions pls ask.

Thks

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John’s, NL, A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Janes, Colleen G.
Sent: Tuesday, September 01, 2015 5:45 PM
To: Morgans, Andy; Tizzard, Heather
Subject: Fw: Cost Benefit Analysis Little Bay Islands

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Bown, Charles W. <cbown@gov.nl.ca>
Sent: Tuesday, September 1, 2015 5:00 PM
To: Janes, Colleen G.
Subject: Fw: Cost Benefit Analysis Little Bay Islands

Feedback from Hydro

Sent from my BlackBerry 10 smartphone on the Bell network.

From: MarkKing@nalcorenergy.com
Sent: Tuesday, September 1, 2015 4:52 PM
To: Bown, Charles W.
Subject: Fw: Cost Benefit Analysis Little Bay Islands

Charles,

Note the attached and feedback from our officials below.
They modified the analysis based on the fact that the estimates were in 2014$. Also suggested that may need to have the planners further consider the capital needs of the community over the next 20 years. If desired, our folks could modify based on load and demonstrate more accurate fuel costs as well as opportunity costs. Also, our team has offered to meet and review with GNL officials if they'd like.

COMMETARY: We would have to go through the economics and understand what they have assumed. I anticipate a larger benefit from fuel cost arising from fuel escalation above 2%. As a sensitivity, I changed the escalation from 2% to 4% increasing the benefit by $1.5 million. The opportunity cost associated with less exports will be an additional cost which we cannot calculate without the load. The use of our WACC at 7% as a discount rate as opposed to the societal discount rate that GNL is likely using of say 3.5% could reduce the value by $2.7 million alone.

Some question about applying escalation to 1 year operating cost - could go into more detailed analysis but doubt outcome would change. Could have 20 year numbers in week if necessary.
## Estimated Direct D & M Costs - 2014

<table>
<thead>
<tr>
<th># of Customers</th>
<th>Approximate D &amp; M Cost (Cost $/Unit)</th>
<th>Fuel Cost ($/Unit)</th>
<th>Distributed Circuit Length (m)</th>
<th>Estimated Portfolio D &amp; M Cost ($)</th>
<th>Total Estimate Yearly D &amp; M Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Bay Islands</td>
<td>203</td>
<td>$510,360.00</td>
<td>$234,360.52</td>
<td>5.3</td>
<td>$6,948.12</td>
</tr>
</tbody>
</table>

In addition there are 2 Capital Projects linked for Little Bay Islands:

1. 2017 - Upgrade Fuel Manager - $129,300
2. 2018 - Install New Fuel Meters - $119,000 approximate
<table>
<thead>
<tr>
<th>Year</th>
<th>O&amp;M Savings 2014$</th>
<th>Capital Savings 2014$</th>
<th>Total Savings 2014$</th>
<th>Scalar Nominal</th>
<th>Capital Savings Nominal</th>
<th>Total Savings $</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>2016</td>
<td>$579,289.64</td>
<td>($374,700)</td>
<td>1.02</td>
<td>$590,875.43</td>
<td>($382,194)</td>
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<tr>
<td>2017</td>
<td>$579,289.64</td>
<td></td>
<td>1.0404</td>
<td>$602,692.94</td>
<td></td>
<td>$602,693</td>
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<tr>
<td>2018</td>
<td>$579,289.64</td>
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<td>1.0612</td>
<td>$614,746.80</td>
<td></td>
<td>$614,747</td>
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<td>2019</td>
<td>$579,289.64</td>
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<td>1.0824</td>
<td>$627,041.74</td>
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<td>$627,042</td>
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<tr>
<td>2020</td>
<td>$579,289.64</td>
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<td>1.1041</td>
<td>$639,582.57</td>
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<td>$639,583</td>
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<tr>
<td>2021</td>
<td>$579,289.64</td>
<td></td>
<td>1.1262</td>
<td>$652,374.22</td>
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<td>$652,374</td>
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<tr>
<td>2022</td>
<td>$579,289.64</td>
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<td>1.1487</td>
<td>$665,421.71</td>
<td></td>
<td>$665,422</td>
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<tr>
<td>2023</td>
<td>$579,289.64</td>
<td></td>
<td>1.1717</td>
<td>$678,730.14</td>
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<td>$678,730</td>
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<tr>
<td>2024</td>
<td>$579,289.64</td>
<td></td>
<td>1.1951</td>
<td>$692,304.74</td>
<td></td>
<td>$692,305</td>
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<tr>
<td>2025</td>
<td>$579,289.64</td>
<td></td>
<td>1.219</td>
<td>$706,150.84</td>
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<td>$706,151</td>
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<tr>
<td>2026</td>
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<td>1.2434</td>
<td>$720,273.86</td>
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<td>$720,274</td>
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<tr>
<td>2027</td>
<td>$579,289.64</td>
<td></td>
<td>1.2682</td>
<td>$734,679.33</td>
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<td>$734,679</td>
</tr>
<tr>
<td>2028</td>
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<td>1.2936</td>
<td>$749,372.92</td>
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<td>$749,373</td>
</tr>
<tr>
<td>2029</td>
<td>$579,289.64</td>
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<td>1.3195</td>
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<td></td>
<td>$764,360</td>
</tr>
<tr>
<td>2030</td>
<td>$579,289.64</td>
<td></td>
<td>1.3459</td>
<td>$779,647.59</td>
<td></td>
<td>$779,648</td>
</tr>
<tr>
<td>2031</td>
<td>$579,289.64</td>
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<td>1.3728</td>
<td>$795,240.54</td>
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<td>$795,241</td>
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<td>1.4002</td>
<td>$811,145.35</td>
<td></td>
<td>$811,145</td>
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<tr>
<td>2033</td>
<td>$579,289.64</td>
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<td>1.4282</td>
<td>$827,366.25</td>
<td></td>
<td>$827,368</td>
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<tr>
<td>2034</td>
<td>$579,289.64</td>
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<td>1.4568</td>
<td>$843,915.62</td>
<td></td>
<td>$843,916</td>
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<tr>
<td>2035</td>
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<td>1.4859</td>
<td>$860,793.93</td>
<td></td>
<td>$860,794</td>
</tr>
</tbody>
</table>

**Total**

$11,585,793 $(374,700) $11,211,093 2% $14,356,719 $13,974,525

**NPV 7.0%**

$6,137,003 $(350,187) $5,786,816 $7,279,620 $6,922,430
Winters, Scott

From: Morgans, Andy
Sent: Tuesday, September 01, 2015 4:36 PM
To: Wright, Andrew
Subject: FW: Cost Benefit Analysis Little Bay Islands

FYI – pls file.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Janes, Colleen G.
Sent: Tuesday, September 01, 2015 3:56 PM
To: Morgans, Andy
Subject: FW: Cost Benefit Analysis Little Bay Islands

From: Companion, Lori Anne
Sent: Tuesday, September 01, 2015 3:45 PM
To: Janes, Colleen G.
Subject: Re: Cost Benefit Analysis Little Bay Islands

TW confirms that the note reflects the Department's input.

Sorry for the delay.
Lori Anne

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Janes, Colleen G.
Sent: Tuesday, September 1, 2015 12:32 PM
To: Companion, Lori Anne; Bown, Charles W.; Brewer, Donna; O'Rielly, Alastair; Cooper, Bruce
Subject: FW: Cost Benefit Analysis Little Bay Islands

Afternoon everyone.

Please see below that we are getting pressure from the Town re this relocation file. Can you advise if the decision note circulated Aug 22nd is an accurate reflection of your department’s input.

A response by end of day tomorrow would be very much appreciated.
Thanks in advance
Colleen

From: Morgans, Andy  
Sent: Tuesday, September 01, 2015 2:59 PM  
To: Janes, Colleen G.  
Cc: Tizzard, Heather; Wright, Andrew  
Subject: RE: Cost Benefit Analysis Little Bay Islands

Colleen

Please note that we are still awaiting confirmation from TW, NR, FIN, BTCRD and HCS.

Please also note that we received an email from LBI Town Council yesterday complaining about the time it has taken to advance their file and enquiring when the community relocation vote will be taking place.

Any questions pls ask:

Thks

Andy Morgans  
Director of Local Governance  
Department of Municipal and Intergovernmental Affairs  
4th Floor (West Block), Confederation Building  
P.O. Box 8700  
St. John's, NL, A1B 4J6  

andy.morgans@gov.nl.ca  
Tel: 709-729-5539  
Fax: 709-729-4475  

From: Janes, Colleen G.  
Sent: Saturday, August 22, 2015 9:35 PM  
To: Companion, Lori Anne; Vivian-Walsh, Janet; Dutton, Sean; Bown, Charles W.; Dooley, Genevieve (AES); Cooper, Bruce; Noble, Paul; O'Reilly, Alastair  
Cc: Tizzard, Heather; Morgans, Andy  
Subject: Fwd: Cost Benefit Analysis Little Bay Islands

Please find attached a decision note on the relocation of little bay islands. As with prior notes for other communities I ask that you confirm the information within that was provided by your departmental contact.

Thanks in advance.

Colleen

Sent from my iPad

Begin forwarded message:

From: "Tizzard, Heather" <HeatherTizzard@gov.nl.ca>  
To: "Janes, Colleen G." <CJanes@gov.nl.ca>  
Subject: Cost Benefit Analysis Little Bay Islands
Colleen,
Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?

Thanks,
Heather
Winters, Scott

From: Morgans, Andy
Sent: Tuesday, September 01, 2015 4:36 PM
To: Wright, Andrew
Subject: FW: Cost Benefit Analysis Little Bay Islands

FYI – pls file.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Janes, Colleen G.
Sent: Tuesday, September 01, 2015 3:56 PM
To: Morgans, Andy
Subject: FW: Cost Benefit Analysis Little Bay Islands

From: Tucker, Paul
Sent: Tuesday, September 01, 2015 3:38 PM
To: Brewer, Donna; Janes, Colleen G.; Hanrahan, Denise
Cc: Morgans, Andy
Subject: Re: Cost Benefit Analysis Little Bay Islands

Hi Donna,

We are reviewing it now and just have a few things to clue up.

Colleen - I should have the comments to you tomorrow morning.

Talk soon,
Paul

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Brewer, Donna
Sent: Tuesday, September 1, 2015 3:31 PM
To: Janes, Colleen G.; Tucker, Paul
Cc: Hanrahan, Denise
Subject: RE: Cost Benefit Analysis Little Bay Islands
Denise is out of the province and I had asked Paul Tucker this morning to track down and see if response was provided.

I did read and was okay with the NPV calculation. Not sure where Denise may have directed (budgeting?) for review?

**From:** Janes, Colleen G.  
**Sent:** Tuesday, September 01, 2015 3:03 PM  
**To:** Companion, Lori Anne; Bown, Charles W.; Brewer, Donna; O'Rielly, Alastair; Cooper, Bruce  
**Subject:** FW: Cost Benefit Analysis Little Bay Islands  
**Importance:** High

Afternoon everyone,

Please see below that we are getting pressure from the Town re this relocation file. Can you advise if the decision note circulated Aug 27th is an accurate reflection of your department’s input.

A response by end of day tomorrow would be very much appreciated.

Thanks in advance
Colleen

**From:** Morgans, Andy  
**Sent:** Tuesday, September 01, 2015 2:59 PM  
**To:** Janes, Colleen G.  
**Cc:** Tizzard, Heather; Wright, Andrew  
**Subject:** RE: Cost Benefit Analysis Little Bay Islands

Colleen

Please note that we are still awaiting confirmation from TW, NR, FiN, BTRC and HCS.

Please also note that we received an email from LBI Town Council yesterday complaining about the time it has taken to advance their file and enquiring when the community relocation vote will be taking place.

Any questions pls ask.

Thks

Andy Morgans  
Director of Local Governance  
Department of Municipal and Intergovernmental Affairs  
4th Floor (West Block), Confederation Building  
P.O. Box 8700  
St. John's, NL, A1B 4J6

[Email Address]

Tel: 709-729-5539  
Fax: 709-729-4475

**From:** Janes, Colleen G.  
**Sent:** Saturday, August 22, 2015 9:35 PM  
**To:** Companion, Lori Anne; Vivian-Walsh, Janet; Dutton, Sean; Bown, Charles W.; Dooley, Genevieve (AES); Cooper, Bruce; Noble, Paul; O'Rielly, Alastair
Please find attached a decision note on the relocation of little bay islands. As with prior notes for other communities I ask that you confirm the information within that was provided by your departmental contact.

Thanks in advance.

Colleen

Sent from my iPad

Begin forwarded message:

From: "Tizzard, Heather" <HeatherTizard@gov.nl.ca>
To: "Janes, Colleen G." <CJanes@gov.nl.ca>
Subject: Cost Benefit Analysis Little Bay Islands.

Colleen,
Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?

Thanks,
Heather
Winters, Scott

From: Morgans, Andy
Sent: Thursday, August 27, 2015 9:30 AM
To: Wright, Andrew
Subject: FW: Cost Benefit Analysis Little Bay Islands

FYI and pls file.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John’s, NL, A1B 4J6

andy.morgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Tizzard, Heather
Sent: Thursday, August 27, 2015 9:29 AM
To: Vivian-Walsh, Janet
Cc: Garland, Amanda; Morgans, Andy
Subject: RE: Cost Benefit Analysis Little Bay Islands

Thanks, Janet. Yes, agreed that makes sense from a liability perspective. We will add in the cost.

Non Responsive

Heather

From: Vivian-Walsh, Janet
Sent: Wednesday, August 26, 2015 6:39 PM
To: Tizzard, Heather
Cc: Garland, Amanda
Subject: Re: Cost Benefit Analysis Little Bay Islands

Hi Heather:

I will have Amanda Garland give you a call tomorrow to discuss our consult with legal. It is really a liability issue. Demolition is desirable but not essential especially if we can’t get anyone to do the work as in the case of Grand Bruit, or the cost is prohibitive. I guess it would be important to discuss the expectation of vacant properties in terms of resettlement. It is really risk management.

Janet
Department of Education and Early Childhood Development
Government of Newfoundland and Labrador
P.O.Box 8700
St. John's, NL
Canada
A1B 4J6

From: Tizzard, Heather
Sent: Wednesday, August 26, 2015 10:21 AM
To: Vivian-Walsh, Janet
Cc: Janes, Colleen G.
Subject: RE: Cost Benefit Analysis Little Bay Islands

Thank you for your review, Janet.
I am just wondering if the school must be demolished in these cases? I note that the school in Grand Bruit was not demolished following that relocation. Has there been a change in policy or possibly something that was overlooked on the Grand Bruit file?
I am just sensitive of the precedent this will set if we include it in this scenario as there are other files we may have in the future where such costs will cause the cost benefit analysis to fail. If it must be demolished we will absolutely ensure we capture those costs.

Thank you,
Heather

Heather Tizzard
Assistant Deputy Minister
Municipal Support
Department of Municipal and Intergovernmental Affairs
709.729.6832

From: Janes, Colleen G.
Sent: Wednesday, August 26, 2015 8:49 AM
To: Vivian-Walsh, Janet
Cc: Manuel, Sue; Garland, Amanda; Tizzard, Heather; Morgans, Andy
Subject: RE: Cost Benefit Analysis Little Bay Islands

Noted. Thanks Janet. I will have Heather and Andy make sure we make that point clear in the note.

From: Vivian-Walsh, Janet
Sent: Wednesday, August 26, 2015 8:44 AM
To: Janes, Colleen G.
Cc: Manuel, Sue; Garland, Amanda
Subject: RE: Cost Benefit Analysis Little Bay Islands

Hi Colleen:

The information included in the decision note for the closure of Lett for EECG is accurate, and provides an estimate of operating costs savings over a 20 year period. It does not, however, take into consideration costs related to the decommission and/or demolition of the building. As such EECG would like to note that the cost to decommission and demolish the school could be upwards of $500-750K. This is a very rough estimate noting that the presence of any hazardous materials and the level of effort for a contractor to travel to the island to undertake the work would impact this cost greatly (e.g. the former Western School District attempted to tender the demolition of the school in Grand Bruit following resettlement but was unsuccessful given that there were no contractors interested in the work. As such, the department expects that there would be a cost premium to have a school demolished in a remote community).
Janet

Janet Vivian-Walsh
Deputy Minister
Department of Education and Early Childhood Development
Government of Newfoundland and Labrador
Phone: (709) 729-5086
e-mail: janetvivianwalsh@gov.nl.ca

CONFIDENTIAL – This e-mail message is for intended recipients only. Please do not redistribute or reconfigure without written permission of the sender.

From: Janes, Colleen G.
Sent: Saturday, August 22, 2015 9:35 PM
To: Companion, Lori Anne; Vivian-Walsh, Janet; Dutton, Sean; Bown, Charles W.; Dooling, Genevieve (AES); Cooper, Bruce; Noble, Paul; O’Rielly, Alastair
Cc: Tizard, Heather; Morgans, Andy
Subject: Fwd: Cost Benefit Analysis Little Bay Islands

Please find attached a decision note on the relocation of little bay islands. As with prior notes for other communities I ask that you confirm the information within that was provided by your departmental contact.

Thanks in advance.

Colleen

Sent from my iPad

Begin forwarded message:

From: "Tizard, Heather" <HeatherTizard@gov.nl.ca>
To: "Janes, Colleen G." <CJanes@gov.nl.ca>
Subject: Cost Benefit Analysis Little Bay Islands

Colleen,
Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?

Thanks,
Heather
Winters, Scott

From: Morgans, Andy
Sent: Monday, August 24, 2015 9:56 AM
To: Wright, Andrew
Subject: FW: Cost Benefit Analysis Little Bay Islands

FYI - pls file.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Janes, Colleen G.
Sent: Monday, August 24, 2015 8:40 AM
To: Tizzard, Heather; Morgans, Andy
Subject: FW: Cost Benefit Analysis Little Bay Islands

Looks fine to me.

Little Bay Islands has a volunteer fire department, they are graded "needs improvement" for defensive/exterior firefighting and "not applicable" for offensive/interior firefighting (in other words, the fire department does not provide offensive/interior). Given they are on an island there is no opportunity for a regionalized service.

Sean

From: Janes, Colleen G.
Sent: Saturday, August 22, 2015 9:35 PM
To: Companion, Lori Anne; Vivian-Walsh, Janet; Dutton, Sean; Bown, Charles W.; Dooling, Genevieve (AES); Cooper, Bruce; Noble, Paul; O'Rielly, Alastair
Cc: Tizzard, Heather; Morgans, Andy
Subject: Fwd: Cost Benefit Analysis Little Bay Islands

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Thanks in advance.


Colleen

Sent from my iPad

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From: "Tizzard, Heather" <HeatherTizzard@gov.nl.ca>
To: "Janes, Colleen G." <Clanes@gov.nl.ca>
Subject: Cost Benefit Analysis Little Bay Islands

Colleen,

Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?

Thanks,
Heather
FYI – pls file.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John’s, NL, A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Janes, Colleen G.
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To: Companion, Lori Anne; Vivian-Walsh, Janet; Dutton, Sean; Bown, Charles W.; Dooling, Genevieve (AES); Cooper, Bruce; Noble, Paul; O’Reilly, Alastair
Cc: Tizzard, Heather; Morgans, Andy
Subject: Fwd: Cost Benefit Analysis Little Bay Islands

Please find attached a decision note on the relocation of little bay islands. As with prior notes for other communities I ask that you confirm the information within that was provided by your departmental contact.

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Sent from my iPad

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To: "Janes, Colleen G." <CJanes@gov.nl.ca>
Subject: Cost Benefit Analysis Little Bay Islands

Colleen,
Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?
Thanks,
Heather
Decision Note
Department of Municipal and Intergovernmental Affairs

Title: Potential Relocation of the Town of Little Bay Islands

Decision Required: Whether to approve the Cost Benefit Analysis for Little Bay Islands and proceed to the community vote for voting-aged permanent residents.

It is recommended that:

1. The Cost Benefit Analysis indicating net savings to government over a 20 year period from the relocation of Little Bay Islands be approved;
2. Proceed to the vote for voting-aged permanent residents.

Background:
- The Town of Little Bay Islands (the Town) is located in the Baie Verte-Green Bay District. Map is attached as Annex A.
- The Town applied for relocation assistance in April, 2013, after the increased financial assistance was announced in Budget 2013. Since that time, the Department of Municipal and Intergovernmental Affairs (the Department) has reviewed their request as per the Community Relocation Policy (the Policy) attached as Annex B.
- In August, 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency/commercial property status. Permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate.
- Section 2(c) of the Policy states “Based on the determination of residency status, the Department will complete an analysis of the total cost of relocation assistance compared to the total savings over a twenty year period that would result from the withdrawal of Provincial Government services to the Community. If the estimated costs exceed the estimated savings, Government’s consideration of relocation assistance will stop unless there are significant health or life-safety considerations involved in the relocation request.”
- The Department determined the residency status of individuals from the Town and mailed out determination letters to all relevant residents and/or property owners in October 2014.
- As per the appeal process under the Policy, the Department received 18 appeal requests from individuals/families dissatisfied with their residency determinations. On April 17, 2015, Mr. Wells submitted his 18 appeal reports with recommendations to the Minister.
- Mr. Wells agreed with 11 of the department’s residency determinations but recommended that 7 appeals be overturned.
- Appellants were notified of the result of their review by letter in late June, 2015.

Analysis:
Cost Benefit Analysis
- Based on the known current costs to government from the provision of financial assistance to permanent residents and commercial property owners, the Department has undertaken a cost benefit analysis (CBA). The CBA was completed using the approved methodology attached as Annex C.
Elements of step #6 of the methodology are not yet factored in to the CBA such as providing residual essential services to those who may choose to remain in the community following relocation. We are unable to determine these costs at this time as the provision of an essential service could only be determined once the number of people choosing to remain in Little Bay Islands is identified through the community vote for voting-aged permanent residents. Following this vote, the Department may need to update the CBA to capture potential reductions in the initial cost savings estimates as a result of providing residual essential services and modifications to previously provided decommissioning costs.

To undertake the CBA for the Town, the Department consulted with the following stakeholders:
- The Department of Transportation and Works (TW);
- The Department of Health and Community Services (HCS);
- The Department of Justice and Public Safety (JPS);
- The Department of Education and Early Childhood Development (EECD);
- The Department of Advanced Education and Skills (AES);
- The Department of Business, Tourism, Culture and Rural Development (BTCRD);
- Fire and Emergency Services-NL (FES-NL);
- Newfoundland and Labrador Hydro (NL Hydro);
- Newfoundland and Labrador English School District;
- Municipal and Intergovernmental Affairs (MIGA)
  - Central Regional Office;
  - Municipal Engineering;
  - Municipal Finance;
  - Policy and Corporate Services; and
- The Department of Finance.

The following bullets provide a summary of the CBA performed (see Annex D):

Savings
- TW estimates $6,754,000 in 20-year savings from the withdrawal of the Hazel McIsaac ferry service and costs associated with maintaining TW-owned roads.
- EECD estimates $3,810,548 in savings from the closure of the H.L. Strong Academy.
- MIGA would save approximately $588,460 over 20 years from the withdrawal of their Municipal Operating Grant.
- Application-based funding programs such as Municipal Capital Works (MCW), Community Enhancement Employment Program (CEED), Special Assistance (SA), or Fire and Emergency Services (FES) programs have been allocated an amount based on average funding provided over the last 10 years. The total average annual amount is $2,281,927.
- AES has advised there would be no anticipated savings over 20 years from the income support program.
- NL Hydro has advised approximately $11,211,093 in 20-year savings would accrue from diesel fuel savings, operating and maintaining 5.3kms of circuit length and capital upgrades.
- HCS has advised there are no health services in the Town resulting in no savings to government.
- JPS has advised there would be no savings.
BTCRD has advised there are no new investments planned in Little Bay Islands resulting in no savings to government.

Based on the fact that government normally experiences growth in program expenditures every year, a two per cent annual increase has been factored in to provide a reasonable projection of future costs over a 20-year period. This equates to an additional cost of $5,295,645 for the 20-year period.

A discount rate of 3.2 per cent (as provided by the Department of Finance) has also been applied as this is Government’s current 20-year borrowing rate.

Based on the above, the total savings from the withdrawal of services, net present value adjusted, is $21,419,000.

Costs

The known current relocation costs would accrue from the provision of financial assistance to the 55 property owners, eight voting-age non-property owners, and seven commercial property owners, as well as the legal conveyance and property assessment costs. This results in a total cost of $14,570,900.

Potential additional future costs may include the finalization of commercial property payouts, refining decommissioning costs and providing potential essential services to anyone choosing to remain in the community.

Due to the significant size of the estimated savings, the only potential future cost that could negatively impact the CBA would be the costs associated with providing residual essential services. In previous relocations no one has chosen to remain the community following relocation so the cost providing residual essential services is unknown.

Analysis

- The CBA for the Town (Annex D) indicates that there is $6,848,100 in net savings over 20 years from the withdrawal of provincial services.

Recommendations:

- Based on the CBA showing an estimated net savings to government over 20 years from the withdrawal of services if the Town is relocated, it is recommended that the CBA is approved and the Department proceed to the formal vote for voting-aged permanent residents.

Prepared / Compiled / Approved by: A. Wright/ K. Curtis/ A. Morgans/ H. Tizzard
Consultation with:

Approved by:

Annex A – Map of Little Bay Islands
Annex B – Community Relocation Policy
Annex C – Relocation Cost Benefit Analysis Methodology
Annex D – Estimated Savings, Costs and CBA Evaluation
ANNEX A

Map of Little Bay Islands
ANNEX B

Community Relocation Policy

To be attached
ANNEX C

Relocation Cost Benefit Analysis Methodology

1. MIGA will contact government departments and request information regarding current and historic costs incurred by them and their entities (e.g. Regional Health Authority, School Boards, RNC etc.) in the community proposing to relocate. This will include ongoing expenditures related to ferry services, roads, schools, health services, municipal operating grants, etc.

2. MIGA will request that departments to provide cost estimates for them and their entities regarding known and/or quantifiable future expenditure increases related to infrastructure upgrades and maintenance. Unless specific cost increases are known, future cost increases will not be included in the analysis other than as noted in bullet 3 below.

3. Depending on the circumstances, MIGA will use current and/or historic costs to develop a projection of future costs for the next 20 years in the community.

4. Based on the assumption that Government normally experiences inflationary growth in its program expenditures every year, MIGA will add a percentage annual increase to the costs obtained in the bullets above in order to provide a reasonable projection of future costs over a twenty year period, accounting for inflation. In addition, the nominal discount rate used to complete a Net Present Value (NPV) calculation, will include an allowance for inflation and government’s real cost of borrowing. The inflation rate and NPV discount rate will be determined in consultation with the Project Analysis Division and Debt Management Division of the Department of Finance.

5. Using the cost information collected in bullets above, MIGA will project the benefit to Government over a 20 year period.

6. MIGA will calculate the up-front and/or future costs to Government of relocating the community including assistance payable to property owners; the maintenance of essential services to residents who choose to remain in the community; decommissioning costs for Government services in the community; and an estimate (if available) of future liabilities the Province will assume when it acquires legal title to property in the community which may include removal/remediation costs of deteriorating structures, residential oil tanks, and/or closure/decommissioning of Government facilities.

7. The projected 20 year value of the benefit to Government will be completed on a Net Present Value (NPV) basis in order to ensure cost and benefit data are analyzed on a comparable basis. In cases where future costs are identified, these future costs will also be calculated on a NPV basis to ensure comparative data.

8. If the projected benefit over the 20 year period exceeds the projected cost calculated on a NPV basis the community will be eligible for relocation approval.
## ANNEX D

Estimated Savings, Costs and CBA Evaluation

### Estimated Savings – Withdrawal of Provincial Services

<table>
<thead>
<tr>
<th>Department and District</th>
<th>Details</th>
<th>Operation and Maintenance Savings</th>
<th>Capital Investment/Other Consideration</th>
<th>20 Year Total Department Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation and Works</td>
<td>Hazel McIsaac ferry 2.5 kms of TW-owned road</td>
<td>$5,650,000 $450,000</td>
<td>$654,000 over 20 years in Marine Infrastructure</td>
<td>$6,754,000</td>
</tr>
<tr>
<td>NL English School District and EEC Douglas</td>
<td>H.L. Strong Academy School</td>
<td>$3,810,548</td>
<td>0</td>
<td>$3,810,548</td>
</tr>
<tr>
<td>MIGA</td>
<td>Municipal Operating Grant</td>
<td>$29,423 x 20 = $588,460</td>
<td>0</td>
<td>$588,460</td>
</tr>
<tr>
<td>Municipal and Intergovernmental Affairs and Fire and Emergency Services</td>
<td>Annual average of application-based programs for last 10 years</td>
<td><strong>10 Year Average</strong>&lt;br&gt;MCW = $79,499.10/yr&lt;br&gt;SA = $1,979/year&lt;br&gt;CLEE = $32,618.25/yr&lt;br&gt;FES = $0/year&lt;br&gt;Annual total = $114,096.35/year &lt;br&gt;x 20 years &lt;br&gt;= $2,281,927 total</td>
<td>0</td>
<td>$2,281,927</td>
</tr>
<tr>
<td>AES</td>
<td>Programs</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>NL Hydro</td>
<td>Diesel</td>
<td>$579,289.64/year x 20 years - $600,000 decommissioning cost = $10,985,793</td>
<td>$225,300</td>
<td>$11,211,093</td>
</tr>
<tr>
<td>HCS</td>
<td>No Health Services</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>JPS</td>
<td>No anticipated savings</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>BTCRD</td>
<td>No Further Investment</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

| Estimated Total 20 Year Savings | $24,646,028 |
| Inflation – 2 per cent | $5,295,645 |
| Estimated Total 20 Year Savings | $29,941,673 |
| Net Present Value Adjusted | $21,419,000 |
Calculation of Relocation Financial Assistance Costs

<table>
<thead>
<tr>
<th>Household Composition</th>
<th>Assistance to Permanent Residents/Property Owners</th>
<th>Assistance Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner(s) + minor Dependents</td>
<td>Assistance Amount x Number of Households/Adult Non-Property Owners</td>
<td>Financial Assistance to be Paid</td>
</tr>
<tr>
<td>1 Person</td>
<td>$250,000 x 23</td>
<td>$5,750,000</td>
</tr>
<tr>
<td>2 Persons</td>
<td>$260,000 x 31</td>
<td>$8,060,000</td>
</tr>
<tr>
<td>3 Persons</td>
<td>$270,000 x 1</td>
<td>$270,000</td>
</tr>
<tr>
<td>Adult non-property owner</td>
<td>$10,000 x 8</td>
<td>$80,000</td>
</tr>
</tbody>
</table>

**Commercial Properties**

<table>
<thead>
<tr>
<th>Assistance to Commercial Property Owners</th>
<th>Assistance Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 x Municipal Assessment Agency Assessed Value x 7</td>
<td>Financial Assistance to be Paid</td>
</tr>
<tr>
<td></td>
<td>$300,000*</td>
</tr>
</tbody>
</table>

**Process/Administration**

<table>
<thead>
<tr>
<th>Assistance to Legal Conveyance Costs, MAA Assessment Costs, Water/Sewer Decommissioning</th>
<th>Assistance Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>$750 x 62</td>
<td>Financial Assistance to be Paid</td>
</tr>
<tr>
<td>$700 x 7</td>
<td>Financial Assistance to be Paid</td>
</tr>
<tr>
<td>$500 x (59 - $29,500 - $30,000)**</td>
<td>Financial Assistance to be Paid</td>
</tr>
<tr>
<td>$59,500</td>
<td></td>
</tr>
</tbody>
</table>

**Currently Known Total Costs** $14,570,900

*Commercial property compensation is conservatively estimated based on Municipal Assessment Agency estimated values for the region.

**There are 59 properties (55 residential + 4 commercial) with water/sewer connections. The $30,000 relates to the recommended decommission of water at source and sewer at point of discharge (both costing an estimated $15,000 each).

NPV Dollars Cost Savings Calculation

<table>
<thead>
<tr>
<th>NPV Estimated Savings</th>
<th>Estimated Costs</th>
<th>Outcome</th>
<th>Pass/Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>$21,419,000</td>
<td>$14,570,900</td>
<td>$6,848,100</td>
<td>Pass</td>
</tr>
</tbody>
</table>
Winters, Scott

From: Morgans, Andy
Sent: Monday, August 24, 2015 9:55 AM
To: Wright, Andrew
Subject: FW: Cost Benefit Analysis Little Bay Islands.

FYI - pls file.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6
andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Janes, Colleen G.
Sent: Sunday, August 23, 2015 9:49 AM
To: Tizzard, Heather; Morgans, Andy
Subject: Fw: Cost Benefit Analysis Little Bay Islands

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Noble, Paul <pauln@gov.nl.ca>
Sent: Sunday, August 23, 2015 8:29 AM
To: Janes, Colleen G.
Cc: Jacobs, Heather
Subject: Re: Cost Benefit Analysis Little Bay Islands

Good here, Colleen.

Paul

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Sent: Saturday, August 22, 2015 9:35 PM
To: Companion, Lori Anne; Vivian Walsh, Janet; Dutton, Sean; Bown, Charles W.; Dooling, Genevieve (AES); Cooper, Bruce; Noble, Paul; O'Rielly, Alastair
Cc: Tizzard, Heather; Morgans, Andy
Subject: Fwd: Cost Benefit Analysis Little Bay Islands

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Colleen

Sent from my iPad

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To: "Janes, Colleen G." <CJanes@gov.nl.ca>
Subject: Cost Benefit Analysis Little Bay Islands

Colleen,
Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?

Thanks,
Heather
Paul and Ken,

See below comments and attached from Mark King (NALCOR) via Charles Bown.

They have now done their own NPV analysis using their own rates. I need guidance on how we marry our analysis with theirs. Can I use their annual savings numbers and drop into our new sensitivity analysis as proposed? As you can see they have escalated inflation as well as the discount rate.

Should either of you talk directly with Mr. King on this one?

As an FYI, this is new feedback from Hydro as this was not done for recently approved William's Harbour CBA.

Please advise – thanks.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
709 729 7143
andrewwright@gov.nl.ca

From: Morgans, Andy
Sent: Wednesday, September 02, 2015 8:30 AM
To: Wright, Andrew
Subject: FW: Cost Benefit Analysis Little Bay Islands

Pls file and incorporate into revised CBA.

Any questions pls ask.

Thks

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6

andymorgans@gov.nl.ca
Sent from my BlackBerry 10 smartphone on the Bell network.

From: Bown, Charles W. <cbown@gov.nl.ca>
Sent: Tuesday, September 1, 2015 5:00 PM
To: Janes, Colleen G.
Subject: Fw: Cost Benefit Analysis Little Bay Islands

Feedback from Hydro

Sent from my BlackBerry 10 smartphone on the Bell network.

From: MarkKing@nalcorenergy.com
Sent: Tuesday, September 1, 2015 4:52 PM
To: Bown, Charles W.
Subject: Fw: Cost Benefit Analysis Little Bay Islands

Charles,

Note the attached and feedback from our officials below.

They modified the analysis based on the fact that the estimates were in 2014$. Also suggested that may need to have the planners further consider the capital needs of the community over the next 20 years. If desired, our folks could modify based on load and demonstrate more accurate fuel costs as well as opportunity costs. Also, our team has offered to meet and review with GNL officials if they'd like.

COMMETARY: We would have to go through the economics and understand what they have assumed. I anticipate a larger benefit from fuel cost arising from fuel escalation above 2%. As a sensitivity, I changed the escalation from 2% to 4% increasing the benefit by $1.5 million. The opportunity cost associated with less exports will be an additional cost which we cannot calculate without the load. The use of our WACC at 7% as a discount rate as opposed to the societal discount rate that GNL is likely using of say 3.5% could reduce the value by $2.7 million alone.

Some question about applying escalation to 1 year operating cost - could go into more detailed analysis but doubt outcome would change. Could have 20 year numbers in week if necessary.
### Estimated Direct O & M Costs - 2014

<table>
<thead>
<tr>
<th># of Customers</th>
<th>Approximate O &amp; M Cost (Real$)</th>
<th>Fuel Cost (G)</th>
<th>Distribution Circuit Length (ft)</th>
<th>Estimated Distribution O &amp; M Cost ($)</th>
<th>Total Estimate Years O &amp; M Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Ray Islands</td>
<td>251</td>
<td>$316,188.00</td>
<td>$238,160.52</td>
<td>1.3</td>
<td>$6,463.12</td>
</tr>
</tbody>
</table>

In addition there are 2 Capital Projects stated for Little Ray Islands:

1. 2017 - Upgrade Fuel Storage - $125,000
2. 2018 - Initial Unit Fuel Monitoring - $100,000 approximate
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
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<td>2016</td>
<td>1 $579,289.64</td>
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<td>1.02</td>
<td>$590,875.43</td>
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<td>2017</td>
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<td>1.0404</td>
<td>$602,692.94</td>
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<td>2018</td>
<td>3 $579,289.64</td>
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<td>0</td>
<td>1.0612</td>
<td>$614,746.80</td>
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<td>$614,747</td>
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<td>2019</td>
<td>4 $579,289.64</td>
<td></td>
<td>0</td>
<td>1.0824</td>
<td>$627,041.74</td>
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<td>$627,042</td>
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<td>0</td>
<td>1.1041</td>
<td>$639,582.57</td>
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<td>$639,583</td>
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<td>2021</td>
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<td>1.1262</td>
<td>$652,374.22</td>
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<td>1.1487</td>
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<td></td>
<td>$665,422</td>
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<td>2023</td>
<td>8 $579,289.64</td>
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<td>0</td>
<td>1.1717</td>
<td>$678,730.14</td>
<td></td>
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<td>2024</td>
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<td>1.1951</td>
<td>$692,304.74</td>
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<td>$692,305</td>
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<td>$706,151</td>
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<td>$779,648</td>
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<td>18 $579,289.64</td>
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<td>1.4282</td>
<td>$827,368.25</td>
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<td>$827,368</td>
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<td>19 $579,289.64</td>
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<td>1.4568</td>
<td>$843,915.62</td>
<td></td>
<td>$843,916</td>
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<td>2035</td>
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<td>1.4859</td>
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<td>$860,794</td>
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<td>Total</td>
<td>$11,585,793</td>
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<td>$11,211,093</td>
<td>0.2%</td>
<td>$14,356,719</td>
<td></td>
<td>$13,974,525</td>
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<tr>
<td>NPV</td>
<td>7.0%</td>
<td>($520,187)</td>
<td>$5,786,816</td>
<td>0</td>
<td>$7,279,620</td>
<td></td>
<td>$6,922,430</td>
</tr>
</tbody>
</table>
Winters, Scott

From: Morgans, Andy  
Sent: Wednesday, September 02, 2015 3:08 PM  
To: Wright, Andrew  
Subject: FW: Cost Benefit Analysis Little Bay Islands  

FYI and pls file, thks.

Andy Morgans  
Director of Local Governance  
Department of Municipal and Intergovernmental Affairs  
4th Floor (West Block), Confederation Building  
P.O. Box 8700  
St. John’s, NL, A1B 4I6  

andymorgans@gov.nl.ca  
Tel: 709-729-5539  
Fax: 709-729-4475

From: Janes, Colleen G.  
Sent: Wednesday, September 02, 2015 12:17 PM  
To: Morgans, Andy  
Subject: FW: Cost Benefit Analysis Little Bay Islands

From: Cooper, Bruce  
Sent: Wednesday, September 02, 2015 12:12 PM  
To: O'Rielly, Alastair; Janes, Colleen G.; Companion, Lori Anne; Bown, Charles W.; Brewer, Donna  
Subject: Re: Cost Benefit Analysis Little Bay Islands

So are we Colleen. Bruce

Sent from my BlackBerry 10 smartphone on the Bell network.

From: O'Rielly, Alastair  
Sent: Wednesday, September 2, 2015 10:34 AM  
To: Janes, Colleen G.; Companion, Lori Anne; Bown, Charles W.; Brewer, Donna; Cooper, Bruce  
Subject: RE: Cost Benefit Analysis Little Bay Islands

Good day Colleen  

We are good with the decision note.

Alastair  
Deputy Minister  
Business, Tourism, Culture and Rural Development
From: Janes, Colleen G.
Sent: Tuesday, September 01, 2015 3:03 PM
To: Companion, Lori Anne; Bown, Charles W.; Brewer, Donna; O’Rielly, Alastair; Cooper, Bruce
Subject: FW: Cost Benefit Analysis Little Bay Islands
Importance: High

Afternoon everyone,

Please see below that we are getting pressure from the Town re this relocation file. Can you advise if the decision note circulated Aug 22nd is an accurate reflection of your department’s input.

A response by end of day tomorrow would be very much appreciated.

Thanks in advance
Colleen

From: Morgans, Andy
Sent: Tuesday, September 01, 2015 2:59 PM
To: Janes, Colleen G.
Cc: Tizzard, Heather; Wright, Andrew
Subject: RE: Cost Benefit Analysis Little Bay Islands

Colleen

Please note that we are still awaiting confirmation from TW, NR, FIN, BTRID and HCS.

Please also note that we received an email from LBI Town Council yesterday complaining about the time it has taken to advance their file and enquiring when the community relocation vote will be taking place.

Any questions pls ask.

Thks

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John’s, NL, A1B 4J6

andy.morgans@gov.nl.ca
Tel: 709-729 5539
Fax: 709-729-4475

From: Janes, Colleen G.
Sent: Saturday, August 22, 2015 9:35 PM
To: Companion, Lori Anne; Vivian-Walsh, Janet; Dutton, Sean; Bown, Charles W.; Dooling, Genevieve (AES); Cooper, Bruce; Noble, Paul; O’Rielly, Alastair
Cc: Tizzard, Heather; Morgans, Andy
Subject: Fwd: Cost Benefit Analysis Little Bay Islands

Please find attached a decision note on the relocation of little bay islands. As with prior notes for other communities I ask that you confirm the information within that was provided by your departmental contact.
Thanks in advance.

Colleen

Sent from my iPad

Begin forwarded message:

From: "Tizzard, Heather" <HeatherTizzard@gov.nl.ca>
To: "Janes, Colleen G." <CJanes@gov.nl.ca>
Subject: Cost Benefit Analysis Little Bay Islands

Colleen,
Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?

Thanks,
Heather
From: Wright, Andrew
Sent: Thursday, September 25, 2014 2:31 PM
To: Glassman, Stephen
Subject: FW: Estimated Annual O M Costs for Municipal Affairs.docx
Attachments: Estimated Annual O M Costs for Municipal Affairs.docx

Nalcor savings

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
709 729 7143
andrew.wright@gov.nl.ca

From: Wright, Andrew
Sent: Thursday, July 03, 2014 9:53 AM
To: Drover, Devin
Subject: Estimated Annual O M Costs for Municipal Affairs.docx

Will explain a little later – Cost Benefit Analysis
Estimated Annual Operating and Maintenance Costs
Newfoundland and Labrador Hydro's isolated rural operations

The regulated costs to Hydro of servicing its approximately 37,000 rural customers are comprised of direct costs such as Operating and Maintenance that are incurred in the production of electricity, and indirect costs that are not a direct result of producing output for the company, such as interest expense, depreciation and overhead. Even though they are not a direct cost of production, these indirect costs must be allocated to the revenue producing assets based on accepted Cost of Service guidelines to give a true cost of producing electricity. The Total System costs, including a profit margin, are offset by energy sales and other miscellaneous revenues.

In 2011, Hydro provided service to 27,684 customers in isolated rural areas (see Table 1 below). Due to low populations, the revenue collected from these ratepayers is not sufficient to cover Hydro's direct and indirect costs, particularly considering the fixed cost of the required infrastructure and the high cost of fuel. This shortfall, or Rural Deficit, is made up by other customers. The 2011 actual Rural Deficit of $49.4 million (approximately 50% of total costs) was allocated to Newfoundland Power (89% or $43.9 million) and Labrador Interconnected (11% or $5.4 million).

<table>
<thead>
<tr>
<th>Rural Deficit Systems</th>
<th>Avg. No. Customers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Island Interconnected</td>
<td>23,423</td>
</tr>
<tr>
<td>Island Isolated</td>
<td>820</td>
</tr>
<tr>
<td>Labrador Isolated</td>
<td>2,425</td>
</tr>
<tr>
<td>L'Anse au Loup</td>
<td>1,016</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27,684</strong></td>
</tr>
<tr>
<td><strong>%</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
The tables below provide annual estimates, based on 2011 actual data, of the direct costs to Hydro of providing service in the communities noted. Indirect costs are not tracked at this level of detail.

<table>
<thead>
<tr>
<th>Community</th>
<th># of Customers</th>
<th>Approximate O &amp; M Cost (Excl Fuel) ($)</th>
<th>Fuel Cost ($)</th>
<th>Distribution Circuit Length (km)</th>
<th>Estimated Distribution O &amp; M Cost ($)</th>
<th>Total Estimate Yearly O &amp; M Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Bay Islands</td>
<td>129</td>
<td>365,000</td>
<td>295,200</td>
<td>5.3</td>
<td>12,784</td>
<td>672,984</td>
</tr>
</tbody>
</table>
**Note 1:** The area known as Beaches is part of the Hampden distribution system, which has 289 customers. A field visit would be required to determine the actual number of customers in Beaches.

It is important to mention that if Hydro were to discontinue its operations in any of these communities, there would be a cost associated with removing its infrastructure footprint from the community. In an isolated community such as those listed above, these costs could be in the range of $400,000 - $800,000 (rough estimate).
FYI and pls file, thks.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John’s, NL, A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Janes, Colleen G.
Sent: Tuesday, August 25, 2015 3:32 PM
To: Tizzard, Heather; Morgans, Andy
Subject: FW: Fwd: Cost Benefit Analysis Little Bay Islands

Here you go.

From: Wheaton, Roxie T.
Sent: Tuesday, August 25, 2015 02:42 PM
To: Dooling, Genevieve (AES)
Subject: FW: Fwd: Cost Benefit Analysis Little Bay Islands

Hi Gig: this is to confirm that the information contained in the attached note accurately reflects AES cost/benefit analysis. I can confirm that we have

I can also confirm there are no associated cost or savings related to employment services. [Section 40(1)]

Roxie
From: Dooling, Genevieve (AES)
Sent: Sunday, August 23, 2015 7:13 AM
To: Wheaton, Roxie T.
Subject: Fw: Fwd: Cost Benefit Analysis Little Bay Islands

Please coordinate reply. This would impact yours and Dennis branches. We will need to respond to Colleen by mid week.

Gig

From: Janes, Colleen G.
Sent: Saturday, August 22, 2015 09:35 PM
To: Companion, Lori Anne; Vivian-Walsh, Janet; Dutton, Sean; Bown, Charles W.; Doolding, Genevieve (AES); Cooper, Bruce; Noble, Paul; O’Rielly, Alastair
Cc: Tizzard, Heather; Morgans, Andy
Subject: Fwd: Cost Benefit Analysis Little Bay Islands

Please find attached a decision note on the relocation of little bay islands. As with prior notes for other communities I ask that you confirm the information within that was provided by your departmental contact.

Thanks in advance.

Colleen

Sent from my iPad

Begin forwarded message:

From: "Tizzard, Heather" <HeatherTizzard@gov.nl.ca>
To: "Janes, Colleen G." <CJanes@gov.nl.ca>
Subject: Cost Benefit Analysis Little Bay Islands

Colleen,
Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?

Thanks,

Heather
FYI – for when we respond to the CBA information request... we need to show TW our draft response

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709.729.7143
andrewwright@gov.nl.ca

From: Martin, Kellee
Sent: Thursday, September 17, 2015 9:44 AM
To: Wright, Andrew
Cc: Smith, Paul C
Subject: RE: Information request.

Andrew,

As discussed, attached is the breakdown and methodology/rationale used in our calculations with respect to Little Bay Islands. We have no issue with you providing this to the group, but would like to see a draft of your response to them prior to it being sent out if you don’t mind?

Note that there is no Federal funding associated with our intra-provincial ferry services.

Feel free to give me a call if you have any questions or require anything further.

Thanks,
Kellee

From: Wright, Andrew
Sent: Wednesday, September 16, 2015 11:18 AM
To: Martin, Kellee
Subject: Information request.

Kellee,

We have been requested to provide information to the “Friends of Little Bay Islands”, which is a group of seasonal property owners on Little Bay Islands. Please see the request below.

1. A formal breakdown of the estimated cost savings related to the resettlement including estimated savings for terminating specific services such as power and sanitary, as well as the formula for cost savings related to the termination of the ferry service given that the funding for the service is partially
paid for by the federal government and that the ferry and its crew will continue to operate year round to Long Island.

We can provide the #s as part of our CBA release but can you speak a little to the methodology and how any Federal grants apply or not. Should we provide the full breakdown on LBI which you provided previously?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca
Summary of the Cost Savings Associated with the Relocation of Little Bay Islands

Estimated savings associated with the removal of Little Bay Islands are approximately $6,754,000 over a 20 year period broken down as follows:

<table>
<thead>
<tr>
<th></th>
<th>Estimated Annual Savings</th>
<th>Estimated 20 Year Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine Operations</td>
<td>$282,500</td>
<td>$5,650,000</td>
</tr>
<tr>
<td>Marine Infrastructure</td>
<td>variable</td>
<td>$654,000</td>
</tr>
<tr>
<td>Road Maintenance</td>
<td>$22,500</td>
<td>$450,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$6,754,000</strong></td>
</tr>
</tbody>
</table>

The current service is a 3 point service (Long Island - Little Bay Islands - Pilley's Island). This route currently consists of two isolated ports (Long Island and Little Bay Islands) which are serviced by one terminal port (Pilley’s Island).

See route below:

![Map of Little Bay Islands, Long Island, and Pilley’s Island](image)

Details on how the potential savings were estimated are as follows:

**Marine Operations Savings**
With the relocation of Little Bay Islands, there will be fuel savings of approximately $282,500 per year, or $5,650,000 over a 20 year period. This is based on:
- The fuel cost for the vessel operating on this service was approximately $577,000 in 2014-15
- Removing Little Bay Islands from the schedule will result in savings of approximately 1/2 of the annual fuel cost. This equates to savings of approximately $288,500 per year, or $5,770,000 over a 20 year period (note this is based on 2014-15 fuel usage/costs). However, this assumes no changes to the current service levels for Long Island should Little Bay Islands be removed from the schedule.
- In addition, TW currently contracts wharfinger services at Little Bay Islands at an annual cost of approximately $40,000 per year, or $800,000 over a 20 year period.
- Less annual revenue of approximately $46,000 per year (estimate based on half of the revenue received in 2013-14 due to the removal of 1 of the 2 isolated ports) or $920,000 over a 20 year period

**Marine Infrastructure Savings**

With the relocation of Little Bay Islands, there will be savings associated with maintenance/upgrades to the wharf infrastructure. Savings are estimated at $654,000 over a 20 year period based on:

- The Little Bay Islands wharf was built in 1995. Based on assessment of the current wharf, it was anticipated that it would have to be replaced in 2031.
- The estimated cost to rehabilitate the Little Bay Islands wharf is approximately $163,500; it is anticipated that 4 rehabilitations would be required over a 20 year period, for a total cost of $654,000 over a 20 year period

**Road Maintenance Savings**

With the relocation of Little Bay Islands, there will be savings associated with summer and winter road maintenance as TW owns 2.5 kilometres of road in Little Bay Islands. Savings are estimated at approximately $22,500 per year, or $450,000 over a 20 year period.

- Annual winter road maintenance costs are approximately $5000 per kilometre, which equates to $12,500 per year, or $250,000 over a 20 year period.
- Annual summer road maintenance costs are approximately $4,000 per kilometre, which equates to $10,000 per year, or $200,000 over a 20 year period.
Hi Andrew,

See below for revised TW estimated projected cost savings associated with relo of LBI.

Paul

From: Martin, Kellee
Sent: Tuesday, June 16, 2015 3:53 PM
To: Smith, Paul C
Subject: RE: Little Bay Islands - revised

Paul,

As discussed, we have revisited the numbers associated with the removal of Little Bay Islands, and are estimating savings of approximately $6,754,000 over a 20 year period broken down as follows:

<table>
<thead>
<tr>
<th>Summary of Estimated Savings Based on the Relocation of Little Bay Islands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Annual Savings</td>
</tr>
<tr>
<td>Marine Operations</td>
</tr>
<tr>
<td>Marine Infrastructure</td>
</tr>
<tr>
<td>Road Maintenance</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

The current service is a 3 point service (Long Island – Little Bay Islands – Pilley’s Island). This route current consists of two isolated ports (Long Island and Little Bay Islands) which are serviced by one terminal port (Pilley’s Island).

See route below:
Details on how the potential savings were estimated are as follows:

**Marine Operations Savings**
With the relocation of Little Bay Islands, there will be fuel savings of approximately $282,500 per year, or $5,650,000 over a 20 year period. This is based on:

- The fuel cost for the vessel operating on this service was approximately $577,000 in 2014-15.
- Removing Little Bay Islands from the schedule will result in savings of approximately 1/2 of the annual fuel cost. This equates to savings of approximately $288,500 per year, or $5,770,000 over a 20 year period (note this is based on 2014-15 fuel usage/costs). However, this assumes no changes to the current service levels for Long Island should Little Bay Islands be removed from the schedule.
- In addition, TW currently contracts wharfinger services at Little Bay Islands at an annual cost of approximately $40,000 per year, or $800,000 over a 20 year period.
- Less annual revenue of approximately $46,000 per year (estimate based on half of the revenue received in 2013-14 due to the removal of 1 of the 2 isolated ports) or $920,000 over a 20 year period.

**Marine Infrastructure Savings**
With the relocation of Little Bay Islands, there will be savings associated with wharf maintenance/upgrades to the wharf infrastructure. Savings are estimated at $654,000 over a 20 year period based on:

- The Little Bay Islands wharf was built in 1995. Based on assessment of the current wharf, it was anticipated that it would have to be replaced in 2031.
- The estimated cost to rehabilitate the Little Bay Islands wharf is approximately $163,500; it is anticipated that 4 rehabilitations would be required over a 20 year period, for a total cost of $654,000 over a 20 year period.

**Road Maintenance Savings**
With the relocation of Little Bay Islands, there will be savings associated with summer and winter road maintenance as TW owns 2.5 kilometres of road in Little Bay Islands. Savings are estimated at approximately $22,500 per year, or $450,000 over a 20 year period.

- Annual winter road maintenance costs are approximately $5,000 per kilometre, which equates to $12,500 per year, or $250,000 over a 20 year period.
- Annual summer road maintenance costs are approximately $4,000 per kilometre, which equates to $10,000 per year, or $200,000 over a 20 year period.

Thanks,
Kellee Martin
Manager of Evaluation and Research
Department of Transportation and Works
Government of Newfoundland and Labrador
P.O. Box 8700, St. John's, NL A1B 4J6
Phone: 709-729-6560
Fax: 709-729-3418
Email: kelleemartin@gov.nl.ca
PIs file and undertake +/- 0.5 sensitivity analysis for the LBi DN.

Any questions pls ask.

Thks

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6

andy.morgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Janes, Colleen G.
Sent: Wednesday, September 02, 2015 9:12 AM
To: Quigley, David
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance); Morgans, Andy; Tizzard, Heather; Curtis, Ken
Subject: RE: MIGA Decision Note

Thanks David. I would welcome finance views on whether we should get the current bond rate each time we prepare to do a NPV calculation. That said, we calculate at a point in time, and it will be several months post calculation when (assuming a pass test, and then a 90% community vote) we go to cabinet for approval of relocation, at which time the rate could be different again. Another approach could be to do 3.2 and a sensitivity analysis of +/- .5 to see if that changes the result.

Would welcome your thoughts on this.

Colleen

From: Quigley, David
Sent: Wednesday, September 02, 2015 9:04 AM
To: Janes, Colleen G.
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance)
Subject: MIGA Decision Note

Colleen,

Finance has reviewed the draft Decision Note Potential Relocation of the Town of Little Bay Islands and offers the following comments:
• Should the proposal be approved and the community achieves the required 90 percent support level, the Department would be required to fund the relocation. Currently, the Department does not have a budget in place for relocations thus would have to find savings from its existing budget allocation. If approved, where will the funds be sourced?

• Finance notes that the discount rate applied in this relocation proposal is 3.2%, which was GNL's 20 year bond rate a couple weeks ago. Today, GNL's 20 year rate has increased to 3.3%. Previous proposals a few months, may have used 3.5%, as that was the bond rate around the time of those proposals. As you can see, the daily bond rate changes slightly rather frequently, therefore selecting a specific bond rate at a given point in time will result in different relocation proposals (all within months of each other) probably having different bond rate assumptions. Finance notes that unless the net savings (pass or fail) for a specific relocation is only marginal, slight changes to the bond rate like we have seen lately would change the final pass or fail result. For comparative purposes, it may be worth running this particular proposal at 3.5% to gauge how sensitive the outcome is to a change in bond rate. (Note: increasing the bond rate, shrinks the NPV estimated savings, which decreases net savings, and therefore decreases the chance of a pass outcome). Obviously, there is merit in using the latest bond rate, however.

David Quigley
Treasury Board Officer
Treasury Board Support
Department of Finance
Ph 2475
From: Morgans, Andy  
Sent: Wednesday, September 02, 2015 9:39 AM  
To: Wright, Andrew  
Subject: FW: MIGA Decision Note

FYI – pls file and incorporate into revised LBI DN

Any questions pls ask.

Thks

Andy Morgans  
Director of Local Governance  
Department of Municipal and Intergovernmental Affairs  
4th Floor (West Block), Confederation Building  
P.O. Box 8700  
St. John’s, NL, A1B 4J6

andymorgans@gov.nl.ca  
Tel: 709-729-5539  
Fax: 709-729-4475

From: Janes, Colleen G.  
Sent: Wednesday, September 02, 2015 9:08 AM  
To: Morgans, Andy  
Subject: FW: MIGA Decision Note

From: Quigley, David  
Sent: Wednesday, September 02, 2015 9:04 AM  
To: Janes, Colleen G.  
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance)  
Subject: MIGA Decision Note

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David Quigley
Treasury Board Officer
Treasury Board Support
Department of Finance
Ph 2475
From: Morgans, Andy
Sent: Wednesday, September 02, 2015 9:45 AM
To: Wright, Andrew
Subject: FW: MIGA Decision Note

Pls file, thks.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Tucker, Paul
Sent: Wednesday, September 02, 2015 9:27 AM
To: Janes, Colleen G.; Quigley, David
Cc: Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance); Morgans, Andy; Tizzard, Heather; Curtis, Ken
Subject: RE: MIGA Decision Note

Hi Colleen,

When the calculations are being done, always check with Paul Myrden, Debt Management Division, to get the most current rate. Because there will be a time lag between when the calculation is done and when the approval happens, I’d suggest doing a sensitivity analysis of +/- .5 per cent – this would account for any of the daily variations in the interest rates.

If you, or anyone involved in doing the calculations would like to discuss this, feel free to give me a call at 4407.

All the best,
Paul

Paul Tucker
Director, Treasury Board Support
Department of Finance
Government of Newfoundland and Labrador
1-709-729-4407

From: Janes, Colleen G.
Sent: Wednesday, September 02, 2015 9:12 AM
To: Quigley, David
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance); Morgans, Andy; Tizzard, Heather; Curtis, Ken
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Hi Andrew:

Here is an indication of the values.

Sean

Sean Martin
Executive Director/CEO
Municipal Assessment Agency
smartin@maa.ca
(709)724-1533

From: Allen, Debbie MAA
Sent: Tuesday, July 21, 2015 3:03 PM
To: Martin, Sean MAA
Subject: RE: Relocation Commercial Property Assessments

We did have photos, etc for the properties in Round Harbour when we reviewed and provided an estimate.

Here is a summary but if more clarification is needed we may need more information.

Estimate of residential property value: Williams Harbour $25,000 - 28,000
Little Bay Islands $25,000 - 30,000

Estimate for Sheds, wharves and Stages: $3,000-10,000

From: Martin, Sean MAA
Sent: Tuesday, July 14, 2015 9:57 AM
To: Allen, Debbie MAA
Subject: Fwd: Relocation Commercial Property Assessments

We need to discuss

Sent from my iPad

Begin forwarded message:

From: "Wright, Andrew" <AndrewWright@gov.nl.ca>
Date: July 14, 2015 at 9:26:05 AM NDT
To: "Martin, Sean MAA" <SMartin@maa.ca>
Cc: "Martin, Sean MAA" <SMartin@maa.ca>, "Allen, Debbie MAA" <DebbieAllen@maa.ca>
Subject: RE: Relocation Commercial Property Assessments

Hi Sean, as per Debbie's email below, we are also considering some Commercial Fishing Properties in William's Harbour, Labrador, and Little Bay Islands. What would be a reasonable estimate for sheds, wharves, stages etc in these communities, if were to compensate fisherpersons (as we did with Round Harbour)?

Also, there are commercial property requests related to housing structures.

<![if !supportLists]><1.  ![endif]> A B in Little Bay Islands and rental properties; and

<![if !supportLists]><2.  ![endif]> a craft store/apartment in William's Harbour.

Would you be able to approximate the value of homes in William's Harbour and Little Bay Islands so we can estimate a payout on these? Thank you for your consideration.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t 709 729 7143
andrewwright@gov.nl.ca

From: Allen, Debbie MAA
Sent: Monday, November 10, 2014 11:41 AM
To: Wright, Andrew
Subject: Re: Relocation Commercial Property Assessments

Andrew. I am sorry I am out until Thursday.

Range from 3000 -10000 could be used as an estimate.

Sales info provided to indicate these types of property do sell and the range in sales prices we have on file.

Debbie

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Wright, Andrew
Sent: Monday, November 10, 2014 11:24 AM
To: Allen, Debbie MAA
Subject: RE: Relocation Commercial Property Assessments

Hi Debbie, can you give me a quick call to discuss below. I want to be certain I provide the appropriate range to the potential commercial property owners.

We are only compensating for wharves, sheds, stages etc (not the house). Am I providing the 3k-10k range or the 200-6k range for their consideration? I just want to be clear which one I should use.

Thanks,
Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t 709 729 7143
andrewwright@gov.nl.ca

From: Allen, Debbie MAA
Sent: Monday, November 03, 2014 10:50 AM
To: Wright, Andrew
Cc: Martin, Sean MAA
Subject: FW: Relocation Commercial Property Assessments
We do have property sales of fishing shed and wharf structures in similar municipalities during 2011 - 2013. The sales price of these parcels range from $200 - $6000.

I trust this information is of assistance to you.

Debbie Allen

Deborah A. Allen
Director, Valuation Services
Municipal Assessment Agency
PO Box 20051
Corner Brook, NL A2H 7J5
Telephone: (709) 637-7154
E-mail: dalen@maa.ca

From: Wright, Andrew
Sent: Tuesday, October 21, 2014 10:07 AM
To: Martin, Sean MAA
Subject: Relocation Commercial Property Assessments

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
tel: 709 729 7143
andrewwright@gov.nl.ca

From: Martin, Sean MAA
Sent: Wednesday, August 28, 2013 3:15 PM
To: Wright, Andrew
Subject: Re: Relocation - values to support cost benefit analysis

A shed 10x12 would add about $400-500
A Wharf is typically assessed at about $1000 per wharf assuming 8’x45’ so you could work back from that.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Wright, Andrew
Sent: Wednesday, August 21, 2013 1:13 PM
To: Martin, Sean MAA
Subject: RE: Relocation - values to support cost benefit analysis
Thanks Sean. I think a reasonable ball park is good.

There are some decisions being made here that may impact some financial analysis down the road. For example, if we identify there are 10 fisherpersons in a community that must be compensated we want to estimate the amount of payout to them. Most of them will likely have a home, shed(s) and possibly a wharf. We want to know what is the value of these items are. We recognize the challenge here so ballpark or ranges should do it justice. Thanks

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs
t:709 729 7143
andrewwright@gov.nl.ca

-----Original Message-----
From: Martin, Sean MAA
Sent: Wednesday, August 21, 2013 2:36 PM
To: Wright, Andrew
Subject: RE: Relocation - values to support cost benefit analysis

We don’t assess those communities but can provide an estimate. How good
does the estimate need to be for your immediate purpose? Just want to
make certain our reply is appropriate to your expectation.

Sean Martin
Executive Director/CEO
Municipal Assessment Agency
75 O’Leary Avenue, St. John’s NL A1B 2C9
Tel. (709)724-1532/Fax (709)724-1529
e-mail smartin@maa.ca

-----Original Message-----
From: Wright, Andrew
Sent: Wed 8/21/2013 10:44 AM
To: Martin, Sean MAA
Subject: Relocation - values to support cost benefit analysis

Hi Sean,

I am hoping you can help me. Can you advise on the following where
able?:

1) What is the average assessed value of a home in Little Bay
Islands?
If you do not have the values, what would be a reasonable guesstimate?

Also, do you assess sheds and wharfs/docks? If so, what is the average assessed value of a shed say 10 x 12 and wharf in these or rural communities? We are considering these 4 communities for relocation assistance and this information would help us determine the costs to government. Any advice would help. Thanks.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs
t: 709 729 7143
andrewwright@gov.nl.ca <mailto:andrewwright@gov.nl.ca>
Winters, Scott

From: Wright, Andrew
Sent: Friday, March 06, 2015 4:27 PM
To: Wright, Andrew
Subject: FW: Savings Estimates for Potentially Relocating Communities

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
T: 709 729 7143
andrewwright@gov.nl.ca

From: Jason Riddle [mailto:JasonRiddle@nlesd.ca]
Sent: Friday, February 27, 2015 4:10 PM
To: Wright, Andrew
Subject: Re: Savings Estimates for Potentially Relocating Communities

Yes, that looks to be the case.

Jason

Jason Riddle, CPA, CA
Manager of Accounting and Financial Operations
Newfoundland and Labrador English School District
Suite 601, Atlantic Place
215 Water Street, Box 64-66
St. John’s, NL A1C 6C9
Telephone: (709) 758-2342
Facsimile: (709) 758-2706
e-mail: jasonriddle@nlesd.ca

"Wright, Andrew" <AndrewWright@gov.nl.ca> on Friday, February 27, 2015 at 4:10 PM -0330 wrote:
Ok - So based on current profile and children in the community (no other younger children) from my understanding, there may be only one to two years of savings depending on if and when the community is relocated.

Andrew Wright
Manager, Community Liaison
Local Governance Division
From: Jason Riddle [mailto:JasonRiddle@nlesd.ca]
Sent: Friday, February 27, 2015 4:06 PM
To: Wright, Andrew
Subject: Re: Savings Estimates for Potentially Relocating Communities

I believe it had always been K-12 up until recently. Due to no enrolment in lower grades and aging on the enrolled student(s).

Jason

Jason Riddle, CPA, CA
Manager of Accounting and Financial Operations
Newfoundland and Labrador English School District
Suite 601, Atlantic Place
215 Water Street, Box 64-66
St. John's, NL A1C 6C9
Telephone: (709) 758-2342
Facsimile: (709) 758-2706
e-mail: jasonriddle@nlesd.ca

"Wright, Andrew" <AndrewWright@gov.nl.ca> on Friday, February 27, 2015 at 3:53 PM -0330 wrote:
Ok thank you. Out of curiosity, where did children to k to 6?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca

From: Jason Riddle [mailto:JasonRiddle@nlesd.ca]
Sent: Friday, February 27, 2015 3:49 PM
To: Wright, Andrew
Hey Andrew,

Basically the cost to operate the school last year was $165,040. So we can assume it will likely be around the same annually.

HL Strong services grade 7 through 12. There is currently 1 student enrolled in grade 10.

Thanks,

Jason

Jason Riddle, CPA, CA
Manager of Accounting and Financial Operations
Newfoundland and Labrador English School District
Suite 601, Atlantic Place
215 Water Street, Box 64-66
St. John's, NL A1C 6C9
Telephone: (709) 758-2342
Facsimile: (709) 758-2706
email: jasonriddle@nl.esd.ca

"Wright, Andrew" <AndrewWright@gov.nl.ca> on Friday, February 27, 2015 at 3:43 PM -0330 wrote:
Ok thank you – you are saying that there would be approximately $165,040 in annual savings?

Do you have a school profile - What grade does it go to, and how many kids are there right now and what grade(s) are they in? We would need to reasonably determine the savings over 20 years but if there is just one child in the school with no kids in the community then savings would likely be far less.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca
Hello Andrew,

I have attached above some cost information for HL Strong Academy in Little Bay Islands. Of the 4 locations listed in your email below, Little Bay Islands is the only one with a school in operation. Please have a look at the information provided and let me know if you require any additional information.

Thanks,

Jason

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St. John’s, NL A1C 6C9
Telephone: (709) 758-2342
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email: jasonriddle@nlesd.ca

Larry Blanchard on Friday, February 27, 2015 at 2:50 PM -0330 wrote:
Hi Jason,

Can you reply to Andrew Wright and provide the information we have.

Cheers,

Larry Blanchard, CPA, CA
Assistant Director of Education - Finance and Business Administration
Newfoundland and Labrador English School District
Suite 601, 215 Water Street
Box 64 - 66
St. John’s, NL A1C 6C9
w: www.nlesd.ca
e: larryblanchard@nlesd.ca
t: 709 - 758 - 2382

"Wright, Andrew" <AndrewWright@gov.nl.ca> on Thursday, February 26, 2015 at 10:45 AM -0330 wrote:
Good morning,
MIGA is in the process of preparing a cost benefit analysis in the consideration of William's Harbour (Labrador), Snook's Arm, Round Harbour and Little Bay Islands (these 3 communities are in the Baie Verte - Springdale District) for relocation financial assistance.

We already have some departmental savings to consider and we wanted to touch base with your departments to see if there were other potential savings from the withdrawal of services. You may recall we undertook this exercise recently in the consideration of Nippers Harbour. Thank you for your input.

Could you please provide estimated 20 year savings from the withdrawal of service/programs to these 4 communities? Could you please provide this information by end of day Friday, March 6th?

Thank you for your consideration.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

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Hi Andrew,

Sorry, forgot to include Little Bay Islands, it falls under the same situation as Nipper's Harbour. I have included Little Bay Islands below.

Thank you for the opportunity to comment from a broadband perspective.
Little Bay Islands:
This community does have access to broadband facilities; it received it under the CDLI funding program. It was not on the list to potentially receive any RBI funding as it is noted as a served community.

Jim Tuff or Larry (cc’ed) may be the best resource to identify the cost of providing service to the school and the on-going costs to maintain and provide broadband access to the school.

Hope this helps, I would be glad to provide you with further detail as you require.

Thanks,
Hayward

From: Wright, Andrew
Sent: February-26-15 10:45 AM
To: Lake-Kavanagh, Jackie; larryblanchard@nlesd.ca; King, Cynthia; Keats, Hayward; Garland, Amanda
Cc: Ploughman, Mark
Subject: Savings Estimates for Potentially Relocating Communities

Good morning,

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Local Governance Division
Department of Municipal and Intergovernmental Affairs
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andrewwright@gov.nl.ca
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Box 64 - 66
St. John's, NL A1C 6C9
w: www.nlesd.ca
e: larryblanchard@nlesd.ca
t: 709 - 758 - 2382

"Wright, Andrew" <AndrewWright@gov.nl.ca> on Thursday, February 26, 2015 at 10:45 AM -0330 wrote:

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Andrew

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Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

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Newfoundland & Labrador English School District
Breakdown of operating expenses

<table>
<thead>
<tr>
<th></th>
<th>HL Strong Academy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square Footage</td>
<td>9,856</td>
</tr>
<tr>
<td>Enrolment 2013</td>
<td>2</td>
</tr>
<tr>
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<td>Garbage collection</td>
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<td>Fire protection</td>
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<td>Repairs and maintenance</td>
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<td>Teaching Units</td>
<td>1</td>
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<tr>
<td>New Total</td>
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</tbody>
</table>
HI Cynthia,

I am following up on my email below. Can you advise? Are there potential savings from AES's perspective if we relocate William's Harbour, Round Harbour, Little Bay Islands or Snook's Arm? If so, can you advise an annual amount per community and 20 year total?

Thanks.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
709 729 7143
andrewwright@gov.nl.ca

From: Wright, Andrew
Sent: Thursday, February 26, 2015 10:45 AM
To: Lake-Kavanagh, Jackie; larryblanchard@nlesd.ca; King, Cynthia; Keats, Hayward; Garland, Amanda
Cc: Ploughman, Mark
Subject: Savings Estimates for Potentially Relocating Communities

Good morning,

MIGA is in the process of preparing a cost benefit analysis in the consideration of William's Harbour (Labrador), Snook's Arm, Round Harbour and Little Bay Islands (these 3 communities are in the Baie Verte - Springdale District) for relocation financial assistance.

We already have some departmental savings to consider and we wanted to touch base with your departments to see if there were other potential savings from the withdrawal of services. You may recall we undertook this exercise recently in the consideration of Nippers Harbour. Thank you for your input.

Could you please provide estimated 20 year savings from the withdrawal of service/programs to these 4 communities? Could you also please provide this information by end of day Friday, March 6th?

Thank you for your consideration.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
709 729 7143
andrewwright@gov.nl.ca

From: Lake-Kavanagh, Jackie
Sent: Friday, February 27, 2015 2:31 PM
To: Wright, Andrew
Subject: RE: Savings Estimates for Potentially Relocating Communities

Andrew,
Justice and Public Safety does not project any savings specific to these potential relocations. You may wish to consult FESNL separately.
Thank you for the opportunity for input.
Jackie

From: Wright, Andrew
Sent: Thursday, February 26, 2015 10:45 AM
To: Lake-Kavanagh, Jackie; larryblanchard@nlesd.ca; King, Cynthia; Keats, Hayward; Garland, Amanda
Cc: Ploughman, Mark
Subject: Savings Estimates for Potentially Relocating Communities

Good morning,

MIGA is in the process of preparing a cost benefit analysis in the consideration of William’s Harbour (Labrador), Snook’s Arm, Round Harbour and Little Bay Islands (these 3 communities are in the Baie Verte–Springdale District) for relocation financial assistance.

We already have some departmental savings to consider and we wanted to touch base with your departments to see if there were other potential savings from the withdrawal of services. You may recall we undertook this exercise recently in the consideration of Nippers Harbour. Thank you for your input.

Could you please provide estimated 20 year savings from the withdrawal of service/programs to these 4 communities? Could you please provide this information by end of day Friday, March 6th?

Thank you for your consideration.

Andrew
Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
T 709 729 7143
andrewwright@gov.nl.ca
Good morning Scott and Derek,

MIGA is in the process of preparing a cost benefit analysis in the consideration of William’s Harbour (Labrador), Snook’s Arm, Round Harbour and Little Bay Islands (these 3 communities are in the Baie Verte – Springdale District) for relocation financial assistance.

Recently for a cost benefit of Nippers Harbour we provided a 10 year funding average for MCW, SA, CEEP, FES program support. Could you please review your funding over the last 10 years and provide me with an annual average funding in each of the noted application based program areas for the last 10 years? We will use the annual average funding to estimate savings over 20 years from the withdrawal of services.

MCW, SA, CEEP, FES,

Denis, I copied you as FYI but you already provided me with 20 year MCW funding for LBI and NH and WH. If there is something else you need to provide please do but otherwise, we should be good with MCW.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca
### Estimated Direct O & M Costs - 2014

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<th></th>
<th># of Customers</th>
<th>Approximate O &amp; M Cost (Fuel) ($)</th>
<th>Fuel Cost ($)</th>
<th>Distribution Circuit Length (km)</th>
<th>Estimated Distribution O &amp; M Cost ($)</th>
<th>Total Estimate Yearly O &amp; M Cost ($)</th>
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In addition there are 3 Capital Projects slated for Little Bay Islands:

1. 2017 - Upgrade Fuel Storage - $125,393
2. 2018 - Installation Fuel Monitoring - $400,000 approximate
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<th></th>
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<td>$5,786,816</td>
<td>$7,279,620</td>
<td>$6,922,430</td>
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</tr>
</tbody>
</table>
I spoke to Debbie Weir – acting Mayor. She asked if I could send an email to Council. I can use the same wording only slightly more personal and advise of the official result.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Tizzard, Heather
Sent: Monday, October 05, 2015 2:45 PM
To: Guest, Kevin J; Wright, Andrew
Subject: RE: For review:

Fine with me if you want to leave it in. Agree that it will be the first question asked.

From: Guest, Kevin J
Sent: Monday, October 05, 2015 2:45 PM
To: Wright, Andrew; Tizzard, Heather
Subject: RE: For review:

I would tend to agree only the first question I will get back is... how long is this expected to take and indicating they have 30 days will answer that question proactively.

Kevin Guest
Director of Communications

Department of Municipal and Intergovernmental Affairs
Government of Newfoundland and Labrador
e: kevinguest@gov.nl.ca
http://www.miga.gov.nl.ca | @MA_GovNL

From: Wright, Andrew
Sent: Monday, October 05, 2015 2:43 PM
To: Tizzard, Heather; Guest, Kevin J
Subject: RE: For review:

Sure, this works but I suggest removing the 30 days. It is not a requirement under the policy, just more of an internal deadline.
Suggest the following.

Little Bay Islands has passed the cost benefit analysis. The department will now be mailing out ballots to each voting aged permanent resident. If they reach the 90 percent threshold, the Provincial Government will then consider the community's request for relocation financial assistance.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
1709 729 7143
andrewwright@gov.nl.ca

From: Tizzard, Heather
Sent: Monday, October 05, 2015 2:22 PM
To: Guest, Kevin J
Cc: Wright, Andrew
Subject: RE: For review:

A few edits below. Copying Andrew so he can confirm accuracy re next steps, etc.

From: Guest, Kevin J
Sent: Monday, October 05, 2015 1:57 PM
To: Tizzard, Heather
Subject: For review:

Something along the lines of this?

Little Bay Islands has passed the cost benefit analysis. The next step involves the department will now be mailing out ballots to each of the voting aged permanent residents. They will have 30 days to complete the ballot and submit it back to the department. Once ballots are counted, if they reach the 90 percent threshold, the Provincial Government will then consider the community's request for relocation financial assistance.

Kevin Guest
Director of Communications
Department of Municipal and Intergovernmental Affairs
Government of Newfoundland and Labrador
e: kevin.guest@gov.nl.ca
http://www.miga.gov.nl.ca | @MA_GovNL
Hello Jackie,

Can you confirm there would be no savings to Justice and Public Safety from a relocation of Little Bay Islands please? Could you advise where LBI would be policed from if required – Springdale.

Thanks.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs.
T:709 729 7143
andrewwright@gov.nl.ca
Propose the following:

Good afternoon Jerry,

I am emailing to advise you that Little Bay Islands has passed the Cost Benefit Analysis with an estimated savings of approximately $3M. See the calculation below.

Net Present Value Savings (Estimated) - Estimated Costs = Outcome (Pass/Fail)
$17,629,089 - $14,570,900 = $3,058,189 (Pass)

The department will now be mailing out ballots to each voting aged permanent resident. Permanent residents will have 30 days to mail back their vote. If the community vote meets the 90 percent threshold, the Provincial Government will then consider the community’s request for relocation financial assistance.

If you have any questions, please contact me.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
709 729 7143
andrewwright@gov.nl.ca
Andrew,

As discussed, we are not aware of any indirect impacts associated with the relocation of Little Bay Islands on neighbouring businesses and communities associated with TW's mandate.

We would note, however, that the ferry would still be required to service Long Island; Long Island would then have a dedicated ferry service, as opposed to the three-point service they currently have, which would likely be well-received by residents.

Please let me know if you have any questions or need anything further.

Thanks,
Kellee

---

Kellee Martin
Manager of Evaluation and Research
Department of Transportation and Works
Government of Newfoundland and Labrador
P.O. Box 8700, St. John's, NL A1B 4J6
Phone: 709-729-6560
Fax: 709-729-3418
Email: kelleemartin@gov.nl.ca
<table>
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<th>Year</th>
<th>Capital</th>
<th>NPV</th>
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</thead>
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<tr>
<td>1962/63</td>
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<td>437,500</td>
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<tr>
<td>1963/64</td>
<td>437,500</td>
<td>437,500</td>
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</tr>
<tr>
<td>1966/67</td>
<td>437,500</td>
<td>437,500</td>
</tr>
</tbody>
</table>

Note: The table above is based on the calculations provided in the document. The values in the "NPV" column represent the net present value of the capital investments. The calculations likely involve discounting future cash flows to their present value using a discount rate, which in this case is 6%. The net present value is used to determine the present value of a series of future cash flows, which is a key concept in financial analysis.
From: Wright, Andrew
Sent: Thursday, February 26, 2015 3:37 PM
To: Hynes, Daniel
Subject: potential decommissioning costs.

Dan,

We are nearing the cost benefit analysis phase under the community relocation policy for William's Harbour, Snook’s Arm, Round Harbour and Little Bay Islands. You sent me an engineering assessment of these communities some time ago. Our policy indicates that we need to consider decommissioning costs in the cost benefit analysis. Is there any way to estimate what that might entail and the cost associated? Colleen Janes would like some clarity on this piece of the analysis.

I am not sure if there was anything done in Grand Bruit that would've been categorized as decommissioning but we budgeted about 10 percent of our financial assistance (about $170k) for decommissioning and legal costs. Can we dig into this – pardon the pun.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwrightl@gov.nl.ca
Good afternoon Jerry,

I am emailing to advise you that Little Bay Islands has passed the Cost Benefit Analysis with an estimated savings of approximately $3M. See the calculation below.

Net Present Value Savings (Estimated) - Estimated Costs – Outcome (Pass/Fail)
$17,629,089 - $14,570,900 = $3,058,189 (Pass)

The department will now be mailing out ballots to each voting aged permanent resident. Permanent residents will have 30 days to mail back their vote ballots.
If the community vote meets the 90 percent threshold, the Provincial Government will then consider the community’s request for relocation financial assistance.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca
Winters, Scott

From: Morgans, Andy  
Sent: Tuesday, September 01, 2015 2:59 PM  
To: Janes, Colleen G.  
Cc: Tizzard, Heather; Wright, Andrew  
Subject: RE: Cost Benefit Analysis Little Bay Islands

Colleen

Please note that we are still awaiting confirmation from TW, NR, FIN, BTCRD and HCS.

Please also note that we received an email from LBI Town Council yesterday complaining about the time it has taken to advance their file and enquiring when the community relocation vote will be taking place.

Any questions pls ask.

Thks.

Andy Morgans  
Director of Local Governance  
Department of Municipal and Intergovernmental Affairs  
4th Floor (West Block), Confederation Building  
P.O. Box 8700  
St. John's, NL, A1B 4J6

andymorgans@gov.nl.ca  
Tel: 709-729-5539  
Fax: 709-729-4475

From: Janes, Colleen G.  
Sent: Saturday, August 22, 2015 9:35 PM  
To: Companion, Lori Anne; Vivian-Walsh, Janet; Dutton, Sean; Bown, Charles W.; Dooling, Genevieve (AES); Cooper, Bruce; Noble, Paul; O’Rielly, Alastair  
Cc: Tizard, Heather; Morgans, Andy  
Subject: Fwd: Cost Benefit Analysis Little Bay Islands

Please find attached a decision note on the relocation of little bay islands. As with prior notes for other communities I ask that you confirm the information within that was provided by your departmental contact.

Thanks in advance.

Colleen

Sent from my iPad

Begin forwarded message:
From: "Tizard, Heather" <HeatherTizzard@gov.nl.ca>
To: "Janes, Colleen G." <CJanes@gov.nl.ca>
Subject: Cost Benefit Analysis Little Bay Islands

Colleen,

Please see attached note that contains the CBA for Little Bay Islands. I have reviewed the note. As with previous notes, would you be able to circulate this to your colleagues for sign off on the estimates used?

Thanks,
Heather
Hi Andrew,

This is confidential information at this point so please be careful who it is shared with:

- [Redacted] Non Responsive
- Little Bay Islands - 29423

Paul Tucker, CMA, MBA
Director of Municipal Finance
Municipal Finance Division
Department of Municipal and Intergovernmental Affairs
1 (709) 729-5381

Hi Sandra

I am preparing a note on relocation for minister. Can you advise at your earliest today( the new MOG amount for Nipper’s Harbour and Little Bay Islands…

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Miller, Sandra
Sent: Monday, May 27, 2013 3:24 PM
To: Wright, Andrew
Cc: Hibbs, Rayanne
Subject: RE: MOG’s
Hi Andrew,

Little Bay Is  $29,423.00
Nipper's Hr.  $13,974.00

These are the allocations for 2013-2014; next year they will change with the new model.

Snook's Arm and William's Hr. does not receive MOGs.

Sandra

From: Hibbs, Rayanne
Sent: Monday, May 27, 2013 2:58 PM
To: Wright, Andrew
Cc: Miller, Sandra
Subject: RE: MOG's

Hi Andrew,

Sure, no problem. I am forwarding your message onto Sandra so she can check her files and provide you with the info you need.

Thanks!
Rayanne.

From: Wright, Andrew
Sent: Monday, May 27, 2013 2:56 PM
To: Hibbs, Rayanne
Subject: MOG's

Hi Rayanne,

We have 4 active relocation files and we are undertaking a cost benefit analysis. They are:

Little Bay Islands
Snook's Arm
Williams Harbour
Nippers Harbour

Can you tell me what the annual MOG for Little Bay Islands is and confirm that the other communities do not receive one.
Thanks

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs
t: 709 729 7143
andrewwright@gov.nl.ca
Andrew,

As discussed, attached is the breakdown and methodology/rationale used in our calculations with respect to Little Bay Islands. We have no issue with you providing this to the group, but would like to see a draft of your response to them prior to it being sent out if you don’t mind?

Note that there is no Federal funding associated with our intra-provincial ferry services.

Feel free to give me a call if you have any questions or require anything further.

Thanks,

Kellee

From: Wright, Andrew
Sent: Wednesday, September 16, 2015 11:18 AM
To: Martin, Kellee
Subject: Information request.

Kellee,

We have been requested to provide information to the “Friends of Little Bay Islands”, which is a group of seasonal property owners on Little Bay Islands. Please see the request below.

1. A formal breakdown of the estimated cost savings related to the resettlement including estimated savings for terminating specific services such as power and sanitary, as well as the formula for cost savings related to the termination of the ferry service given that the funding for the service is partially paid for by the federal government and that the ferry and its crew will continue to operate year round to Long Island.

We can provide the #s as part of our CBA release but can you speak a little to the methodology and how any Federal grants apply or not. Should we provide the full breakdown on LBI which you provided previously?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca
Summary of the Cost Savings Associated with the Relocation of Little Bay Islands

Estimated savings associated with the removal of Little Bay Islands are approximately $6,754,000 over a 20 year period broken down as follows:

<table>
<thead>
<tr>
<th>Summary of Estimated Savings Based on the Relocation of Little Bay Islands</th>
<th>Estimated Annual Savings</th>
<th>Estimated 20 Year Savings</th>
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<td>Road Maintenance</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$6,754,000</strong></td>
</tr>
</tbody>
</table>

The current service is a 3 point service (Long Island – Little Bay Islands – Pilley’s Island). This route currently consists of two isolated ports (Long Island and Little Bay Islands) which are serviced by one terminal port (Pilley’s Island).

See route below:

Details on how the potential savings were estimated are as follows:

**Marine Operations Savings.**
With the relocation of Little Bay Islands, there will be fuel savings of approximately $282,500 per year, or $5,650,000 over a 20 year period. This is based on:
• The fuel cost for the vessel operating on this service was approximately $577,000 in 2014-15.

• Removing Little Bay Islands from the schedule will result in savings of approximately 1/2 of the annual fuel cost. This equates to savings of approximately $288,500 per year, or $5,770,000 over a 20 year period (note this is based on 2014-15 fuel usage/costs). However, this assumes no changes to the current service levels for Long Island should Little Bay Islands be removed from the schedule.

• In addition, TW currently contracts wharfinger services at Little Bay Islands at an annual cost of approximately $40,000 per year, or $800,000 over a 20 year period.

• Less annual revenue of approximately $46,000 per year (estimate based on half of the revenue received in 2013-14 due to the removal of 1 of the 2 isolated ports) or $920,000 over a 20 year period.

Marine Infrastructure Savings
With the relocation of Little Bay Islands, there will be savings associated with maintenance/upgrades to the wharf infrastructure. Savings are estimated at $654,000 over a 20 year period based on:

• The Little Bay Islands wharf was built in 1995. Based on an assessment of the current wharf, it was anticipated that it would have to be replaced in 2031.

• The estimated cost to rehabilitate the Little Bay Islands wharf is approximately $163,500; it is anticipated that 4 rehabilitations would be required over a 20 year period, for a total cost of $654,000 over a 20 year period.

Road Maintenance Savings
With the relocation of Little Bay Islands, there will be savings associated with summer and winter road maintenance as TW owns 2.5 kilometres of road in Little Bay Islands. Savings are estimated at approximately $22,500 per year, or $450,000 over a 20 year period.

• Annual winter road maintenance costs are approximately $5000 per kilometre, which equates to $12,500 per year, or $250,000 over a 20 year period.

• Annual summer road maintenance costs are approximately $4,000 per kilometre, which equates to $10,000 per year, or $200,000 over a 20 year period.
Thank you very much Paul.

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t: 709 729 7143  
andrewwright@gov.nl.ca

Hi Andrew,

See below for revised TW estimated projected cost savings associated with relo of LBI.

Paul

From: Martin, Kellee  
Sent: Tuesday, June 16, 2015 3:53 PM  
To: Smith, Paul C  
Subject: RE: Little Bay Islands - revised

Paul,

As discussed, we have revisited the numbers associated with the removal of Little Bay Islands, and are estimating savings of approximately **$6,754,000** over a 20 year period broken down as follows:

<table>
<thead>
<tr>
<th>Summary of Estimated Savings Based on the Relocation of Little Bay Islands</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Marine Operations</td>
</tr>
<tr>
<td>Marine infrastructure</td>
</tr>
<tr>
<td>Road Maintenance</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
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The current service is a 3 point service (Long Island – Little Bay Islands – Pilley’s Island). This route currently consists of two isolated ports (Long Island and Little Bay Islands) which are serviced by one terminal port (Pilley’s Island).

See route below:

![Route Diagram]

Details on how the potential savings were estimated are as follows:

**Marine Operations Savings**

With the relocation of Little Bay Islands, there will be fuel savings of approximately $282,500 per year, or $5,650,000 over a 20 year period. This is based on:

- The fuel cost for the vessel operating on this service was approximately $577,000 in 2014-15
- Removing Little Bay Islands from the schedule will result in savings of approximately 1/2 of the annual fuel cost. This equates to savings of approximately $288,500 per year, or $5,770,000 over a 20 year period (note this is based on 2014-15 fuel usage/costs). However, this assumes no changes to the current service levels for Long Island should Little Bay Islands be removed from the schedule.
- In addition, TW currently contracts wharfinger services at Little Bay Islands at an annual cost of approximately $40,000 per year, or $800,000 over a 20 year period.
- Less annual revenue of approximately $46,000 per year (estimate based on half of the revenue received in 2013-14 due to the removal of 1 of the 2 isolated ports) or $920,000 over a 20 year period

**Marine Infrastructure Savings**

With the relocation of Little Bay Islands, there will be savings associated with wharf maintenance/upgrades to the wharf infrastructure. Savings are estimated at $654,000 over a 20 year period based on:

- The Little Bay Islands wharf was built in 1995. Based on assessment of the current wharf, it was anticipated that it would have to be replaced in 2031.
- The estimated cost to rehabilitate the Little Bay Islands wharf is approximately $163,500; it is anticipated that 4 rehabilitations would be required over a 20 year period, for a total cost of $654,000 over a 20 year period

**Road Maintenance Savings**

With the relocation of Little Bay Islands, there will be savings associated with summer and winter road maintenance as TW owns 2.5 kilometres of road in Little Bay Islands. Savings are estimated at approximately $22,500 per year, or $450,000 over a 20 year period.

- Annual winter road maintenance costs are approximately $5000 per kilometre, which equates to $12,500 per year, or $250,000 over a 20 year period.
- Annual summer road maintenance costs are approximately $4,000 per kilometre, which equates to $10,000 per year, or $200,000 over a 20 year period.

Thanks,
Kellee

Kellee Martin
Manager of Evaluation and Research
Department of Transportation and Works
Government of Newfoundland and Labrador
P.O. Box 8700, St. John's, NL A1B 4J6
Phone: 709-729-6560
Fax: 709-729-3418
Email: kelleemartin@gov.nl.ca
Thanks Ken,

Are you still working on integrating these numbers pending decision.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Curtis, Ken
Sent: Thursday, September 24, 2015 1:39 PM
To: Wright, Andrew
Subject: FW: Little Bay Islands

FYI

Ken

Ken Curtis
Departmental Controller (A)
Strategic Financial Management Division
Department of Municipal and Intergovernmental Affairs
Department of Environment and Conservation
Department of Business, Tourism, Culture and Rural Development
Service Newfoundland and Labrador
Department of Seniors, Wellness and Social Development
Labour Relations Agency
Government Purchasing Agency
(p) 729-0851
(c) 725-6181

From: MarkKing@nalcorenergy.com [mailto:MarkKing@nalcorenergy.com]
Sent: Thursday, September 24, 2015 1:28 PM
To: Tizzard, Heather; Curtis, Ken
Cc: English, Tracy
Subject: Fw: Little Bay Islands

Hi again, please see updated data attached.
You owe it to yourself, and your family, to make it home safely every day. What have you done today so the probability puts you?

----- Forwarded by Mark King/NL Hydro on 08/24/2015 01:26 PM -----

From: Terry O'Rielly/NL Hydro
To: Mark King/NL Hydro@NL HYDRO
Cc: Dawn Dalley/NL Hydro@NL Hydro, Bob Moulton/NL Hydro, Dave Jones/NL Hydro@NL HYDRO
Date: 08/24/2015 01:10 PM
Subject: Re: Little Bay Islands

The Ratepayer Impact was not picking up the extra year I added in this morning. As well, I have revised the discount rate to reflect government's borrowing rate of 3.45% and extended it to mid-year 2016. The rate payer impact would continue to be discounted at NLH's incremental WACC of 7%, if it were to be included in the future, after a change in CBA methodology. Please send this on the Ken.

Thanks,
Terry

---
Hi Andrew,

Correct, the current service is 3 point (Little Bay Islands – Long Island – Pilley’s Island). If Little Bay Islands was to relocate, the ferry service would become a 2 point service (Long Island – Pilley’s Island). Note that Pilley’s Island is a terminal port, so is not ‘serviced’ per se.

Thanks,
Kellee

From: Wright, Andrew
Sent: Tuesday, August 18, 2015 2:50 PM
To: Martin, Kellee
Subject: RE: Little Bay Islands

Hi – please see below. If relo occurs, the ferry service would then be two point correct because it would also service Pilley’s Island?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
1.709.729.7143
andrewwright@gov.nl.ca

From: Martin, Kellee
Sent: Thursday, August 13, 2015 3:59 PM
To: Wright, Andrew
Cc: Smith, Paul C; Harvey, Max
Subject: Little Bay Islands

Andrew,

As discussed, we are not aware of any indirect impacts associated with the relocation of Little Bay Islands on neighbouring businesses and communities associated with TW’s mandate.

We would note, however, that the ferry would still be required to service Long Island; Long Island would then have a dedicated ferry service, as opposed to the three-point service they currently have, which would likely be well received by residents.

Please let me know if you have any questions or need anything further.

Thanks,
Kellee

Kellee Martin
Manager of Evaluation and Research
Department of Transportation and Works
Government of Newfoundland and Labrador
P.O. Box 8700, St. John's, NL A1B 4J6
Phone: 709-729-6560
Fax: 709-729-3418
Email: kelleemartin@gov.nl.ca
From: Wright, Andrew
Sent: Wednesday, March 18, 2015 1:49 PM
To: Hickey, Denis
Subject: RE: MCW 20 Year Savings - Relocation Cost Benefit Analysis

Thanks Denis.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Hickey, Denis
Sent: Wednesday, March 18, 2015 1:47 PM
To: Wright, Andrew
Subject: RE: MCW 20 Year Savings - Relocation Cost Benefit Analysis

Sounds OK to me. Projected 20 yr savings of $1.6M assuming an annual provincial investment of $80K.

From: Wright, Andrew
Sent: Wednesday, March 18, 2015 11:18 AM
To: Hickey, Denis
Subject: RE: MCW 20 Year Savings - Relocation Cost Benefit Analysis

Denis,

I want to get a 10 year annual average of MCW spending in Little Bay Islands to inform a Cost Benefit Analysis (20 year potential savings).

Based on an email you previously sent with Relocation Data- I have identified the following to work from. Please advise if it makes sense.

There is a project from 2003 that I left out - I've included 2004 though even though we are early in 2015. All of these projects for the provincial share (Last Column) add up to: 794,991. If I divide the total by 10, that gives an average annual MCW contribution of about 80K. Does this make sense from your perspective? Therefore we could say that potential MCW savings if Little Bay Islands relocates would be $1.6M.

<table>
<thead>
<tr>
<th>LITTLE BAY ISLANDS</th>
<th>WATER &amp; SEWER</th>
<th>36,410</th>
<th>85/15</th>
<th>MC-2004</th>
<th>7/14/2004</th>
<th>34,15</th>
</tr>
</thead>
<tbody>
<tr>
<td>LITTLE BAY ISLANDS</td>
<td>UPGRAADING &amp; PAYING</td>
<td>235,000</td>
<td>50.5/49.5</td>
<td>MC-2006</td>
<td>6/5/2006</td>
<td>222.6</td>
</tr>
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<td>LITTLE BAY ISLANDS</td>
<td>AMMONIA SYSTEM &amp; BUILDING</td>
<td>69,970</td>
<td>85/15</td>
<td>INF-2002</td>
<td>87.5</td>
<td></td>
</tr>
<tr>
<td>LITTLE BAY ISLANDS</td>
<td>NEW GAS CHLORINATION SYSTEM</td>
<td>166,000</td>
<td>100/0</td>
<td>INF-2002</td>
<td>160.2</td>
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<tr>
<td>LITTLE BAY ISLANDS</td>
<td>CHLORINATION BUILDING</td>
<td>140,670</td>
<td>85.5/14.5</td>
<td>INF-2004</td>
<td>7/17/2006</td>
<td>133.2</td>
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<tr>
<td>LITTLE BAY ISLANDS</td>
<td>POTABLE WATER DISPENSING UNIT (PWDU)</td>
<td>325,000</td>
<td>90/10</td>
<td>MC-2011</td>
<td>6/28/2011</td>
<td>310.6</td>
</tr>
</tbody>
</table>
Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
1.709.729.7143  
andrewwright@gov.nl.ca

From: Hickey, Denis  
Sent: Tuesday, June 24, 2014 12:03 PM  
To: Wright, Andrew  
Subject: RE: MCW 20 Year Savings - Relocation Cost Benefit Analysis

Andrew,

See attached. The listing includes funding provided through the various capital programs administered by the Department. There may have been other funding provided through the Departments Finance Committee.

Denis

From: Wright, Andrew  
Sent: Tuesday, June 10, 2014 3:32 PM  
To: Hickey, Denis  
Subject: MCW 20 Year Savings - Relocation Cost Benefit Analysis

Hi Denis,

Thanks for chatting today. Regarding the relocation cost – benefit analysis we are undertaking, can you please provide a list of the MCW funding/projects for the last 20 years for the following communities:

- Nipper’s Harbour;
- Little Bay Islands;
- Snook’s Arm;
- William’s Harbour; and
- Round Harbour.
Thanks so much.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
T: 709 729 7143
andrewwright@gov.nl.ca
Check with Ken, but I take from this, that we will be undertaking a sensitivity analysis as it is best practice.

Pls file this email.

Thks

Andy Morgans  
Director of Local Governance  
Department of Municipal and Intergovernmental Affairs  
4th Floor (West Block), Confederation Building  
P.O. Box 8700  
St. John's, NL, A1B 4J6  
andy.morgans@gov.nl.ca  
Tel: 709-729-5539  
Fax: 709-729-4475

Okay. Thanks.

Ken

Ken Curtis  
Departmental Controller (A)  
Strategic Financial Management Division  
Department of Municipal and Intergovernmental Affairs  
Department of Environment and Conservation  
Department of Business, Tourism, Culture and Rural Development  
Service Newfoundland and Labrador  
Department of Seniors, Wellness and Social Development  
Labour Relations Agency  
Government Purchasing Agency  
(p) 729-0851  
(c) 725 6181

From: Tucker, Paul  
Sent: Wednesday, September 02, 2015 9:33 AM  
To: Curtis, Ken; Janes, Colleen G.; Quigley, David
Sorry Ken, your e-mail came in as mine was sending.

The rationale for the sensitivity analysis would be to account for the timing of the daily fluctuations in the rate between when the calculation is done and when its approved. On those with significant savings, it should have minimal impact (as you noted). On ones which are closer, it just provides better disclosure. When I spoke with some other divisions in the Department, they noted it is a best practice that they use in their calculations.

If you want to talk it over, feel free to give me a call.

All the best,
Paul

Paul Tucker
Director, Treasury Board Support
Department of Finance
Government of Newfoundland and Labrador
1-709-729-4407

From: Curtis, Ken
Sent: Wednesday, September 02, 2015 9:26 AM
To: Janes, Colleen G.; Quigley, David
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance); Morgans, Andy; Tizzard, Heather; Wright, Andrew
Subject: RE: MIGA Decision Note

Dave,

There seems to be a typo in your response. Unless the pass/fail decision is marginal, which most are not, slight changes in the discount rate have no material impact on the decision. I spoke with Paul Myrden on this a while back. The rate changes almost daily. Checking on the rate quarterly is likely sufficient. For instance, in the Little Bay Islands case, the discount rate would need to increase to 7.75% for this to switch from a pass to a fail. In cases where the pass/fail outcome is marginal, we would check for the latest rate when a final paper is submitted for Cabinet consideration.

Thanks,
Ken

Ken Curtis
Departmental Controller (A)
Strategic Financial Management Division
Department of Municipal and Intergovernmental Affairs
Department of Environment and Conservation
Department of Business, Tourism, Culture and Rural Development
Service Newfoundland and Labrador
Department of Seniors, Wellness and Social Development
Labour Relations Agency
Government Purchasing Agency
(p) 729-0851
(c) 725-6181
From: Janes, Colleen G.  
Sent: Wednesday, September 02, 2015 9:12 AM  
To: Quigley, David  
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance); Morgans, Andy; Tizzard, Heather; Curtis, Ken  
Subject: RE: MIGA Decision Note

Thanks David. I would welcome finance views on whether we should get the current bond rate each time we prepare to do a NPV calculation. That said, we calculate at a point in time, and it will be several months post calculation when (assuming a pass test, and then a 90% community vote) go to cabinet for approval of relocation, at which time the rate could be different again. Another approach could be to do 3.2 and a sensitivity analysis of +/- .5 to see if that changes the result.

Would welcome your thoughts on this.

Colleen

From: Quigley, David  
Sent: Wednesday, September 02, 2015 9:04 AM  
To: Janes, Colleen G.  
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance)  
Subject: MIGA Decision Note

Colleen,

Finance has reviewed the draft Decision Note Potential Relocation of the Town of Little Bay Islands and offers the following comments:

- Should the proposal be approved and the community achieves the required 90 percent support level, the Department would be required to fund the relocation. Currently, the Department does not have a budget in place for relocations thus would have to find savings from its existing budget allocation. If approved, where will the funds be sourced?

- Finance notes that the discount rate applied in this relocation proposal is 3.2%, which was GNL’s 20 year bond rate a couple weeks ago. Today, GNL’s 20 year rate has increased to 3.3%. Previous proposals a few months, may have used 3.5%, as that was the bond rate around the time of those proposals. As you can see, the daily bond rate changes slightly rather frequently, therefore selecting a specific bond rate at a given point in time will result in different relocation proposals (all within months of each other) probably having different bond rate assumptions. Finance notes that unless the net savings (pass or fail) for a specific relocation is only marginal, slight changes to the bond rate like we have seen lately would change the final pass or fail result. For comparative purposes, it may be worth running this particular proposal at 3.5% to gauge how sensitive the outcome is to +0.3% change in bond rate. (Note: increasing the bond rate, shrinks the NPV estimated savings, which decreases net savings, and therefore decreases the chance of a pass outcome). Obviously, there is merit in using the latest bond rate, however

David Quigley  
Treasury Board Officer  
Treasury Board Support  
Department of Finance  
Ph 2475
Ken,

I will do a sensitivity analysis for 3.2 +/- .5 once we have received all comments which may impact analysis. I will send to you for your review when complete.

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t:709-729-7143  
andrewwright@gov.nl.ca

From: Tucker, Paul  
Sent: Wednesday, September 02, 2015 9:33 AM  
To: Curtis, Ken; Janes, Colleen G.; Quigley, David  
Cc: Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance); Morgans, Andy; Tizzard, Heather; Wright, Andrew  
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If you want to talk it over, feel free to give me a call.

All the best,  
Paul

Paul Tucker  
Director, Treasury Board Support  
Department of Finance  
Government of Newfoundland and Labrador  
t:709-729-4407

From: Curtis, Ken  
Sent: Wednesday, September 02, 2015 9:26 AM  
To: Janes, Colleen G.; Quigley, David  
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance); Morgans, Andy; Tizzard, Heather; Wright, Andrew  
Subject: RE: MIGA Decision Note
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Thanks,
Ken

Ken Curtis
Departmental Controller (A)
Strategic Financial Management Division
Department of Municipal and Intergovernmental Affairs
Department of Environment and Conservation
Department of Business, Tourism, Culture and Rural Development
Service Newfoundland and Labrador
Department of Seniors, Wellness and Social Development
Labour Relations Agency
Government Purchasing Agency
(p) 729-0851
(c) 725-6181

From: Janes, Colleen G.
Sent: Wednesday, September 02, 2015 9:12 AM
To: Quigley, David
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance); Morgans, Andy; Tizzard, Heather; Curtis, Ken
Subject: RE: MIGA Decision Note

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Would welcome your thoughts on this.

Colleen

From: Quigley, David
Sent: Wednesday, September 02, 2015 9:04 AM
To: Janes, Colleen G.
Cc: Tucker, Paul; Hanrahan, Denise; Terry, Kayla; Tucker, Corey (Finance)
Subject: MIGA Decision Note

Colleen,

Finance has reviewed the draft Decision Note Potential Relocation of the Town of Little Bay Islands and offers the following comments:

- Should the proposal be approved and the community achieves the required 90 percent support level, the Department would be required to fund the relocation. Currently, the Department does not have a budget in
place for relocations thus would have to find savings from its existing budget allocation. If approved, where will the funds be sourced?

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David Quigley
Treasury Board Officer
Treasury Board Support
Department of Finance
Ph 2475
From: Hynes, Daniel  
Sent: Monday, March 09, 2015 1:19 PM  
To: Wright, Andrew  
Subject: RE: potential decommissioning costs

As to my previous email

On avg we could est $500/service for disconnecting w/s laterals

For decommissioning at the water source or at the sewer discharge location I would est on avg $10-15k this does not include any removal of buildings such as a pump house etc just capping off and or pumping out septic tanks etc .

If you’re going to remove buildings cost would be much higher and we need to know what materials are in the building such as asbestos, lead paints etc.

Dan

Daniel Hynes P. Eng  
Director  
Ph: 709-637-2337  
Fax: 709-637-2548

From: Wright, Andrew  
Sent: Thursday, February 26, 2015 3:37 PM  
To: Hynes, Daniel  
Subject: potential decommissioning costs.

Dan,

We are nearing the cost benefit analysis phase under the community relocation policy for William’s Harbour, Snook’s Arm, Round Harbour and Little Bay Islands. You sent me an engineering assessment of these communities some time ago. Our policy indicates that we need to consider decommissioning costs in the cost benefit analysis. Is there any way to estimate what that might entail and the cost associated? Colleen Janes would like some clarity on this piece of the analysis.

I am not sure if there was anything done in Grand Bruit that would’ve been categorized as decommissioning but we budgeted about 10 percent of our financial assistance (about $170k) for decommissioning and legal costs. Can we dig into this – pardon the pun.

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
T: 709-729-7143  
andrewwright@cov.nl.ca
Winters, Scott

From: Hynes, Daniel
Sent: Friday, March 13, 2015 10:45 AM
To: Wright, Andrew
Subject: RE: Potential Relocation of Little Bay Islands

Andrew

LBI has a water system from surface supply and sewer system with outfall so yes the cost per house hold and the decommission of the water and sewer system at source should apply

Daniel Hynes P. Eng
Director
Ph: 709-637-2337
Fax: 709-637-2548

From: Wright, Andrew
Sent: Thursday, March 12, 2015 3:52 PM
To: Hynes, Daniel
Subject: RE: Potential Relocation of Little Bay Islands

Can you confirm the w/s for little bay islands by Tuesday? And provide other info by end of week?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Hynes, Daniel
Sent: Thursday, March 12, 2015 3:51 PM
To: Wright, Andrew
Subject: Re: Potential Relocation of Little Bay Islands

I can have by end of next week

From: Hynes, Daniel
Sent: Thursday, March 12, 2015 03:50 PM
To: Wright, Andrew
Subject: Re: Potential Relocation of Little Bay Islands

Will be hard Monday is holiday and I have other priorities right now

From: Wright, Andrew
Sent: Thursday, March 12, 2015 03:49 PM
To: Hynes, Daniel
Subject: RE: Potential Relocation of Little Bay Islands
Pls confirm when able and if you could provide by Tuesday afternoon, that would be great.

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t: 709 729 7143  
andrewwright@gov.nl.ca

From: Hynes, Daniel  
Sent: Thursday, March 12, 2015 3:26 PM  
To: Wright, Andrew  
Subject: Re: Potential Relocation of Little Bay Islands

I should say yes to 30k if they have both w/s, not in office right now to confirm

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t: 709 729 7143  
andrewwright@gov.nl.ca

From: Wright, Andrew  
Sent: Thursday, March 12, 2015 03:16 PM  
To: Hynes, Daniel  
Subject: RE: Potential Relocation of Little Bay Islands

Ok thanks

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t: 709 729 7143  
andrewwright@gov.nl.ca

From: Hynes, Daniel  
Sent: Thursday, March 12, 2015 3:14 PM  
To: Wright, Andrew  
Subject: Re: Potential Relocation of Little Bay Islands

Yes

From: Wright, Andrew  
Sent: Thursday, March 12, 2015 03:03 PM  
To: Hynes, Daniel  
Subject: RE: Potential Relocation of Little Bay Islands

Dan, would the decommissioning costs you provided to me for WH also apply to LBI? 5D0 per home/service plus 3Dk?

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t: 709 729 7143  
andrewwright@gov.nl.ca
Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Wright, Andrew
Sent: Wednesday, November 26, 2014 9:17 AM
To: Hynes, Daniel
Subject: Potential Relocation of Little Bay Islands

Dan, see below. This was data provided by your team with respect to the potential relocation of Little Bay Islands. Please see options for Seasonal residents. In the event, LBI is relocated:
Please be as specific where able,

1.) What if any, are the options for seasonal residents to have safe water/sewer?
2.) Would generators work?
3.) Could a committee of residents maintain a system using their own power source?
4.) See the following questions from a resident below:
   a. Will the seasonal residents be required to disconnect from the main sewer line and install their own septic tank system?
   b. What about the relocated people who return to re-occupy their original property (now belonging to the crown); who will be responsible for changing their main sewer to a septic tank?
   c. If all homes now on the main sewer line are left connected after relocation, won't there soon be a flood of sweet back-ups throughout the community?
5.) Is there anyone at ENVC we should also be engaging in these discussions?
Thanks for your input here.

<table>
<thead>
<tr>
<th>Water System</th>
<th>Sewer System</th>
<th>Roads</th>
<th>Buildings, Recreation, &amp; Other Infrastructure</th>
<th>Options for Seasonal Residents</th>
<th>General Notes</th>
</tr>
</thead>
</table>
| • Approx. 33 years old  
  • Approx. 575M of 200mm PVC transmission main and 2400m of 150mm distribution line  
  • There are 12 fire hydrants on the system  
  • The Reservoir is a small pond dammed off with an Earth Filled dam & concrete dam around intake pipe area.  
  • Concrete spillway & concrete intake well/screen chamber.  
  • Chlorination/Filtration Building. (33 m2)  
  • Small Pump House (3.4m2)  
  • PRV chamber  
  • Water storage tank | • Approx. 33 years old.  
  • Approx. 2400M of 200mm PVC  
  • Three lift stations with approximately 500m of 100mm force main  
  • One ocean outfall with no primary treatment | • Approx. 2500m of paved roadway within the town belonging to T&W  
  • Approx. 1000m of gravel roadway, all roads making up this length are within the Towns LOS plan | • Town/Fire Hall: 339 m2 (3648 ft2)  
  • Town Garage: 67 m2 (720 ft2)  
  • Storage Shed: 30 m2 (320 ft2)  
  • Concession Stands for Public Events  
  • Industrial water supply for out of operation fish plant | • The water system cannot be maintained without electrical power  
  • Due to power being required to operate the lift stations within the town it would not be possible to operate the sewer system without power.  
  • If power were removed today the sewer system would eventually overflow up onto the surface of the ground causing significant health hazards and public safety risk. | • Only access is by Ferry (DTW).  
  • Hydro provided by way of Nalcor Diesel Generating Station.  
  • Many of the properties are owned by non-resident property owners, some both out of province and out of country. |

**Andrew Wright**  
**Manager, Community Liaison**  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t:709 729 7143  
andrewwright@gov.nl.ca
Thank you.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John’s, NL, A1B 4J6

andy.morgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

From: Wright, Andrew
Sent: Wednesday, June 17, 2015 12:13 PM
To: Morgans, Andy
Subject: RE: Recent TW cost savings

Andy,

I talked to Paul Smith and TW has revised their estimated savings significantly with respect to Little Bay Islands.

Paul indicated that he helped narrow the focus of what savings would accrue from these relocations.

The Little Bay Islands savings estimate went from $31M to $6.7M (a difference of over 24M).

Paul asked that we send these savings requests directly to him.

I have not plugged the updated numbers in the analysis to run the NPV calculation but it appears LBI will both still pass.

Andrew

Andrew Wright
Manager, Community Liaison
From: Wright, Andrew  
Sent: Tuesday, July 14, 2015 2:59 PM  
To: Tizzard, Heather  
Subject: RE: relo Tw savings  

LBL are good —

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t: 709 729 7143  
andrewwright@gov.nl.ca

From: Tizzard, Heather  
Sent: Tuesday, July 14, 2015 2:45 PM  
To: Morgans, Andy  
Cc: Wright, Andrew  
Subject: FW: relo Tw savings  

FYI, Andrew, does this change the number in the not you sent to me on Friday?

From: Companion, Lori Anne  
Sent: Friday, July 10, 2015 5:03 PM  
To: Janes, Colleen G.  
Cc: Tizzard, Heather; Smith, Paul C; Martin, Kellee  
Subject: RE: relo Tw savings  

Yes. Snook's Arm: $2,160,000; Little Bay Islands $6,754,000.  

Please let me know if you require anything further.

From: Janes, Colleen G.  
Sent: Friday, July 10, 2015 12:57 PM  
To: Companion, Lori Anne  
Cc: Tizzard, Heather  
Subject: FW: relo Tw savings  

Lori Anne  
See below. Can you assist?

Colleen

From: Tizzard, Heather  
Sent: Friday, July 10, 2015 12:24 PM  
To: Janes, Colleen G.  
Subject: Fwd: relo Tw savings
Begin forwarded message:

From: "Wright, Andrew" <AndrewWright@gov.nl.ca>
Date: July 10, 2015 at 12:19:21 PM NDT
To: "Tizzard, Heather" <HeatherTizzard@gov.nl.ca>
Cc: "Morgans, Andy" <AndyMorgans@gov.nl.ca>
Subject: FW: relo Tw savings

Heather,

Please see below.
I assume we need to show potential payouts in the note for Cabinet retreat. The only two communities that we have not formally approved a CBA for are Snook's Arm and Little Bay Islands. We need TWs updated numbers based on their recent policy for providing relocation savings to MIGA. Can you formally request these from Paul Smith or Lori Anne as soon as possible?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca

From: Smith, Paul C
Sent: Friday, July 10, 2015 12:07 PM
To: Wright, Andrew; Martin, Kellee
Subject: Re: relo Tw savings

I can’t confirm formally. Did Colleen request from Lori Anne?

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Wright, Andrew
Sent: Friday, July 10, 2015 12:05 PM
To: Martin, Kellee; Smith, Paul C
Subject: relo Tw savings

Paul, is it safe to say that the TW savings you provided over the last three weeks for Snook's Arm, LBI, etc. are solid-given that your William's Harbour numbers did not change. I need to prepare a note for Cabinet Retreat and hoping to use most accurate estimates.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca
The quote is based on being able to do a small grouping of properties. The rate will depend on the type(s) of properties involved and the number at any one location. Multiple locations will entail additional local market analysis. So the fewer the properties in a locale, the potential for a higher price per.

That said, for general purposes, 500 per is the starting point and up to 1200. With respect to Round Hr., we can get someone there within a few days of a request.

Thanks Sean.

So is it safe to say that anywhere you do these for us it would be about $500 a property plus taxes and expenses?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
709 729 7143
andrewwright@gov.nl.ca

In the range of 3500, plus tax and expenses. Expenses would be in accordance with Govt travel rules.

If you travelled to Little Bay Islands and assessed commercial properties – do you have any idea what that would cost would be. We have 7 potential properties that may need to be assessed pending 90 per cent vote.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
From: Martin, Sean MAA  
Sent: Tuesday, July 21, 2015 3:27 PM  
To: Wright, Andrew  
Subject: FW: Relocation Commercial Property Assessments

Hi Andrew:

Here is an indication of the values.

Sean

Sean Martin  
Executive Director/CEO  
Municipal Assessment Agency  
smartin@maa.ca  
(709)724-1533

From: Allen, Debbie MAA  
Sent: Tuesday, July 21, 2015 3:03 PM  
To: Martin, Sean MAA  
Subject: RE: Relocation Commercial Property Assessments

Here is a summary but if more clarification is needed we may need more information.

Estimate of residential property value: [REDACTED]  
Little Bay Islands $25,000 - 30,000

Estimate for Sheds, wharves and Stages: $3,000-10,000

From: Martin, Sean MAA  
Sent: Tuesday, July 14, 2015 9:57 AM  
To: Allen, Debbie MAA  
Subject: Fwd: Relocation Commercial Property Assessments

We need to discuss

Sent from my iPad

Begin forwarded message:

From: "Wright, Andrew" <AndrewWright@gov.nl.ca>  
Date: July 14, 2015 at 9:26:05 AM NDT  
To: "Martin, Sean MAA" <Ssmartin@maa.ca>  
Cc: "Martin, Sean MAA" <Ssmartin@maa.ca>, "Allen, Debbie MAA" <DebbieAllen@maa.ca>  
Subject: RE: Relocation Commercial Property Assessments
Hi Sean, as per Debbie’s email below, we are also considering some Commercial Fishing Properties in William’s Harbour, Labrador, and Little Bay Islands. What would be a reasonable estimate for sheds, wharves, stages etc in these communities, if were to compensate fisherpersons (as we did with Round Harbour)?
Also, there are commercial property requests related to housing structures.

<!-[if !supportLists]-->
A B and B in Little Bay Islands and rental properties;
and
<!-[endif]-->

<!-[if !supportLists]-->
a craft store/apartment in William’s Harbour.
<!-[endif]-->

Would you be able to approximate the value of homes in William’s Harbour and Little Bay Islands so we can estimate a payout on these? Thank you for your consideration.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Allen, Debbie MAA
Sent: Monday, November 10, 2014 11:41 AM
To: Wright, Andrew
Subject: Re: Relocation Commercial Property Assessments
Andrew. I am sorry I am out until Thursday.
Range from 3000 - 10000 could be used as an estimate.
Sales info provided to indicate these types of property do sell and the range in sales prices we have on file.
Debbie
Sent from my BlackBerry 10 smartphone on the Bell network.

From: Wright, Andrew
Sent: Monday, November 10, 2014 11:24 AM
To: Allen, Debbie MAA
Subject: RE: Relocation Commercial Property Assessments
HI Debbie, can you give me a quick call to discuss below. I want to be certain I provide the appropriate range to the potential commercial property owners.
We are only compensating for wharves, sheds, stages etc (not the house). Am I providing the 3k-10k range or the 200-6k range for their consideration? I just want to be clear which one I should use.
Thanks,
Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Allen, Debbie MAA
Sent: Monday, November 03, 2014 10:50 AM
To: Wright, Andrew
Cc: Martin, Sean MAA
Subject: FW: Relocation Commercial Property Assessments
Andrew - As a follow up to our conversation, the following is provided:

We do have property sales of fishing shed and wharf structures in similar municipalities during 2011 - 2013. The sales price of these parcels range from $200 - $6000. I trust this information is of assistance to you.
From: Wright, Andrew  
Sent: Tuesday, October 21, 2014 10:07 AM  
To: Martin, Sean MAA  
Subject: Relocation Commercial Property Assessments

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t:709 729 7143  
andrewwright@gov.nl.ca

From: Martin, Sean MAA  
Sent: Wednesday, August 28, 2013 3:15 PM  
To: Wright, Andrew  
Subject: Re: Relocation - values to support cost benefit analysis

A shed 10x12 would add about $400-500  
A Wharf is typically assessed at about $1000 per wharf assuming 8'x45' so you could work back from that.  
Sent from my BlackBerry 10 smartphone on the Bell network.

From: Wright, Andrew  
Sent: Wednesday, August 21, 2013 1:13 PM  
To: Martin, Sean MAA  
Subject: RE: Relocation - values to support cost benefit analysis

Thanks Sean. I think a reasonable ballpark is good.

There are some decisions being made here that may impact some financial analysis down the road. For example, if we identify there are 10 fisherpersons in a community that must be compensated we want to estimate the amount of payout to them. Most of them will likely have a home, shed(s) and possibly a wharf. We want to know what is the value of these items are. We recognize the challenge here so ballpark or ranges should do it justice. Thanks

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal Affairs  
t:709 729 7143
We don't assess those communities but can provide an estimate. How good does the estimate need to be for your immediate purpose? Just want to make certain our reply is appropriate to your expectation.

Sean Martin
Executive Director/CEO
Municipal Assessment Agency
75 O’Leary Avenue, St. John’s NL A1B 2C9
Tel. (709)724-1532/Fax (709)724-1529
email smartin@maa.ca

Hi Sean,

I am hoping you can help me. Can you advise on the following where able?:

1) What is the average assessed value of a home in Little Bay Islands?

If you do not have the values, what would be a reasonable guesstimate?
Also, do you assess sheds and wharfs/docks? If so, what is the average assessed value of a shed say 10 x 12 and wharf in these or rural communities? We are considering these 4 communities for relocation assistance and this information would help us determine the costs to government. Any advice would help. Thanks

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs
t: 709 729 7143
andrewwright@gov.nl.ca <mailto:andrewwright@gov.nl.ca>
Winters, Scott

From: Wright, Andrew
Sent: Tuesday, March 10, 2015 9:41 AM
To: Hibbs, Rayanne
Subject: RE: Request for Information - Cost Benefit Analysis

thx

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
1.709 729 7143
andrewwright@gov.nl.ca

From: Hibbs, Rayanne
Sent: Tuesday, March 10, 2015 9:24 AM
To: Wright, Andrew
Cc: Jones, Scott
Subject: FW: Request for Information - Cost Benefit Analysis

Please see below for info on SAG...thanks.

From: Bradley, Steven
Sent: Tuesday, March 10, 2015 8:57 AM
To: Hibbs, Rayanne
Subject: RE: Request for Information - Cost Benefit Analysis

Hi Rayanne,

According to the table below;

**Little Bay Islands - 10 Year Average**
SA = $1,979/year

|----------------|--------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|

Non Responsive
Steven Bradley | Financial Officer
Department of Municipal & Intergovernmental Affairs | Municipal Finance Division
Government of Newfoundland and Labrador
→ stevenbradley@gov.nl.ca
☎ (709) 729-0181

From: Wright, Andrew
Sent: Monday, March 09, 2015 3:06 PM
To: Jones, Scott; Murphy, Ron; Simmons, Derek; Dodge, Sonja
Subject: Request for Information - Cost Benefit Analysis

Good afternoon,

I am trying to estimate potential savings to government from the withdrawal of provincial services in several potentially relocating communities. Could you please provide a 10 year funding history average for each of the following programs (CEEP, SA, FES-NL Programs) for Little Bay Islands. Could you please provide this data by the end of day Friday, March 13?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca
Ok – as per our conversation, we will work from your estimates.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

From: Garland, Amanda
Sent: Friday, March 06, 2015 4:34 PM
To: Wright, Andrew
Subject: RE: Savings Estimates for Potentially Relocating Communities

Thanks...yes, they sent me a copy....

From: Wright, Andrew
Sent: Friday, March 06, 2015 4:32 PM
To: Garland, Amanda
Subject: FW: Savings Estimates for Potentially Relocating Communities

FYI – we received this from NLESD

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca
Hi Amanda, could we have a quick chat about H.L. Strong Academy in Little Bay Islands. Just wondering if based on current profile (# of kids in the school and what grade they are in) if there would really be 20 year savings if the school will shut in a couple of years due to lack of enrollment. Please advise.

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t: 709 729 7143  
andrewwright@gov.nl.ca

Hi Andrew,

There is only one school operating in these communities – H.L. Strong Academy in Little Bay Islands. The attached spreadsheet details potential savings from the closure of this school, which is estimated to be $2,030,548 over 20 years. Also, please note that there would be the additional savings of one teaching unit (based on current enrollment) of $89,000 annually. The estimated annual savings for the first three years would be $36,635 and for the remaining 17 years it would be an estimated annual savings of $112,979 (plus the cost of the teaching unit). For operating grants we wouldn’t realize the full savings of closing this building until three years after the fact. We provide the districts with three years of special incentive funding for all schools that have been closed. There is no busing to this school so there would be no additional savings from transportation.

Please let me know if you need any additional information.

Thanks, 
Amanda

Amanda Garland | Director  
Policy, Planning and Accountability Division  
Department of Education and Early Childhood Development
From: Wright, Andrew
Sent: Thursday, February 26, 2015 10:45 AM
To: Lake-Kavanagh, Jackie; larryblanchard@nlesd.ca; King, Cynthia; Keats, Hayward; Garland, Amanda
Cc: Ploughman, Mark
Subject: Savings Estimates for Potentially Relocating Communities

Good morning,

MIGA is in the process of preparing a cost benefit analysis in the consideration of William’s Harbour (Labrador), Snook’s Arm, Round Harbour and Little Bay Islands (these 3 communities are in the Baie Verte –Springdale District) for relocation financial assistance.

We already have some departmental savings to consider and we wanted to touch base with your departments to see if there were other potential savings from the withdrawal of services. You may recall we undertook this exercise recently in the consideration of Nippers Harbour. Thank you for your input.

Could you please provide estimated 20 year savings from the withdrawal of service/programs to these 4 communities? Could you please provide this information by end of day Friday, March 6th?

Thank you for your consideration.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
(709) 729-7143
andrewwright@gov.nl.ca
Hi Andrew,

There is only one school operating in these communities – H.L. Strong Academy in Little Bay Islands. The attached spreadsheet details potential savings from the closure of this school, which is estimated to be $2,030,548 over 20 years. Also, please note that there would be the additional savings of one teaching unit (based on current enrollment) of $89,000 annually. The estimated annual savings for the first three years would be $36,635 and for the remaining 17 years it would be an estimated annual savings of $112,979 (plus the cost of the teaching unit). For operating grants we wouldn’t realize the full savings of closing this building until three years after the fact. We provide the districts with three years of special incentive funding for all schools that have been closed. There is no busing to this school so there would be no additional savings from transportation.  

Section 40(1)

Please let me know if you need any additional information.

Thanks,
Amanda

Amanda Garland  |  Director
Policy, Planning and Accountability Division
Department of Education and Early Childhood Development
Government of Newfoundland and Labrador
(709) 729-7425

Good morning,

MIGA is in the process of preparing a cost benefit analysis in the consideration of William’s Harbour (Labrador), Snook’s Arm, Round Harbour and Little Bay Islands (these 3 communities are in the Baie Verte–Springdale District) for relocation financial assistance.
We already have some departmental savings to consider and we wanted to touch base with your departments to see if there were other potential savings from the withdrawal of services. You may recall we undertook this exercise recently in the consideration of Nippers Harbour. Thank you for your input.

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Thank you for your consideration.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
1 709 729 7143
andrewwright@gov.nl.ca
### Current Grant 2014-15

<table>
<thead>
<tr>
<th>Community</th>
<th>School</th>
<th>Square Footage</th>
<th>Enrollment</th>
<th>Utilities</th>
<th>Janitorial</th>
<th>Secretarial</th>
<th>Repairs and Maintenance</th>
<th>Instructional</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Bay Islands</td>
<td>H.L. Strong Academy</td>
<td>9,556</td>
<td>2</td>
<td>26,990</td>
<td>35,285</td>
<td>36,353</td>
<td>6,670</td>
<td>7,782</td>
<td>112,979</td>
</tr>
</tbody>
</table>

Estimated Special Incentive to be paid for 3 years after closure

<table>
<thead>
<tr>
<th>Community</th>
<th>School</th>
<th>Square Footage</th>
<th>Enrollment</th>
<th>Utilities</th>
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<tr>
<td>Little Bay Islands</td>
<td>H.L. Strong Academy</td>
<td>9,556</td>
<td>2</td>
<td>26,990</td>
<td>35,285</td>
<td>0</td>
<td>6,573</td>
<td>7,500</td>
<td>76,344</td>
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</table>

<table>
<thead>
<tr>
<th>Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
</tr>
<tr>
<td>Year 2</td>
</tr>
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<td>Year 18</td>
</tr>
<tr>
<td>Year 19</td>
</tr>
<tr>
<td>Year 20</td>
</tr>
</tbody>
</table>

**Total** 2,030,648
Hi Andrew,

This is in follow up to our discussion regarding Income Support expenditures in the communities listed in your e-mail below.

Section 40(1)

As we discussed, we can only provide current expenditures for existing clients based on current circumstances. Any future expenditures would depend on whether these clients remained recipients of Income Support and whether their requirements change. Income Support expenditures could also increase if any new applicants live in those communities. If these particular clients move to larger communities it is possible that they would have employment opportunities and not require Income Support. All of these factors make it difficult to predict any future expenditures or savings.

Please let me know if you have any further questions, or require any additional information.

Thanks,
Cynthia

From: Wright, Andrew
Sent: Thursday, February 26, 2015 10:45 AM
To: Lake-Kavanagh, Jackie; larryblanchard@nlefd.ca; King, Cynthia; Keats, Hayward; Garland, Amanda
Cc: Ploughman, Mark
Subject: Savings Estimates for Potentially Relocating Communities

Good morning,

MIGA is in the process of preparing a cost benefit analysis in the consideration of William’s Harbour (Labrador), Snook’s Arm, Round Harbour and Little Bay Islands (these 3 communities are in the Baie Verte –Springdale District) for relocation financial assistance.
We already have some departmental savings to consider and we wanted to touch base with your departments to see if there were other potential savings from the withdrawal of services. You may recall we undertook this exercise recently in the consideration of Nippers Harbour. Thank you for your input.

Could you please provide estimated 20 year savings from the withdrawal of service/programs to these 4 communities? Could you please provide this information by end of day Friday, March 6th?

Thank you for your consideration.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca
Andy, for your review.
### September 2015 Relocation Cost/Savings/Timelines Update

<table>
<thead>
<tr>
<th>Community</th>
<th>Permanent Residents/Commercial Property Owners</th>
<th>Estimated Costs (Rounded) Details in Annex B</th>
<th>Estimated Net Present Value (NPV) of Savings</th>
<th>Estimated Net Savings (Or Costs) Over 20 Years (NPV adjusted)</th>
<th>Anticipated Relocation Date / Provision of Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Bay Islands</td>
<td>96/7</td>
<td>$14,570,900 ($14.5M)</td>
<td>$21.4M</td>
<td>$6.9M</td>
<td>Summer 2016 (Fiscal 2016-17) 2nd Quarter</td>
</tr>
</tbody>
</table>

### Issues that may impact costs and/or timelines moving forward

- Non Responsive

- Non Responsive

- Non Responsive

175
Little Bay Islands

- NL Hydro savings estimates methodology review.
- Potential judicial review.
- Potential class action lawsuit from “Friends of Little Bay Islands” (seasonal residents)
Summary of the Cost Savings Associated with the Relocation of Little Bay Islands

Estimated savings associated with the removal of Little Bay Islands are approximately $6,754,000 over a 20 year period broken down as follows:

<table>
<thead>
<tr>
<th>Summary of Estimated Savings Based on the Relocation of Little Bay Islands</th>
<th>Estimated Annual Savings</th>
<th>Estimated 20 Year Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine Operations</td>
<td>$282,500</td>
<td>$5,650,000</td>
</tr>
<tr>
<td>Marine Infrastructure</td>
<td>variable</td>
<td>$654,000</td>
</tr>
<tr>
<td>Road Maintenance</td>
<td>$22,500</td>
<td>$450,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$6,754,000</strong></td>
</tr>
</tbody>
</table>

The current service is a 3 point service (Long Island – Little Bay Islands – Pilley’s Island). This route currently consists of two isolated ports (Long Island and Little Bay Islands) which are serviced by one terminal port (Pilley’s Island).

See route below:

Details on how the potential savings were estimated are as follows:

**Marine Operations Savings**
With the relocation of Little Bay Islands, there will be fuel savings of approximately $282,500 per year, or $5,650,000 over a 20 year period. This is based on:
• The fuel cost for the vessel operating on this service was approximately $577,000 in 2014-15.
• Removing Little Bay Islands from the schedule will result in savings of approximately 1/2 of the annual fuel cost. This equates to savings of approximately $288,500 per year, or $5,770,000 over a 20 year period (note this is based on 2014-15 fuel usage/costs). However, this assumes no changes to the current service levels for Long Island should Little Bay Islands be removed from the schedule.
• In addition, TW currently contracts wharfinger services at Little Bay Islands at an annual cost of approximately $40,000 per year, or $800,000 over a 20 year period.
• Less annual revenue of approximately $46,000 per year (estimate based on half of the revenue received in 2013-14 due to the removal of 1 of the 2 isolated ports) or $920,000 over a 20 year period.

**Marine Infrastructure Savings**
With the relocation of Little Bay Islands, there will be savings associated with maintenance/upgrades to the wharf infrastructure. Savings are estimated at $654,000 over a 20 year period based on:

- The Little Bay Islands wharf was built in 1995. Based on assessment of the current wharf, it was anticipated that it would have to be replaced in 2031.
- The estimated cost to rehabilitate the Little Bay Islands wharf is approximately $163,500; it is anticipated that 4 rehabilitations would be required over a 20 year period, for a total cost of $654,000 over a 20 year period.

**Road Maintenance Savings**
With the relocation of Little Bay Islands, there will be savings associated with summer and winter road maintenance as TW owns 2.5 kilometres of road in Little Bay Islands. Savings are estimated at approximately $22,500 per year, or $450,000 over a 20 year period.

- Annual winter road maintenance costs are approximately $5000 per kilometre, which equates to $12,500 per year, or $250,000 over a 20 year period.
- Annual summer road maintenance costs are approximately $4,000 per kilometre, which equates to $10,000 per year, or $200,000 over a 20 year period.
From: Wright, Andrew
Sent: Thursday, October 15, 2015 10:26 AM
To: 'lbitowncouncil@eastlink.ca'
Cc: Morgans, Andy
Subject: CBA for LBI
Attachments: Cost Benefit Analysis Little Bay Islands combined (2).pdf

Jerry,

Please see the attached analysis. You can review ahead of the 130 call today. Please do not distribute until we have had an opportunity to discuss. Thanks.

Andrew
## Estimated Savings, Costs and CBA Evaluation
### Little Bay Islands

#### Estimated Savings – Withdrawal of Provincial Services

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|  | Estimated Total 20 Year Savings | $12,684,935 |
|  | Inflation – 2 per cent | $2,725,575 |
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|  | (Plus) Hydro NPV Adjusted Savings | $9,803,971 |
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## Calculation of Relocation Financial Assistance Costs

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### Currently Known Total Costs $14,570,900

1. Amounts have been totaled in accordance with section 40(1) of the Access to Information and Protection of Privacy Act, 2013. This section requires the department to withhold personal information where the disclosure of the information would be an unreasonable invasion of personal privacy.

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181
Andrew,

We are okay to send this out (see attached). Can you please draft a follow up letter to go to Christina Pelley (FOLBI) providing this to her as per her request. The letter should note that the CBA is in response to her requests #3 and #4 and that we have asked TW for the ferry formula and will send along once we have it.

In the meantime, can you please contact someone with the LBI Council to ensure that they get a copy of the CBA prior to our call this afternoon? That way, we can answer any questions they may have on the CBA at that time as well.

Please let them know that we will be sending this out to other parties as well as requested.

Thanks,
Heather

Heather Tizzard
Assistant Deputy Minister
Municipal Support
Department of Municipal and Intergovernmental Affairs
709.729.6832
## Estimated Savings, Costs and CBA Evaluation
### Little Bay Islands

### Estimated Savings – Withdrawal of Provincial Services

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Winters, Scott

From: Morgans, Andy
Sent: Thursday, September 03, 2015 11:02 AM
To: Tizzard, Heather
Cc: Wright, Andrew
Subject: Update

Heather

A couple of updates:

(1) Non Responsive

(2) Following the email exchange yesterday regarding NL Hydro and LBI, Ken Curtis called them today to discuss their estimated savings. Please advise on the estimated savings.

Any questions pls ask.

Thks

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs
4th Floor (West Block), Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475
Minister,

Regarding your questions around the timing of the Little Bay Islands (LBI) file, I note the following:

LBI appellants were informed of their independent review decisions in late June 2015. Around the same time, TW informed the department that they were reviewing and likely revising the methodology used to calculate cost savings. Resulting from this, on June 26, a meeting was held with DMs of relevant departments who feed into the cost benefit analysis (CBA) so MIGA could emphasize the importance of having the right people doing the right analysis in each department and the impact these numbers have on relocation files. On July 20, TW to confirm their new savings methodology approach, the rationale of which was communicated to the rest of the relevant departments to ensure a GNL-wide consistent approach was being taken. The final CBA was sent to relevant DMs for review and approval on August 22 2015.

In early September 2015, all DM’s (with the exception of NR) confirmed they were generally ok with the CBA with some minor amendments needed. However, NR, specifically Nalcor and NL Hydro, identified concerns with the identified savings. These concerns have commenced a general review of their previous methodology. As of today, we still await feedback from Nalcor/NL Hydro on this matter.

The uncertainty surrounding the Nalcor/NL Hydro savings could have a significant consequence on LBI’s CBA outcome. Therefore, MIGA is unable to proceed with the file until this matter has been resolved.

If you have any further questions, please let me know.

Thank you,

Heather

---

From: Hutchings, Keith
Sent: Friday, September 11, 2015 1:12 PM
To: Guest, Kevin J; Morgans, Andy
Cc: Winters, Scott; Janes, Colleen G.; Dunne, Darlene
Subject: Re: LB media request

Colleen/Andy

My issue is I cannot comment and be quoted when all I got is staff saying not done. I need to know why information is not done and what staff responsible has been doing since commissioners report came back, I gave direction some time ago that cost benefit or collection of information does not need to wait request can be initiated at any time so I want to see the activities of staff on this file who was involved, communication and what they have done ASAP.

Sent from my BlackBerry 10 smartphone on the Bell network.
Ok, will speak with Colleen and revise.

Kevin Guest
Director of Communications

Department of Municipal and Intergovernmental Affairs
Government of Newfoundland and Labrador
e: keviniguest@gov.nl.ca
http://www.miga.gov.nl.ca | @MA_GovNL

Do not like saying weeks we do not know ask collen for answer and why taking so long what departments have not responded and what are we waiting on' I want a list of activity since vote and or notice from appeals when was that date

Sent from my BlackBerry 10 smartphone on the Bell network.

Are you ok with sending the below to CBC Gander? There question was based on the status of it and the timeline.

The Department of Municipal and Intergovernmental Affairs is currently conducting a cost benefit analysis regarding Little Bay Islands' request for relocation. It is anticipated this will be completed in the coming weeks. As per the department’s Community Relocation Policy, if the cost benefit analysis indicates at least a cost-neutral position for Government, a community vote to relocate will be conducted. We are aware of the community’s concerns regarding the timeline for this process; however, due to the potential outcome of the relocation process, and the impact it will have on residents, it is important that we exercise due diligence.
Hi Mark,
Apologies, but I was reading on blackberry previously and did not see the explanation below. Is this saying that govt would lose (not save) $3.4M from the removal of service from LBI?

Thank you,
Heather

On Sep 23, 2015, at 6:27 PM, "MarkKing@nalcorenergy.com" <MarkKing@nalcorenergy.com> wrote:

Good evening, please see below and attached for the information requested. Thanks for your patience! -Mark

<mime-attachment.jpg>

Mark King
Shareholder & Government Relations
Corporate Communications & Shareholder Relations
Nalcor Energy
t. 709.733.5301 c. 709.725.6055
e. MarkKing@nalcorenergy.com
w. nalcorenergy.com

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?
----- Forwarded by Mark King/NL.Hydro on 09/23/2015 06:22 PM -----
Section 29(1)(a)

Please let me know if you have any further questions or comments.

Thanks,
Terry

<Terence O'Rielly CPA, CMA>
Manager, Economic Analysis
Investment Evaluation
Nalcor Energy
c. 709 693 8030 t. 709 737 1290
e. torielly@nalcorenergy.com
w. nalcorenergy.com

<Impact on Dividends LBI Final.pdf>
Hi Mark,

Further to my email below, due to the time sensitivity associated with these files, can you please send any revised information for William's Harbour by end of day Wednesday, September 30.
Please let me know if this is an issue.

Thank you,
Heather

Heather Tizzard
Assistant Deputy Minister
Municipal Support
Department of Municipal and Intergovernmental Affairs
709.729.6832

From: Tizzard, Heather
Sent: Wednesday, September 23, 2015 6:36 PM
To: 'MarkKing@nalcorenergy.com'
Cc: Janes, Colleen G.
Subject: Re: Little Bay Islands

Thank you, Mark. To clarify, is this analysis essentially saying there will be a $3.4M in savings to Govt on a nominal basis over a 20 yr period?

Can you also please. Give me an idea as to when we may receive your updated information on the other files, in particular, William's Harbour?

Heather

From: MarkKing@nalcorenergy.com [mailto:MarkKing@nalcorenergy.com]
Sent: Wednesday, September 23, 2015 06:27 PM
To: Tizzard, Heather
Cc: English, Tracy
Subject: Fw: Little Bay Islands

Good evening, please see below and attached for the information requested. Thanks for your patience! -Mark
You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?
----- Forwarded by Mark King@NL Hydro on 09/23/2015 06:22 PM -----

From:  Terry O'Rielly/NLHydro
To:  Mark King/NLHydro@NLHYDRO
Cc:  Dawn Dalley/NLHydro@NLHydro, Bob Moulton/NLHydro@NLHydro, Dave Jones/NLHydro@NLHYDRO
Date:  09/23/2015 05:40 PM
Subject:  Re: Little Bay Islands

Attached is the projection for the impact on government if Little Bay Islands were relocated. The assumptions for the analysis are included at the bottom of the attachment. The analysis shows that government would have to pay NLH approximately $1.6 million dollars to remove the existing assets from rate base and would lose approximately $800 thousand dollars in dividends between the period from 2015 to 2034. If the analysis government is undertaking is for 20 years from 2016 then we would be happy to extend this by one year. While this analysis is felt to be directional, no specific study was undertaken in preparing the analysis. It was developed based on input gathered from our System Planning department.

Section 29(1)(a)

Please let me know if you have any further questions or comments.

Thanks,
Terry

Terence O'Rielly CPA, CMA
Manager, Economic Analysis
Investment Evaluation
Nalcor Energy
c. 709 693 8030 t. 709 737 1290
e. torielly@nalcorenergy.com
w. nalcorenergy.com
Hi again, please see updated data attached.

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?

The Ratepayer Impact was not picking up the extra year I added in this morning. As well, I have revised the discount rate to reflect government’s borrowing rate of 3.45% and extended it to mid year 2016. The rate payer impact would continue to be discounted at NLH’s incremental WACC of 7%, if it were to be included in the future, after a change in CBA methodology. Please send this on the Ken.
Estimated Savings, Costs and CBA Evaluation
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<tr>
<td>1 Person</td>
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<tr>
<td>2 Persons</td>
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<tr>
<td>3 Persons</td>
</tr>
<tr>
<td>Adult non-property owner</td>
</tr>
<tr>
<td>Commercial Properties</td>
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<tr>
<td>Commercial Property Owners</td>
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<tr>
<td>Process/Administration</td>
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<tr>
<td>Legal Conveyance Costs</td>
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<tr>
<td>MAA Assessment Costs</td>
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<tr>
<td>Water/Sewer</td>
</tr>
<tr>
<td>Decommissioning</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Currently Known Total Costs</td>
</tr>
</tbody>
</table>

1 Amounts have been totaled in accordance with section 40(1) of the Access to Information and Protection of Privacy Act, 2015. This section requires the department to withhold personal information where the disclosure of the information would be an unreasonable invasion of personal privacy.

2 Commercial property compensation is conservatively estimated based on Assessment Agency estimated values for the region. Final estimates and final commercial property ownership to be determined.

3 Based on current estimates. To be finalized.

4 There are 59 properties (55 residential + 4 commercial) with water/sewer connections. The $30,000 relates to the recommended decommission of water at source and sewer at point of discharge (both costing an estimated $15,000 each).

NPV Dollars Cost Savings Calculation

<table>
<thead>
<tr>
<th>NPV Estimated Savings/Benefit</th>
<th>Estimated Costs</th>
<th>Outcome</th>
<th>Pass/Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>$17,629,089</td>
<td>$14,570,900</td>
<td>$3,058,189</td>
<td>Pass</td>
</tr>
</tbody>
</table>
Decision Note
Department of Municipal and Intergovernmental Affairs

Title: Potential Relocation of the Town of Little Bay Islands

Decision Required:
- Whether to approve the Cost Benefit Analysis for Little Bay Islands and proceed to the community vote to relocate for voting-aged permanent residents.
- It is recommended that:
  - The Cost Benefit Analysis be approved and the Department of Municipal and Intergovernmental Affairs proceed to the formal community vote to relocate.

Background:
- The Town of Little Bay Islands (the Town) is located in the Baie Verte-Green Bay District. A map is attached as Annex A.
- The Town applied for relocation assistance in April, 2013, after the increased financial assistance was announced in Budget 2013. Since that time, the Department of Municipal and Intergovernmental Affairs (MIGA) has reviewed their request as per the Community Relocation Policy (the Policy) attached as Annex B.
- In August, 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency/commercial property status. Permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate.
- As per the Policy, MIGA will only consider relocation assistance requests that are community-initiated and community-driven. The Minister of MIGA may approve such relocation requests that meet four criteria, one of which is that the total cost of relocation assistance plus residual essential services for Permanent Residents who may choose to remain in the community does not exceed the cost to Government to deliver services to the Community for a twenty-year period.
- MIGA determined the residency status of individuals from the Town and mailed out determination letters to all relevant residents and/or property owners in October, 2014.
- As per the appeal process under the Policy, MIGA received 18 appeal requests from individuals/families dissatisfied with their residency determinations.
- On February 3, 2015, the Honourable Robert Wells was appointed as the Independent Reviewer to consider these appeals. On April 17, 2015, Mr. Wells submitted his 18 appeal reports with recommendations to the Minister. Mr. Wells agreed with 11 of MIGA’s residency determinations but recommended that seven appeals be overturned.
- Appellants were notified of the results of the review by letter in late June, 2015.
Analysis:

*Cost Benefit Analysis*

- Based on the known current costs to government from the provision of financial assistance to permanent residents and commercial property owners, MIGA has undertaken a cost benefit analysis (CBA). The CBA was completed using the approved methodology attached as Annex C.

- Elements of step #6 of the methodology are not yet factored in to the CBA, such as providing residual essential services to those who may choose to remain in the community following relocation. MIGA is unable to determine these costs at this time as the provision of an essential service could only be determined once the number of people choosing to remain in Little Bay Islands is identified through the community vote for voting-aged permanent residents. Following this vote, the Department may need to update the CBA to capture potential reductions in the initial cost savings estimates as a result of providing residual essential services and modifications to previously provided decommissioning costs.

- To undertake the CBA for the Town, the Department consulted with the following stakeholders:
  - The Department of Transportation and Works (TW);
  - The Department of Health and Community Services (HCS);
  - The Department of Justice and Public Safety (JPS);
  - The Department of Education and Early Childhood Development (EECD);
  - The Department of Advanced Education and Skills (AES);
  - The Department of Business, Tourism, Culture and Rural Development (BTCRD);
  - Fire and Emergency Services-NL (FES-NL);
  - Newfoundland and Labrador Hydro (NL Hydro);
  - Newfoundland and Labrador English School District;
  - Municipal and Intergovernmental Affairs (MIGA); and
  - The Department of Finance.

- The following bullets provide a summary of the CBA performed (see Annex D):

  *Savings*
  - TW estimates $6,754,000 in 20-year savings from the withdrawal of the Hazel McIsaac ferry service and costs associated with maintaining TW-owned roads.
  - EECD estimates $3,810,548 in savings from the closure of the H.L. Strong Academy. Less demolition costs of approximately $750,000, the total savings for EECD over 20 years is approximately $3,060,548.
  - MIGA would save approximately $588,460 over 20 years from the withdrawal of their Municipal Operating Grant.
  - Application-based funding programs such as Municipal Capital Works (MCW), Community Enhancement Employment Program (CEED), Special Assistance (SA), or
FES-NL programs have been allocated an amount based on average funding provided over the last 10 years. The total average annual amount is $2,281,927.

- AES has advised there would be no anticipated savings over 20 years from the income support program.
- NL Hydro advised that there will be a cost of $2,933,582 (NPV adjusted) to government if Little Bay Islands is relocated for decommissioning and removal of assets. However, their analysis also indicates that there will be savings of $9,803,971 (NPV adjusted) over 20 years, which will be passed on to ratepayers. NL Hydro conducted their own NPV calculation based on their specific borrowing costs. *Section 27(1)(i), Section 27(2)(a)*
- HCS and JPS have advised there would be no savings.
- BTCRD has advised there are no new investments planned in Little Bay Islands resulting in no savings to government.
- Based on the fact that government normally experiences growth in program expenditures every year, a two per cent annual increase has been factored in to provide a reasonable projection of future costs over a 20-year period. This equates to additional projected savings of $2,725,575 for the 20-year period.
- A discount rate of 3.45 per cent (as provided by the Department of Finance) has also been applied as this is government’s current 20-year borrowing rate (note this discount rate was not applied to the NL Hydro savings as they applied their own discount rate based on their specific borrowing costs).
- Based on the above, the total financial benefits from the withdrawal of services, NPV adjusted, is $17,629,089.

**Costs**

- The known current relocation costs would accrue from the provision of financial assistance to the 55 property owners, eight voting-age non-property owners, and seven commercial property owners, as well as the legal conveyance and property assessment costs. This results in a total cost of $14,570,900.
- Potential additional future costs may include the finalization of commercial property payouts, refining decommissioning costs and providing potential essential services to anyone choosing to remain in the community.
- Potential future costs that could negatively impact the CBA would be the costs associated with providing residual essential services. In previous relocations no one has chosen to remain in the community following relocation so the cost providing residual essential services is unknown.
Result

- The CBA for the Town (Annex D) indicates that there is an overall positive financial benefit of $3,058,189 over 20 years from the withdrawal of provincial services.

Prepared / Compiled / Approved by:  A. Wright/ K. Curtis/ H. Tizzard

Ministerial approval:

Annex A – Map of Little Bay Islands
Annex B – Community Relocation Policy
Annex C – Relocation Cost Benefit Analysis Methodology
Annex D – Estimated Savings, Costs and CBA Evaluation
ANNEX A

Map of Little Bay Islands
ANNEX B

Community Relocation Policy

The Department of Municipal Affairs will only consider relocation assistance requests that are community-initiated and community-driven. The Department will not initiate any actions to encourage relocation assistance requests from communities.

The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:

a. The Community initiates contact with the Department concerning the possibility of relocation assistance;
b. The total cost of relocation assistance plus residual essential services for Permanent Residents who may choose to remain in the community does not exceed the cost to Government to deliver services to the Community for a twenty-year period;
c. A vote on relocation demonstrates that ninety per cent or more of the voting aged Permanent Residents wish to relocate; and
d. Ninety per cent or more of Permanent Residential Property Owners subsequently sign Government’s conditional offers to purchase.

The level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:

a. Be provided with alternate public services at service levels which Government deems appropriate for the number of persons remaining in the Community.
b. Retain the option of accepting the supports available under the Community Relocation Policy for one year subsequent to the date that the Minister approves relocation assistance.

After all Permanent Residents have vacated a Community, the Minister of Municipal Affairs will declare the Community to be an evacuated Community in accordance with the Evacuated Communities Act.

1. DEFINITIONS

1.a. Commercial Property Owner: An individual or company that owns property within the Community and currently operates a commercial enterprise on that property or that owns a Rental Property in the Community.

1.b. Community: Includes municipalities, local service districts, and / or unincorporated areas.

1.c. Non-Resident Residential Property Owner: An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will normally include persons who maintain seasonal homes in the Community.
1.d. **Permanent Resident**: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the community to attend grade school or post-secondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor's note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his / her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.

(b) The individual did not establish permanent residency in another Community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

1.e. **Relocation Request Date**: The date on which the Department deems it has received the request to consider the Community's eligibility for relocation assistance.

1.f. **Rental Property**: Habitable residential property which was rented as of the Relocation Request Date or which, though vacant on that date, had previously been rented and had been vacant for no more than six months immediately prior to that date.

1.g. **Permanent Residential Property Owner**: An individual who meets the criteria for a Permanent Resident and who also resides in and owns, either individually or jointly, habitable residential property in the Community requesting relocation.

2. **STEPS IN THE EVALUATION OF COMMUNITY RELOCATION REQUESTS**

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of that request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

c. Based on the determination of residency status, the Department will complete an analysis of the total cost of relocation assistance compared to the total savings over a twenty-year period that would result from the withdrawal of Provincial Government services to the Community. If the estimated costs exceed the estimated savings, Government's consideration of relocation assistance will stop unless there are significant health or life-safety considerations involved in the relocation request.

d. The Department will conduct a vote involving voting aged Permanent Residents. If the vote does not confirm that at least ninety percent of the eligible voters want to relocate, Government's consideration of the relocation request will stop.

e. If the vote indicates ninety percent or more of the individuals eligible to participate in the community vote support relocation, the Department will request Government approval of:
i. the relocation of the community;

ii. sufficient funds to pay relocation assistance; and

iii. an Order in Council, pursuant to section 4.1 of the Public Utilities Act (the Act) exempting utilities from the application of Section 38 of the Act for that community.

f. After receiving the approvals in Item (e), the Minister of Municipal Affairs will make conditional offers to purchase habitable residential properties. These conditional offers to purchase will be made to all Permanent Residential Property Owners. The conditional offers to purchase will include a clause making each offer conditional on at least ninety percent of Permanent Residential Property Owners signing written acceptance of the offers to purchase as drafted by the Minister. The Department of Municipal Affairs will pay the cost of a solicitor selected by the Community to assist Permanent Residential Property Owners in their review of the conditional offers to purchase and any other legal documentation involved if the relocation proceeds.

g. The Minister will approve the relocation assistance request if at least ninety percent of the Permanent Residential Property Owners in the community sign acceptance to the offers to purchase as drafted by the Minister.

h. The Department and all relocating property owners (including Permanent Residential Property Owners and Commercial Property Owners) will execute legal documents transferring title to the Crown in return for the relocation assistance detailed in the Department's offer of assistance. Relocation assistance for Permanent Residents of voting age who are not Permanent Residential Property Owners will be processed at the same time.

3. APPEAL OF RESIDENCY STATUS DETERMINATION

The Department's determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department's determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based upon either the interpretation of facts by the Department related to residency or upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria.

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department's decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

Within 15 calendar days of receiving an appeal of residency status, the Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal within 30 calendar days of being appointed. Having considered the reviewer's recommendation, the Minister will make a final determination of residency status.

4. COMMUNITY-INITIATED, COMMUNITY-DRIVEN REQUEST FOR RELOCATION

The Department of Municipal Affairs may provide information or briefings on this policy at the request of Community residents. However, the formal assessment of a Community's eligibility under this policy will only begin after Government receives clear indication that it is responding to a
community-initiated, community-driven request for relocation assistance. Evidence of a community-initiated, community-driven request may be, for example, a written request from a Municipality or Local Service District, a petition from Community residents, or other indications acceptable to the Minister.

5. **COMMUNITY VOTE**
While an initial request will start contacts between a Community and the Department of Municipal Affairs concerning possible relocation assistance, the Department will assess the will of the Community through a vote on the question of relocation.

Only voting-aged Permanent Residents are eligible to vote on relocation. Joint property owners will each have one vote.

Each identifiable individual entitled to vote will be provided with an individual ballot which she/he will mail to the Department of Municipal Affairs in a pre-addressed, postage-paid envelope. The Department of Municipal Affairs will only release the aggregate results of the vote and will not release the specifics of how any identifiable individual voted.

6. **FINANCIAL ASSISTANCE FOR RELOCATION**
No resident will be required to relocate, but residents who do not relocate will not receive relocation assistance.

Relocation assistance is not intended to compensate individuals or businesses for loss of employment, income potential, or any other costs beyond those specifically mentioned in this policy.

Relocation assistance will be paid directly to Property Owners and also to Permanent Residents of voting age who are not Permanent Residential Property Owners.

Where a couple who has separated or divorced each have a property interest in a residential property or commercial property in the community, no relocation assistance will be provided unless proof of property interest is provided satisfactory to the Department. All parties with a property interest must sign and execute legal documents transferring freehold title to the Crown. In these cases, the relocation assistance will be divided proportionally in accordance with each person’s proportional share in the property being transferred to the Crown.

Should a Community meet all eligibility requirements for relocation assistance, the Minister shall offer, in exchange for unencumbered legal title to land and structures and consent to the discontinuation of all municipal and provincial services to each resident, the following financial assistance to relocate:

6.a. **Permanent Residential Property Owners**
The amount of financial assistance payable to Permanent Residential Property Owners will be determined by the number of Permanent Residents living in the household in accordance with the following table:

<table>
<thead>
<tr>
<th># of Permanent Residential Property Owners and their minor dependents per household</th>
<th>Total Household Relocation Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$250,000</td>
</tr>
<tr>
<td>2</td>
<td>$260,000</td>
</tr>
<tr>
<td>3 or more</td>
<td>$270,000</td>
</tr>
</tbody>
</table>
6.b. Permanent Residents of Voting Age Who Are Not Permanent Residential Property Owners
The amount of financial assistance payable to each Permanent Resident of voting age who is not a Permanent Residential Property Owner will be $10,000.

6.c. Commercial Property Owners
The amount of financial assistance payable to Commercial Property Owners will be two times the assessed value of the commercial property as determined by the Municipal Assessment Agency. If the Municipal Assessment Agency has not assessed the property within the twelve months immediately preceding the Relocation Request Date, the Agency will complete a new assessment of the property.

7. OTHER ASSISTANCE FOR RELOCATION
To help Permanent Residential Property Owners and Commercial Property Owners make informed legal decisions, the Department of Municipal Affairs will pay legal fees related to consideration of the Department's written offer detailing relocation assistance and transfer of legal title to their property to the Crown. The Department will contract for this service with a legal firm to be chosen by the Community’s Permanent Residential Property Owners. A Permanent Residential Property Owner or a Commercial Property Owner may use the services of a different legal firm of their choosing provided the individual(s) pay this expense themselves.

On request, the Department will also assist Permanent Residential Property Owners with the prior purchase of a property in another community by taking an interim mortgage on the property purchased. The maximum value of an interim mortgage will be 80% of the relocation assistance they will receive. The Department will release the interim mortgage after the property in the relocating Community is vacated and transferred to the Crown. The Department will recover the mortgage funds from the relocation assistance payment due to the person relocating.

8. LEGAL TITLE TO PROPERTY
The Crown will acquire unencumbered legal title to habitable residential structures and commercial properties for which relocation assistance is paid. The transfer of title will also include sufficient land for the beneficial use of the structure and any outbuildings located on that land.

The Department will not consider provision of relocation assistance for any properties other than habitable residential properties and commercial properties.

9. OCCUPYING A VACATED HOME
Former owners of residential property may request a five (5) year License to Occupy from the Department of Environment and Conservation, with all standard terms and conditions, to occupy vacated homes on a seasonal basis.

If a Community has also been declared an Evacuated Community under the Evacuated Communities Act, the individual must also request a Permit to Occupy from the Minister of Municipal Affairs.

Licenses to Occupy and Permits to Occupy will be renewed at the discretion of the Ministers.

10. COST TO GOVERNMENT TO PROVIDE SERVICES TO THE COMMUNITY
In evaluating a request for community relocation, the Minister of Municipal Affairs will consider the cost to Government to provide services to the Community over a twenty-year period. These services include, but are not limited to, ferry service, electricity, roads, schools, hospitals/health centres.
future required infrastructure upgrades, municipal operating grants, municipal debt, and travel of Government staff. These costs will be determined in consultation with the respective departments / agencies that provide the services.

In calculating the overall cost of relocation assistance, in addition to financial assistance paid to members of the community, the Minister will consider the cost of residual essential services for Permanent Residents who choose to remain in the Community, decommissioning costs for Government services to the Community, and future costs or liabilities the Province will assume when it acquires legal title to properties in the Community. This may include, for example, potential removal / remediation costs related to deteriorating structures, residential oil tanks, etc.

The Department of Municipal Affairs will consult with all Government departments, NL Hydro and the Community's municipal leaders to ensure that the analysis of costs and benefits of relocation includes:
- a comprehensive listing of Government services provided to the Community;
- a profile of the Permanent Residents and Commercial Property Owners within the Community;
- an assessment of the indirect impacts of removing Government services, such as hydro lines and generators or transportation systems, on adjacent businesses or communities.

11. DISPOSITION OF GOVERNMENT OWNED PROPERTY
The Department of Municipal Affairs will inform the Department of Transportation and Works of government owed properties and properties not under a License to Occupy or Permit to Occupy that are in the relocated Community. In instances where Licenses to Occupy and Permits to Occupy expire and are not renewed, Municipal Affairs will inform Transportation and Works to include these properties as part of their inventory. Transportation and Works will take appropriate action to secure such properties to minimize risk to government, address any potential environmental concerns and implement disposal strategies as the need arises.

12. POLICY RESTRICTION
Individuals can only access relocation financial assistance once in a lifetime, effective from the date of this Policy.
ANNEX C

Relocation Cost Benefit Analysis Methodology

1. MIGA will contact government departments and request information regarding current and historic costs incurred by them and their entities (e.g. Regional Health Authority, School Boards, RNC etc.) in the community proposing to relocate. This will include ongoing expenditures related to ferry services, roads, schools, health services, municipal operating grants, etc.

2. MIGA will request that departments to provide cost estimates for them and their entities regarding known and/or quantifiable future expenditure increases related to infrastructure upgrades and maintenance. Unless specific cost increases are known, future cost increases will not be included in the analysis other than as noted in bullet 3 below.

3. Depending on the circumstances, MIGA will use current and/or historic costs to develop a projection of future costs for the next 20 years in the community.

4. Based on the assumption that Government normally experiences inflationary growth in its program expenditures every year, MIGA will add a percentage annual increase to the costs obtained in the bullets above in order to provide a reasonable projection of future costs over a twenty year period, accounting for inflation. In addition, the nominal discount rate used to complete a Net Present Value (NPV) calculation, will include an allowance for inflation and government’s real cost of borrowing. The inflation rate and NPV discount rate will be determined in consultation with the Project Analysis Division and Debt Management Division of the Department of Finance.

5. Using the cost information collected in bullets above, MIGA will project the benefit to Government over a 20 year period.

6. MIGA will calculate the up-front and/or future costs to Government of relocating the community including assistance payable to property owners; the maintenance of essential services to residents who choose to remain in the community; decommissioning costs for Government services in the community; and an estimate (if available) of future liabilities the Province will assume when it acquires legal title to property in the community which may include removal/remediation costs of deteriorating structures, residential oil tanks, and/or closure/decommissioning of Government facilities.

7. The projected 20 year value of the benefit to Government will be completed on a Net Present Value (NPV) basis in order to ensure cost and benefit data are analyzed on a comparable basis. In cases where future costs are identified, these future costs will also be calculated on a NPV basis to ensure comparative data.

8. If the projected benefit over the 20 year period exceeds the projected cost calculated on a NPV basis the community will be eligible for relocation approval.
## ANNEX D

Estimated Savings, Costs and CBA Evaluation

### Estimated Savings – Withdrawal of Provincial Services

<table>
<thead>
<tr>
<th>Department</th>
<th>Details</th>
<th>Operation and Maintenance Savings</th>
<th>Capital Investment/Other Consideration</th>
<th>20 Year Total Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation and Works</td>
<td>Hazel McIsaac ferry 2.5kms of TW-owned road</td>
<td>$5,650,000</td>
<td>$654,000 over 20 years in Marine Infrastructure</td>
<td>$6,754,000</td>
</tr>
<tr>
<td>NL English School District and EECD</td>
<td>H.L. Strong Academy School</td>
<td>$3,810,548 less Demolition cost of $750,000</td>
<td>$0</td>
<td>$3,060,548</td>
</tr>
<tr>
<td>MIGA</td>
<td>Municipal Operating Grant</td>
<td>$29,423 x 20 = $588,460</td>
<td>$0</td>
<td>$588,460</td>
</tr>
</tbody>
</table>
| Municipal and Intergovernmental Affairs and Fire and Emergency Services | Annual average of application-based programs for last 10 years | **10 Year Average**
MCW = $79,499.10/yr.
SA = $1,979/year
CEEP = $32,618.25/yr.
FES = $0/year
Annual total =
$114,096.35/year x 20 years = $2,281,927 total | $0 | $2,281,927 |
| AES | Programs | $0 | $0 | $0 |
| NL Hydro | Diesel | | Data not included here. Presented below due to NL Hydro’s own NPV Analysis. | |
| HCS | No Health Services | $0 | $0 | $0 |
| JPS | No anticipated savings | $0 | $0 | $0 |
| BTCRD | No Further Investment | $0 | $0 | $0 |

### Estimated Total 20 Year Savings: $12,684,935

**Inflation – 2 per cent** $2,725,575

Estimated Total 20-year Savings $15,410,510

Net Present Value Adjusted $10,758,700

+ (Plus) Hydro NPV Adjusted Savings $9,803,971

- (Less) Hydro NPV Adjusted Costs ($2,933,582)

Total Financial Benefit to Province $17,629,089
### Calculation of Relocation Financial Assistance Costs

#### Currently Known Relocation Financial Assistance Costs

<table>
<thead>
<tr>
<th>Household Composition</th>
<th>Assistance Calculation</th>
<th>Financial Assistance to be Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner(s) + minor Dependents</td>
<td>Assistance Amount x Number of Households/Adult Non-Property Owners</td>
<td>$5,750,000</td>
</tr>
<tr>
<td>1 Person</td>
<td>$250,000 x 23</td>
<td></td>
</tr>
<tr>
<td>2 Persons</td>
<td>$260,000 x 31</td>
<td>$8,060,000</td>
</tr>
<tr>
<td>3 Persons</td>
<td>$270,000 x 1</td>
<td>$270,000</td>
</tr>
<tr>
<td>Adult non-property owner</td>
<td>$10,000 x 8</td>
<td>$80,000</td>
</tr>
</tbody>
</table>

#### Commercial Properties

| Commercial Property Owners | 2 x Municipal Assessment Agency Assessed Value x 7 | $300,000* |

#### Process/Administration

<table>
<thead>
<tr>
<th>Cost</th>
<th>Calculation</th>
<th>Financial Assistance to be Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Conveyance Costs</td>
<td>$750 x 62</td>
<td>$46,500</td>
</tr>
<tr>
<td>MAA Assessment Costs</td>
<td>$700 x 7</td>
<td>$4,900</td>
</tr>
<tr>
<td>Water/Sewer Decommissioning</td>
<td>$500 + $30,000** x 59</td>
<td>$59,500</td>
</tr>
</tbody>
</table>

#### Currently Known Total Costs $14,570,900

* Commercial property compensation is conservatively estimated based on Municipal Assessment Agency estimated values for the region.

** There are 59 properties (55 residential + 4 commercial) with water/sewer connections. The $30,000 relates to the recommended decommission of water at source and sewer at point of discharge (both costing an estimated $15,000 each).

### NPV Dollars Cost Savings Calculation – Based on DSR of 3.45%

<table>
<thead>
<tr>
<th>NPV Estimated Savings/Benefit</th>
<th>Estimated Costs</th>
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<td>Pass</td>
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</tbody>
</table>
Decision Note
Department of Municipal and Intergovernmental Affairs

Title: Relocation Commercial Property Determination for the Town of Little Bay Islands

Decision Required:

- 
- 
- Section 29(1)(a)

Background and Current Status

- The Town of Little Bay Islands (the Town) is located in the Baie Verte – Springdale District. The Town applied for relocation assistance in April 2013, after the increased financial assistance was announced in Budget 2013. Since that time, the Department has reviewed their request as per the steps in the Community Relocation Policy (the Policy).

- In August 2013, the Department received affidavits and supplementary information from residents and property owners which were reviewed in order to determine their alleged residential and commercial property status.

- A commercial property owner is defined under the Policy as an individual or company that owns property within the community and currently operates a commercial enterprise on that property or that owns a rental property in the community.

- Permanent residents are able to vote on the question of relocation and to receive relocation financial assistance. Commercial property owners are not able to vote on relocation; however, they do receive compensation for their commercial properties based on two times the assessed value of the commercial property.

Analysis:

- The Department received seven applications for commercial property status on Little Bay Islands. One application is from a permanent resident while the other six are from non-resident property owners.

- The applicants are comprised of three fishermen, three accommodations owners and one rental property owner.

- Details of the applicants recommended for approved are as follows:

  - [Redacted: (Accommodations)]
    - s.40(1)
DFO was unable to provide specific landing statistics for the fishermen. However, they advise that during the fishing season, Little Bay Islands is used regularly by these commercial fisherpersons to prosecute the fishery. This includes departing to harvesting grounds from Little Bay Islands and returning upon the conclusion of a fishing trip or transaction at another port.
• Please note, there has not been a buyer of seafood on Little Bay Islands for many years, therefore, the landings for these three fishermen were and continue to be in other ports including Nippers Harbour, Lushes Bight, and Triton.

• Details of the applicant recommended for rejection are as follows:

• Once commercial property ownership is determined, the Department will request that the Municipal Assessment Agency (MAA), assess the commercial properties. Their value will then be specifically included in the cost benefit analysis (CBA) for Little Bay Islands.

• While there is no appeal mechanism in the Policy for commercial property owners, if an individual is dissatisfied with their commercial property determination, they have the option of requesting a judicial review.
Prepared/Approved by: A. Wright/

Ministerial Approval:

October 29, 2015
Honourable Robert Wells Q.C.
36 Quidi Vidi Road
St. John's, NL
A1A 1C1

Dear Mr. Wells:

Re: Appointment of Independent Reviewer for Little Bay Islands Relocation Appeals

In accordance with our Community Relocation Policy, I am appointing you as the Independent Reviewer for all the relocation residency determination appeals received for Little Bay Islands.

My staff will be in contact with you regarding next steps.

If you have any questions regarding this matter, please contact Andrew Wright, Manager - Community Liaison at 729-7143 or andrewwright@gov.nl.ca.

Sincerely,

Keith Hutchings, MHA
District of Ferryland
Minister of Municipal and Intergovernmental Affairs
Good morning Mr. Wells,

Please see the attached contract for your review. We can sign today with no concerns.

There are no special conditions and the other schedules are standard. I have left the contract end date blank for your input.

See you this afternoon.

**Andrew Wright**  
**Manager, Community Liaison**  
Local Governance Division  
Department of Municipal and Intergovernmental Affairs  
t:709 729 7143  
andrewwright@gov.nl.ca
AGREEMENT

THIS AGREEMENT made at St. John's, in the Province of Newfoundland and Labrador, on this day of Insert Date for Agreement.

BETWEEN: HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR as represented by the Minister of Municipal and Intergovernmental Affairs ("the Client")

AND: Honourable Robert Wells, Q.C.

("the Consultant")

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants expressed, and as amended, the Parties agree as follows:

1. Definitions

In addition to the terms defined in the General Terms and Conditions attached as Schedule "C", the following words and phrases shall have the following meanings:

a. "Contract Documents" shall mean and include:
   i. This head agreement (the "Head Agreement");
   ii. The Scope of Work attached as Schedule "A";
   iii. The Special Terms and Conditions attached as Schedule "B";
   iv. The General Terms and Conditions attached as Schedule "C"; and
   v. Protocols for Security of Government Information on Information Technology assets of Contractors attached as Schedule "D".

b. "Representatives" means directors, officers, employees, consultants, sub-consultants, agents, advisors or partners.

2. The Consultant's Work

The Consultant shall do all things necessary to fulfill all of the obligations of the Consultant as set out in the Contract Documents (the "Work"). The Work shall be performed by the Consultant to the satisfaction of the Client.
3. Payment

1.1 Consideration

It is agreed and understood that payments made for the satisfactory performance of the Work pursuant to this Agreement shall be made in accordance with either Option 1, 2 or 3 below.

Payment Option #1 Not Applicable

Subject to Article 1.3, upon presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, for the satisfactory performance of the Work, Insert text of dollar value ($ Insert numeric dollar value ) (plus HST) in accordance with the following payment schedule:

(i) Periodic payments – set out time or milestones for payments

Payment Option #2 Applicable

Subject to Article 1.3, upon presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, for the satisfactory performance of the Work, the following time rate schedule for activities actually expended in performance of the Work (plus HST):

(i) Person / Professional Designation – $250.00/hr

Payment Option #3 Not Applicable

Subject to Article 1.3, upon the satisfactory completion of the Work and the presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, Insert Absolute Limit on Cost of Services (plus HST).

1.2 Reimbursement of Expenses

It is agreed and understood that reimbursements for the Consultant’s expenses pursuant to this Agreement shall be made in accordance with either Option A or B below.

Reimbursement Option A [Applicable]

(a) The Client shall only be responsible for the following reimbursable expenses, payable at cost, provided the Consultant can demonstrate to the Client that such expenses were incurred in relation to the Work, and that documentation, satisfactory to the Client, is provided in support of the reimbursable expense claimed and is attached to the applicable invoice,
including for example, originals of supporting receipts, invoices or statements issued by non-parties to this Agreement:

(i) Long distance phone charges  
(ii) Photocopies  
(iii) Postage  
(iv) Gas Mileage  
(v) Meals and Accommodations

(b) All claims submitted for reimbursable expenses in accordance with this Article 1.2 shall be reimbursed at rates not to exceed those established by Treasury Board pursuant to the guidelines and policies of the Client even if such rates are lower than the actual costs incurred by the Consultant.

Reimbursement Option B  Not Applicable

The Client shall not be responsible for any expenses incurred by the Consultant, including, without limitation, out of pocket expenses such as travel, meals, accommodations, legal advice, support staff, printing and duplicating, courier, long distance telephone and/or facsimile charges, without the prior written approval of the Client.

1.3 Payment General

(a) Regardless of the payment option selected in Article 1.1 and/or 1.2, the Parties agree and confirm that total amounts payable for the Work shall not exceed a monetary ceiling of Fifty Thousand Dollars \textit{Per Treasury Board Guidelines / Authorization} (\$50,000.00).

(b) The Consultant shall remain obligated to complete the Work notwithstanding that the actual costs of the Consultant, whether in respect of professional services or in respect of costs or expenses incurred, may exceed the total aggregate sum set out in Article 1.3(a).

(c) The Parties agree and confirm that as set out in section 25(6) of the \textit{Financial Administration Act}, RSNL1990 cF-8, as amended, all fees payable in accordance with this Agreement are subject to there being an appropriation for the work for the fiscal year in which payment under this Agreement is due.

(d) Payment will be made within 60 calendar days of receipt of a properly documented invoice.

(e) All invoices shall clearly show the amount of HST billed by the Consultant as a separate item.

(f) The Consultant shall conform to any request that may be made by the Client to alter the form of invoice customarily used by the Consultant as may be reasonably required for the purposes of the Client’s internal accounting systems. The Consultant agrees that each invoice shall clearly show and identify the work or service which is being charged.
under that invoice to the Client. The invoice shall have appended thereto any documentation required by the Client.

(g) The Client shall not be responsible to pay any amounts invoiced by the Consultant which may arise from work, services or expenses incurred to remedy errors or omissions in the Work for which the Consultant is responsible.

(h) The Consultant shall submit invoices to:

Andrew Wright, Manager Community Liaison
Local Governance Division
Municipal and Intergovernmental Affairs
P.O. Box 8700 A1B 4J6
Phone: 709 729 7143
Fax: 709 729 4475
Email: andrewwright@gov.nl.ca

4. Notices

All notices, claims, payments, reports and other communications required under this Agreement shall be in writing. The addresses for service are as follows:

For the Client:

Andrew Wright
Manager, Community Liaison
Local Governance Division, Municipal and Intergovernmental Affairs
Government of NL
P.O. Box 8700
A1B 4J6

For the Consultant:

Honourable Robert Wells, Q.C.
36 Quidi Vidi Road
St. John’s, NL A1A 1C1
Phone: 709 699 6307
Email: [redacted] s.40(1)

Notices, requests or documents shall be deemed to have been received by the addressee as follows:

(a) As of the date on which they are delivered where delivery is by a party or by messenger or special courier service;

(b) As of the date on which they are sent where delivery is by telex or other means of electronic communication; and
(c) Six (6) days after delivery to Canada Post Corporation where the postal service is used.

5. **Entire Agreement**
   It is hereby agreed that the Contract Documents constitute the entire agreement between the parties (the "Agreement"). There are no understandings, representations or warranties of any kind except as expressly set forth herein. No changes, alterations, modifications or amendments of this Agreement shall be effective unless made in writing and signed by those persons designated for such purpose. This Agreement may be amended or otherwise modified by e-mail.

6. **Representations and Warranties**
   The Consultant hereby represents and warrants that every fact stated or represented by the Consultant or its Representatives to the Client in connection with any proposal made by the Consultant in respect of the Work is true and agrees that the Client shall be conclusively deemed to have relied on each such representation or statement in entering into this Agreement.

7. **Conflict Between Provisions**
   In the event of any conflict or inconsistency between provisions in the Contract Documents, the Contract Documents shall have precedence as follows: first the Head Agreement, second the Special Terms and Conditions, third the General Terms and Conditions, fourth the Protocols for Security of Government Information on Information Technology assets of Contractors, fifth the Scope of Work, and last, any documents incorporated by reference in any of the foregoing.

8. **Start and Completion Date**
   The Consultant shall commence activities in relation to the Work with the start and completion dates mutually agreed upon as follows:

   Start Date: February 4, 2015
   Completion Date:

9. **Effective Date**
   The effective date of this Agreement shall be the earlier of the start date referred to in Clause 8 or the date on the first page of this Head Agreement.

10. **Paragraph Numbering**
    In the event that the General Terms and Conditions are modified, the numbering references in the General Terms and Conditions shall remain unchanged.
11. **Counterparts**

This Agreement may be executed in any number of counterparts, each of which will be considered an original of this Agreement, and which together will constitute one and the same instrument. No Party will be bound to this Agreement unless and until all Parties have executed a counterpart. A facsimile signature or an otherwise electronically reproduced signature of either Party shall be deemed to be an original.

**HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR**

Minister of Municipal and Intergovernmental Affairs

Honourable Robert Wells

________________________
Authorized Signature

Date: ______________________
SCHEDULE "A"
SCOPE OF WORK

The Consultant shall complete the work and/or perform the following services:

Pursuant to the Department of Municipal and Intergovernmental Affairs' Community Relocation Policy, the Consultant shall independently review and consider 17 residency status appeals related to the potential relocation of Little Bay Islands. A copy of the Community Relocation Policy is attached.
SCHEDULE “B”

SPECIAL TERMS AND CONDITIONS (as necessary)

All Special Terms and Conditions must be reviewed by both the departmental solicitor, and the Deputy Minister of the Department requesting the Work (the “Deputy Minister”). These Special Terms and Conditions shall not be of any effect unless initialed by the Deputy Minister.

The Special Terms and Conditions of this Agreement are as follows:

OR

1. No Special Terms and Conditions

______________________________
Deputy Minister

______________________________
Consultant
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GENERAL TERMS AND CONDITIONS

Article - 1. INFORMATION SUPPLIED BY THE CLIENT

1.1 The Client will furnish to the Consultant all available information necessary for the performance of the Work. The Client makes no guarantee either expressed or implied as to the accuracy of the information supplied. The Consultant shall review the information for accuracy and applicability.

1.2 Where discrepancies, omissions or obscurities in the information are evident, the Consultant shall bring them to the attention of the Client and secure written instructions from the Client before proceeding with any work.

Article - 2. CONFIDENTIALITY, MATERIALS AND COPYRIGHT

2.1 For the purposes of this Article "Confidential Information" means:

(a) all communications and instructions from the Client respecting the Services, including the fact of this Agreement;

(b) all information acquired by the Consultant, his/her employees, servants and/or agents respecting policy consideration and development, business decisions, internal deliberations, discussions and considerations and any other aspect of the decision-making process of the Client;

(c) all oral, written, electronic, and machine readable information and data and any accompanying supporting materials and documentation, including without limitation, materials, documents, reports, databases, information and data of whatever nature and kind concerning the affairs of the Client, disclosed directly or indirectly to the Consultant, his/her employees, servants and/or agents during the performance of the Services or in any way related thereto;

(d) all personal information, as defined from time to time under the Access to Information and Protection of Privacy Act, SNI 2002 cA-1.1, or the Personal Health Information Act, SNI 2003 cP-7.01, to mean recorded information about an identifiable individual, including

(i) the individual's name, address or telephone number,

(ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,

(iii) the individual's age, sex, sexual orientation, marital status or family status,

(iv) an identifying number, symbol or other particular assigned to the individual,
(v) the individual’s fingerprints, blood type or inheritable characteristics.

(vi) information about the individual’s health care status or history, including a physical or mental disability.

(vii) information about the individual’s educational, financial, criminal or employment status or history.

(viii) the opinions of a person about the individual, and

(ix) the individual’s personal views or opinions

for any individual, which is, directly or indirectly, disclosed to or collected by the Consultant, its, his/her employees, servants and/or agents during the performance of the Services or in any way related thereto;

(e) all information that is developed based upon Confidential Information including the work product of the Consultant, its, his/her employees, servants and/or agents; and

(f) Confidential Information shall not include any information which:

(i) at the time such information was provided to the Consultant was or thereafter became part of the public domain through no act or omission of the Consultant or its, his/her Representatives; or

(ii) is information which the Consultant can show possession of prior to the date of this Agreement and which was received or developed by the Consultant free of obligations of confidentiality to the Client.

2.2 The Consultant shall treat all Confidential Information acquired by the Consultant in the performance of the Services as privileged and confidential and shall not divulge the same to any person or persons at any time without the express written approval of the Client, unless required to do so by law, which may include a subpoena or other similar process or in connection with litigation, arbitration or other proceeding or by virtue of an Act or Regulations. In the event that such disclosure is required, the Consultant shall give the Client prompt notice of the requirement upon becoming aware that such disclosure is required. Where circumstances did not permit the Consultant to provide such notice prior to disclosure, the Consultant shall provide such notice to the Client immediately after the required disclosure.

2.3 The Consultant shall only use the Confidential Information acquired in the performance of the Services for the purposes specified in the Scope of Work and this Agreement, and shall not permit the use of the Confidential Information for any other purposes.

2.4 All materials data, designs, plans, drawings, specifications, research, reports, notes, estimates, summaries, calculations, surveys, papers, completed work, and work in progress and such other information and materials or parts thereof as are compiled, drawn and produced by the Consultant in performing the Services, including without limitation, computer printouts and computer models and all copyrights thereto and all patents, trademarks and industrial designs arising therefrom, are the sole and exclusive property of the Government of Newfoundland and Labrador and the contents thereof are privileged and confidential. Nothing in this Agreement shall give the Consultant a right, however
arising to assert any lien, claim, demand, property right, remedy or security right of any kind over the information provided to the Consultant pursuant to the terms of this Agreement. The Consultant acknowledges that the Client's right to this information shall at all times be paramount to any rights of the Consultant, at law or in equity, and that the Consultant's remedies against the Client for the Client's breaches under this Agreement shall not include the right to deprive the Client of access to the Client's information in the Consultant's possession.

2.5 The Consultant shall provide to the Client and solely to the Client upon completion of the Services or upon earlier termination of this Agreement, all Confidential Information acquired during the performance of the Services, or shall, at the request of the Client, destroy any and all copies and versions of the Confidential Information in the possession of the Consultant, its employees, servants and/or agents, and shall certify the destruction of same to the Client.

2.6 The Consultant acknowledges that, in addition to the requirements of this Agreement, the Confidential Information acquired by the Consultant, its employees, servants and/or agents in the performance of the Services and in particular personal information, is subject to privacy legislation in this jurisdiction, including but not limited to the Access to Information and Protection of Privacy Act, the Management of Information Act, SNL-2005, cM-1.01, the Privacy Act, RSNI-1990 cP-22, and Personal Health Information Act, SNL-2006 cP-7.01, as well as other legislation which may apply in the jurisdiction of the Consultant's operation. The Consultant is responsible to ensure the compliance with and satisfaction of the legislative requirements of all such information relating to the treatment of Confidential Information by the Consultant, its employees, servants and/or agents. The client may be compelled to disclose financial information pursuant to the first cited Act.

2.7 The Consultant shall ensure that it, its employees, servants and/or agents have in place and follow the appropriate systems, processes, protocols and policies to maintain the physical and electronic security of all Confidential Information, including but not restricted to the following:

(a) at a minimum, using the same level of physical and electronic security as the Consultant employs to avoid disclosure or dissemination of the Consultant's own confidential information, to prevent the disclosure of any of the Confidential Information to any third party, or to any of its employees, servants or agents other than those who are required to have access to properly perform the Services under this Agreement;

(b) establish and maintain security policies, standards and safeguards to prevent unauthorized access, collection, use, disclosure or disposal of the Confidential Information;

(c) ensure all employees, servants and/or agents of the Consultant comply with all policies, standards and safeguards established under this Article;

(d) advise the Client of any changes in its, its security systems, procedures, standards and practices that may affect the Confidential Information and seek the Client's consent prior to such changes; and

(e) satisfaction of the foregoing commitments includes, but is not restricted to, compliance with the requirements set out in Schedule "D", unless otherwise advised by the Client, and this includes:
(i) complying with all alterations or updates of Schedule "D" as may be provided to the Consultant from time to time; and

(ii) adhering to any additional instructions (including oral instructions) from the Client as they relate to the subject matter contained in Schedule "D" and this Article.

2.8 The Consultant shall only disclose confidential information to persons other than its employees, servants and/or agents with the prior written consent of the Client, and then only to those persons who need to know the information in order to carry out the duties associated with this Agreement and only after confirming that such persons agree to comply with the provisions of this Article including the requirements set out in Schedule "D".

2.9 The Consultant shall:

(a) notify the Client promptly of any unauthorized possession, use or knowledge, or attempt thereof, of the Client’s information in the possession of the Consultant, including but not limited to data processing files, transmission messages or other confidential information by any person or entity which may become known to the Consultant.

(b) promptly furnish to the Client full details of the unauthorized possession, use or knowledge, or attempt thereof, and assist the Client in investigating or preventing the recurrence of any unauthorized possession, use or knowledge, or attempt thereof, of confidential information;

(c) use reasonable efforts to cooperate with the Client in any litigation and investigation against third parties deemed necessary by the Client to protect its proprietary rights;

(d) promptly use all reasonable efforts to prevent a recurrence of any such unauthorized possession, use or knowledge of confidential information; and

(e) refer to and follow the privacy breach protocol of the Government of Newfoundland and Labrador as it exists at the time of the breach and located at the Department of Justice website at: http://www.justice.gov.nl.ca/civ/civl/ipp/defult.htm

Article - 3. EMPLOYEES OF THE CONSULTANT

3.1 The Consultant shall provide employees who are competent in their field of specialization. The Client will have the right to have the Consultant remove from the Work any person, who by misconduct or by failure to properly perform his/her duties is considered by the Client to be unfit for employment on the Work. If the Consultant fails to remove any unfit person from the Work as requested by the Client, then the Client may void this Agreement or refuse to accept subsequent Work in which the person was involved and may refuse to approve payment for such Work.
3.2 The Consultant shall not alter, remove or replace the employees or Representatives indicated in the Scope of Work without prior written approval by the Client.

Article - 4. ACCESS TO FACILITIES

4.1 The Client agrees to provide, where it is deemed by the Client, in its absolute and sole discretion to be necessary for the reasonable performance of the Work, working space and equipment access for the Consultant to perform the Work during Client office hours.

4.2 When using or accessing the premises of the Client, the Consultant and all officers, employees and agents of the Consultant shall comply with all security regulations and workplace policies and procedures in effect from time to time at the Client’s facilities.

Article - 5. RECORDS AND AUDIT

5.1 The Consultant shall keep records, books of account and supporting documents in accordance with accepted accounting procedures and practices. The records shall be made available to the Client or its authorized representative for observation or audit at mutually convenient times and up to one year after discharge of this Agreement.

5.2 The Consultant shall furnish reports as required by the Client for the purpose of monitoring the progress of the Work.

Article - 6. TERMINATION

6.1 This Agreement is deemed to be concluded once the Work has been completed to the satisfaction of the Client and payment(s), as stipulated in the Agreement, has been issued to the Consultant.

6.2 Notwithstanding the provisions of this Agreement, either of the Parties may at any time by way of fourteen (14) days written notice to the other, terminate this Agreement.

6.3 Where this Agreement is terminated prior to the mutually agreed upon completion date, the Consultant shall thereupon be entitled to payment in accordance with this Agreement in respect of that part of the Work completed up to the date of termination, provided however, that the Consultant shall not be entitled to any other payment in respect of such termination, including, without prejudice to the generality of the foregoing, any payment for any consequential loss or damage or loss of profits arising from termination of this Agreement or in any other way related thereto. The Client shall retain the right of set off with respect to any earned but unpaid proceeds then owing pursuant to this Agreement.
Article - 7. LIABILITY

7.1 The Consultant agrees that in performance of the Work neither the Consultant nor any Consultant’s Representative shall be or be deemed to be an officer, servant, agent or partner of the Client.

7.2 The Client shall not be liable for, and the Consultant shall indemnify and save harmless the Client and the Client’s Representatives against all losses, costs, charges, or expenses incurred by the Client and its agents as a result of actions, claims or awards for compensation at law, equity or under any applicable legislation, made or brought by, against, suffered by or imposed upon the Client, or its Representatives by a third party, as a result of or related to the performance of this Agreement by the Consultant or the Consultant’s Representatives.

7.3 The Consultant shall defend any and all such actions and pay all legal charges, costs and other expenses arising therefrom. Notwithstanding the foregoing, the Client may at its own discretion retain its own solicitors to defend its interests in any such suit or claim, and the legal costs of that defense shall be paid by the Consultant.

Article - 8. COMPLIANCE WITH LAW

8.1 In respect of any work within the Province of Newfoundland and Labrador connected with or arising from this Agreement, the Consultant shall provide (where requested by the Client) evidence of compliance with all requirements of the Province of Newfoundland and Labrador with respect to Worker’s Compensation and or Occupational Health and Safety, including without limitation, any payments or compliance orders due or issued thereunder.

8.2 The Consultant shall ensure that the Consultant and its Representatives comply with all requirements of any governing federal, provincial or municipal legislation, by-laws or regulations applicable to the Consultant or the Consultant’s Representatives in the performance of the Work.

Article - 9. ARBITRATION

9.1 In the case of a dispute arising between the Client and the Consultant as to their respective rights and obligations under this Agreement, the parties shall first attempt to resolve all matters through friendly negotiation by a meeting between their representatives upon notice. A resolution reached in this way must be reached within 10 days of both parties having knowledge and notice of the dispute and be reduced to writing.

9.2 In the case of a dispute arising between the Client and the Consultant as to their respective rights and obligations under this Agreement, (that has not been resolved pursuant to Article 9.1), either party may give the other notice of such dispute and to request arbitration thereof. If both parties agree, the parties shall, with respect to the particular matters then in dispute, submit the same to arbitration in accordance with the provisions of the Arbitration Act, RSNL-1990 cA-14, including such provisions for the appointment of arbitrators.
Article - 10. LAWS GOVERNING

10.1 This Agreement shall be governed by and interpreted in accordance with the laws of the Province of Newfoundland and Labrador and all actions, suits or proceedings arising out of this Agreement shall be determined in a court of competent jurisdiction in Newfoundland and Labrador subject to any right of appeal.

Article - 11. USE OF WORK

11.1 The Client shall have the right to use the Work or variations thereof in other operations of the Client.

Article - 12. CONFLICT OF INTEREST

12.1 No public employee or member of the House of Assembly of the Province of Newfoundland and Labrador shall be admitted to any part or share of the payments made pursuant to this Agreement or to any benefits arising therefrom except in accordance with the Conflict of Interest Act or the House of Assembly Act.

12.2 The Consultant and the Consultant's Representatives:

(a) shall conduct all duties related to this Agreement with impartiality;
(b) shall not influence, seek to influence, or otherwise take part in a decision of the Client, knowing that the decision might further their private interests;
(c) shall not accept any commission, discount, allowance, payment, gift, or other benefit that is connected, directly or indirectly, with the performance of any duties related to this Agreement, that causes, or would appear to cause, a conflict of interest; and
(d) shall have no financial interest in the business of a third party that causes, or would appear to cause, a conflict of interest in connection with the performance of any duties related to this Agreement.

Article - 13. SUBCONTRACTORS

13.1 The Consultant shall not subcontract all or a portion of the Work without the prior written approval of the Client.

13.2 The entry into any subcontract shall not relieve the Consultant of any of its obligations under the terms of this Agreement.
Article - 14. GENERAL

(a) Articles 2 and 7 of this Agreement shall survive the termination or expiration of this Agreement.

(b) Neither party shall be considered in default in performance of its obligations hereunder to the extent that performance of such obligations is delayed, hindered, or prevented by force majeure. Force majeure shall be any cause beyond the control of the parties hereto which they could not reasonably have foreseen and guarded against.

(c) Time shall be of the essence of this Agreement.

(d) The failure of the Client to insist upon or enforce in any instance strict performance by the Consultant of any of the terms of this Agreement or to exercise any rights herein conferred shall not be construed as a waiver or a relinquishment to any extent of the Client's right to assert or rely upon any such terms or rights on any future occasion.

(e) If any provision of this Agreement is determined to be invalid or unenforceable, in whole or in part, such invalidity or unenforceability shall attach only to such provision, and all other provisions hereof shall continue in full force and effect.

(f) The division of this Agreement into Articles and Clauses and the insertion of headings are for the convenience of reference only and shall not affect the construction or interpretation of this Agreement.

(g) This Agreement shall inure to the benefit of and be binding upon the Parties hereto, their respective heirs, legal representatives, successors and assigns.

(h) The Consultant shall not assign this Agreement in whole or in part to any third party without the prior written approval of the Client.

END OF SCHEDULE C
The Consultant shall confirm with the client Department whether the Consultant will be required to use information technology resources, including computers, of the Government of Newfoundland and Labrador in the conduct of the work under the Agreement. The following requirements apply where the Consultant will not be using such assets, but will instead have access to confidential information (including personal information) ("Confidential Information") received from the Government of Newfoundland and Labrador ("Government") and will be storing, manipulating or accessing that Confidential Information on the Consultant's own information technology resources.

- All portable storage devices or media (e.g., flash drives, memory sticks, portable hard drives, writeable compact discs or digital video discs, etc.) may only be used to transport and/or store Confidential Information where either the Confidential Information or the device or media is encrypted.

- Unless specifically separately authorized by the Agreement or otherwise, the Consultant is not permitted to attach non-government computers or other information technology systems to any Government network.

- Consultants are expected to implement and maintain up to date versions of all ordinary business software for the reasonable protection of information on computers attached to the Internet which will have access to or store Confidential Information, including security firewall and anti-viral software.

- Consultants are not permitted to use any Peer to Peer file sharing program (e.g., Limewire, etc.) or chat program (e.g., MSN, Skype) on any information technology asset which will contain Confidential Information, or which will be connected via a network to any computer which will contain Confidential Information.

- Email should not be used as a method to transmit Confidential Information across public networks such as the Internet unless the e-mail and/or its attachments are encrypted or zipped in a secure manner.

- The Consultant acknowledges that, in addition to the requirements of this Agreement, the Confidential Information acquired by the Consultant, its employees, servants and/or agents in the performance of the Services and in particular personal information, is subject to privacy legislation in various jurisdictions, including but not limited to the Access to Information and Protection of Privacy Act, and Management of Information Act, SNL2005, cM-1.01, and the Privacy Act, RSNL1990 cP-22, as well as other legislation which may apply in the jurisdiction of the Consultant’s operation. The Consultant is responsible to ensure the compliance with and satisfaction of the legislative requirements of all such information relating to the treatment of Confidential Information by the Consultant, its employees, servants and/or agents.
• Where a Consultant will be granted access to the Government computer network during the course of the work, in addition to the requirements noted above, the Consultant shall not:
  o Share personal computer drives or folders on a computer accessing the network; or
  o Access the network remotely, either through wired or wireless connections, except through the use of secure ID and virtual private network systems.

• These requirements apply to the Consultant and all agents, employees or permitted sub-Consultants of the Consultant, and it is the responsibility of the Consultant to ensure that all such agents, employees or permitted sub-Consultants are aware of these restrictions and are in compliance with them.

END OF SCHEDULE D
Andy:

I am in the process of helping Andrew get Robert Wells' invoice (appeals for relocation – Little Bay Islands) of $36,164.27 plus HST processed and paid.

Where is this going to be charged; what activity / division? Local Governance?

Local Governance does not have sufficient funds to cover this invoice; total operating budget for 2015-16 is $30,500. In addition, we are in interim supply, which means only 25% of this budget is available.

Can you please advise – what activity this should be charged to? Where are the funds coming from to cover this?

Thanks,

Paul Forristall, B.Comm., CPA, CGA
Manager of Finance, Budgeting and General Operations
Strategic Financial Management Division
Department of Municipal and Intergovernmental Affairs
Government of Newfoundland and Labrador
PO Box 8700
St. John's, NL Canada A1B 4J6
Tel: (709) 729-4796
Fax: (709) 729-5535
Email: PaulForristall@gov.nl.ca
Jill, can you please trim and action to me? Thank you.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
1709 720 7143
andrewwright@gov.nl.ca

From: Robert Wells [mailto:Robert.Wells@gov.nl.ca] Sent: Wednesday, April 01, 2015 12:40 PM
To: Wright, Andrew
Subject: Little Bay Islands

Dear Mr. Wright

This letter is a follow up to our discussion regarding the reviews of the files.

I have now completed draft recommendations on all 18 appeals. I could have these recommendations in your hands within a week or 10 days if no further investigation is required. There may however be value in visiting the Springdale area and Little Bay Islands if ice conditions permit.

A number of appellants spend a part of the winter in Springdale and surrounding communities. These appeals have posed the greatest difficulty and I feel that all could benefit from face to face meetings if possible. With that in mind I am requesting a 30 day extension from my April 12 deadline in order to have such meetings. The weather is now softening and would make the trip easier. As you know we have capped my fees at $35,000 which amount I am already approaching so that the requested extension would not cost Government more money except for the travel expenses. If the Department is in agreement with my suggestion of 30 days, I should note that I may not need all these days but I feel that a visit to the area could be of value.

Would you please let me know if such an extension could be granted.

Yours sincerely,
Robert Wells
Honourable Robert Wells Q.C.
April 20, 2015

Mr. Andrew Wright
Department of Municipal and Intergovernmental Affairs
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Andrew:

Re: Little Bay Islands Relocation Appeals

Please find enclosed my account for the Little Bay Islands appeals.

It was a pleasure working with you and I will be in touch shortly with my thoughts on the process.

Kind regards

[Signature]

Robert Wells
April 20, 2015

Mr. Andrew Wright
Department of Municipal and
Intergovernmental Affairs
P.O. Box 8700
St. John’s, NL A1B 4J6

Statement of Account of Robert Wells

Re: Little Bay Islands Relocation Appeals

Time Frame mid February to April 17, 2015:

To meetings with Mr. Andrew Wright, telephone calls and emails culminating in the
appointment of Robert Wells, Q.C. to recommend to the Minister on a total of 18 Appeals
arising from the decisions of the Department of Municipal Affairs of which residential owners
should be considered as permanent residents and thus entitled to vote on the relocation of the
community of Little Bay Islands.

To the agreement of a fee arrangement of $250.00 per hour with a cap on a total fee of $35,000
together with certain specified disbursements.

The work consisted of examination of the Relocation Policy and all documentation respecting
the appeals.

To considering the merits of each appeal and drafting and redrafting of the reasons for all of the
individual recommendations and presenting them in bound form on April 17, 2015.

The work included frequent communication with the Department of Municipal Affairs and
telephone calls and in two cases meeting with appellants whose appeals were difficult.
To visiting Little Bay Islands which required travel and meeting with the Town Council which required three days namely April 12, 13 and 14.

There is no claim for any allowable disbursements save and except for travel expenses to and from Little Bay Islands.

Total hours spent on the project 155 which includes 16 travel hours charged at 50% of the agreed rate of $250.00 per hour.

<table>
<thead>
<tr>
<th>Travel hours</th>
<th>16 @ $125.00</th>
<th>$2,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total other hours</td>
<td>139 @ $250.00</td>
<td>34,750.00</td>
</tr>
</tbody>
</table>

Amount billed as per the agreed fee cap $35,000.00
HST on fees 4,550.00
Total for fees & HST $39,550.00

Travel Disbursements (original receipts enclosed):

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Fare to Deer Lake April 12, 2015</td>
<td>$782.24</td>
</tr>
<tr>
<td>Car rental April 12, 13, 14</td>
<td>221.30</td>
</tr>
<tr>
<td>Gasoline</td>
<td>37.21</td>
</tr>
<tr>
<td>Hotel in Triton</td>
<td>192.10</td>
</tr>
<tr>
<td>Meals</td>
<td>72.32</td>
</tr>
<tr>
<td>Ferry to Little Bay Islands</td>
<td>10.46</td>
</tr>
<tr>
<td>Total expenses including HST</td>
<td>$1,315.63</td>
</tr>
</tbody>
</table>

Total Fees and Disbursements $40,865.63

HST # 84293 0091

Please make cheque payable to Robert Wells
Thank You
Call Again

Food Items

14.95
1.00
0.50
4.50
2.72

Cash 23.67
04-12-2015 PM 07:31

D C

27.67 +
30.02 +
14.63 +
72.32G+

Your Receipt
Thank You
Call Again

Food 1 15.95
Bakery 7.00
Item CT 2
Tax 2.07
Cash 25.02
04-13-2015 PM 07:43

Total: $ 25.02

Section 40(1)
Entry Method: Chip

04/12/15
Inv: 00001.0
App Code: 003335
Batch: 000104

Amount: $ 23.67
Tip: $ 4.00
Total: $ 27.67

Signature: 8025

Section 40(1)
Entry Method: Chip

04/13/15
Inv: 00002.0
App Code: 005404
Batch: 000042

Total: $ 30.92

Signature: 8025
Thank you for calling again.

Your Receipt

Date: 24/12/2015
Cost: $14.63
Cash: $14.63

Table: 1

Food: 1 x $12.95
Tax: 1 x $1.68

Thank you.
Ultramar

Date: 10/3/15

Cashier: D. C.

Items

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Price</th>
<th>Total</th>
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<tbody>
<tr>
<td>Latte</td>
<td>1</td>
<td>$2.50</td>
<td>$2.50</td>
</tr>
<tr>
<td>Coffee</td>
<td>1</td>
<td>$2.00</td>
<td>$2.00</td>
</tr>
<tr>
<td>Snack</td>
<td>1</td>
<td>$1.00</td>
<td>$1.00</td>
</tr>
<tr>
<td>Water</td>
<td>1</td>
<td>$1.00</td>
<td>$1.00</td>
</tr>
</tbody>
</table>

Total: $8.00

Cash: $10.00
Change: $2.00

Approved: [Signature]
### MARATHON CAR COMPANY INC.  (DEER LAKE AIRPORT)
P.O. BOX 29088  
ST. JOHN'S, NL., A1A 5B5  
(709) 635-8211

**GST:** 993151699  
**Res. #:** 66657

---

#### Customer Information

**ROBERT WELLS**  
**BC No** 49835

**- NO ADDITIONAL DRIVERS -**

**ONLY AUTHORIZED RENTERS MAY DRIVE THE CAR**

**NFNL SUPREME COURT**

---

#### Rental Expiry Information

| RA Out | 04-12-2015 | 7 44 | YDF |
| RA In | 04-14-2015 | 12 19 | YDF |

---

#### Rental Agreement Number

**1045829**

---

#### Vehicle Information

| Vin # | 515103  |
| Lic # | JAX 258 |
| 2014 HYUNDAI | ELANTRA |
| Fuel Out | 8 | 9 | Oct/Nov Out 27 139 |
| Fuel in | 8 | 9 | Oct/Nov In 27 689 |
| KM Driven | 553 |

---

#### Rate Information

| Hours | 15 33 | Hour | 00 |
| Daily | 45 00 | Day | 138 00 |
| Weekly | 276 00 | Week | 00 |
| Extra Days | 46 00 | Day | 00 |
| Excess Kms | 20 | Km | 00 |
| Discount | 5.00% | -6.90 |
| Net T&A | 00 |

---

#### Coverage

- I have Declined LDW
- I have Declined Prepaid Fuel
- I have Declined Upgrade

---

#### Payment Information

** chocolates | 221 30 **

---

### IMPORTANT

By signing below, You acknowledge that:

- a) You have read and agree to the terms and conditions, both printed and written, that appear here and on the separate rental agreement jacket (collectively the "Agreement") which is incorporated herein, and
- b) All information provided by You to us is true.

En apposant votre signature ci-dessous, vous reconnaissez ce qui suit:

- a) vous avez lu les modalités, imprimées et écrites sur le présent document et sur le contrat de location distinct (collectivement nommé le "contrat"), et vous y consentez, et
d- b) tous les renseignements que nous vous avez fournis sont vrais.

---

### Charged Item Definitions (Décriptions des Frais)

- VLF (véhicule licence fee) | Frais d'immatriculation
- VMF (vehicle maintenance fee) | Frais d'entretien de véhicule
- PLC (premium location charge) | Frais de succursale
- HST (harmonized sales tax) | Prix (tva + ttc)
- PP (protection plus)  

---

**Section 40(1)**

**Total Charges | 221 30**

**Grand Total | 221 30**

---

**Renter Signature / Signature du locataire**

---

**Additional Authorized Renters - Signature du locataire additionnel**
Ticket Information

Book Reference No:
SCREBERA

Passengers

1. WELLS/ROBERT 9900916578

Flight Details:

<table>
<thead>
<tr>
<th>Leg</th>
<th>Fit</th>
<th>Fr</th>
<th>To</th>
<th>Departure Time</th>
<th>Arrival Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4/12/2015 6:30:01 AM</td>
<td>4/14/2015 3:50:01 PM</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4/12/2015 7:40:01 AM</td>
<td>4/14/2015 4:50:01 PM</td>
</tr>
</tbody>
</table>

Airport Improvement Fee: $50.00
Other Surcharge Fee: $0.00
Security Tax: $14.24
Tax (HST): $90.00
Tax (GST): $0.00
Tax (QST): $0.00

Total Cost of Flight: $782.24

Credit Card Type: AMERX

Fare Class Description

Departing:
Bravo

Fares are non refundable.
No Change Fee Applies.
Decision Note
Department of Municipal and Intergovernmental Affairs

Title: Potential Relocation of the Town of Little Bay Islands

Decision Required: Whether to extend Honourable Robert Wells’ independent reviewer contract by 30 days to allow him to travel to conduct face-to-face interviews with appellants.

Background and Current Status
- The Town of Little Bay Islands applied for relocation assistance in April 2013 after the increased financial assistance was announced in Budget 2013. Since that time, the Department of Municipal and Intergovernmental Affairs (the Department) has reviewed their request as per the steps in the Community Relocation Policy (the Policy).
- In August 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency/commercial property status. Permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate.
- Section 2(e) of the Policy states “Based on the determination of residency status, the Department will complete an analysis of the total cost of relocation assistance compared to the total savings over a twenty year period that would result from the withdrawal of Provincial Government services to the Community. If the estimated costs exceed the estimated savings, Government’s consideration of relocation assistance will stop unless there are significant health or life-safety considerations involved in the relocation request.”
- The Department determined the residency status of individuals from the Town and mailed-out determination letters to all relevant residents and/or property owners in October 2014.
- As per the appeal process under the Policy, the Department received 18 appeal requests from individuals/families dissatisfied with their residency determinations.
- In February 2015, Honourable Robert Wells was appointed as independent reviewer to consider the appeals and was contracted to make recommendations to the Minister by 12 April 2015. In the event of delays due to travel, sickness, or other reasons outside his control, Mr. Wells can request a deadline extension.
- On 1 April 2015, Mr. Wells requested a 30 day extension, in order to visit several appellants in the Baie Verte - Springdale district whose personal situations have been more challenging to determine.

Analysis:
- Due to the winter weather, Mr. Wells was unable to visit the area previously. The Spring weather will make travel to the community and surrounding areas easier.
- Mr. Wells’ contract allows an extension to be requested. A 30 day extension will not have a significant financial impact because Mr. Wells’ fee is capped at $35,000 (and has largely been spent already) therefore, any extra costs will only relate to travel expenses.
- John Roil, the independent reviewer for the recent 13 residency appeals of William’s Harbour and Snook’s Arm conducted site visits to William’s Harbour and Port Hope Simpson and found the face to face meetings with appellants to be of great value.
• Although the Policy does not require face-to-face meetings, based on Mr. Roil's positive feedback and the perception of due diligence by the independent reviewer, it is recommended Mr. Wells be granted the extension.

Recommendation:
• It is recommended that the Honourable Robert Wells' independent reviewer contract be extended by the requested 30 days to allow him time to travel to conduct face-to-face interviews with appellants. A ministerial approval letter granting the extension is attached as Annex A.

Prepared/approved by: A. Wright / A. Morgans
Ministerial Approval: 2 April 2015
Information Note
Department of Municipal Affairs and Intergovernmental Affairs

Title: Community Relocation Residency Determination Appeals for Little Bay Islands and Nippers Harbour

Issue: Whether to appoint Honourable Robert Wells and Ms. Karen Hollett as independent reviewers for the relocation residency determination appeals received for Little Bay Islands and Nippers Harbour.

Background and Current Status:

- The Department of Municipal and Intergovernmental Affairs (the department) has determined the residency status of individuals from Little Bay Islands and Nippers Harbour and has mailed out determination letters to all relevant residents and or property owners.
- The residency determination letters were trimmed and sent via registered mail (except to United States) to individuals of Nippers Harbour and Little Bay Islands in the first two weeks of October.
- The Community Relocation Policy (the Policy) provides for an appeal process for individuals dissatisfied with their residency status determination. As per the Policy, the following steps will be undertaken:
  - If anyone wants to appeal their status they must submit a written appeal to the Minister of Municipal and Intergovernmental Affairs within 30 calendar days of receipt of their determination letter.
  - Within 15 calendar days of receiving an appeal of residency status, the Minister will appoint an independent reviewer to consider the appeal and make a recommendation.
  - The reviewer is expected to file a written report on the appeal within 30 calendar days of being appointed.
  - Having considered the reviewer’s recommendation, the Minister will make a final determination of residency status.
  - If an appellant is still unsatisfied with their determination, they may seek a judicial review.
- As of December 9, 2014, the department had received 9 appeal requests from Nippers Harbour and 14 appeal requests from Little Bay Islands, for a total of 23 appeals.
- The last appeal requests received for Nippers Harbour and Little Bay Islands were received on the 21st and 24th of November respectively.
- The department has received appeal requests from all individuals that were anticipated to do so, among others. While it is believed that all appeals have now been received, if any more are submitted, the department may wish to consider them given the timelines are based on a policy and are not set in legislation.
- The last relocation residency determination appeals for Snook’s Arm and William’s Harbour were conducted by Mr. John Roil. Mr. Roil concluded his independent review of 13 files over a two month period ending on September 29, 2014. He indicated that due to work and travel commitments he would be unable to commit to further appeal work. Therefore, the department considered alternative reviewers.
- The department has identified two potential reviewers for the Snook’s Arm and Nippers Harbour relocation files: The Honourable Robert Wells and Ms. Karen Hollett are
considered recommendable for appointment as the independent reviewers for these appeals for the following reasons:

- Mr. Wells and Ms. Hollett are two of the six principals at The Centre for Innovative Dispute Resolution. The Centre for Innovative Dispute Resolution is a private company that provides a full range of dispute resolution services, among them mediation, arbitration and facilitation.
- Mr. Wells is a former MHA and government minister. He served as Justice of the Supreme Court of Newfoundland and Labrador Trial Division from 1986-2008. From 2009-2011 he was the Commissioner for the Offshore Safety Helicopter Inquiry.
- Ms. Hollett is a lawyer, mediator, investigator and arbitrator with over 20 years of experience across a range of disciplines.
- MIGA staff understand that Mr. Wells and Ms. Hollett are available should the minister decide to appoint them. Resumes are attached as Annexes A and B.

- Given the time taken to complete 13 reviews by Mr. Roil (who reviewed appeals of prior relocation requests and was familiar with the Policy) was beyond the 30 days outlined in the Policy, it is recommended that the 23 appeals for Little Bay Islands and Nippers Harbour be reviewed by separate reviewers.
- Mr. Wells and Ms. Hollett have indicated their fee would be $250.00 per hour for this type of appeal engagement. This hourly rate is the same as Mr. Roil’s prior rate.
- John Roil’s recent invoice for his work on thirteen appeals cost $23,523 inclusive of fees and travel expenses, which equates to approximately $1,800 per appeal. Based on this, the estimated cost of appeals for Little Bay Islands would be approximately $25,000, and Nippers Harbour appeals would cost approximately $15,000, for a total of about $40,000 for both communities. Sufficient funding is available under the Regional Support operating budget to cover the required expenditure.
- 3.4(a) of the Consultant Guidelines states "when engaging consultants on a fee-for-service basis, with charges being on a per diem basis, Departments may use their discretion and not request proposals when total fees and expenses are not estimated to exceed $50,000".

Required Action:
- In accordance with the Policy, it is recommended the Minister appoint the Honourable Robert Wells and Ms. Karen Hollett as the independent reviewers for the relocation residency determination appeals received for Little Bay Islands and Nippers Harbour, respectively.

Prepared by:  A. Wright / A. Morgans / H. Tizzard / C. Janes

Approved by:  

January 7, 2015
ANNEX A

Honourable Robert Wells graduated from Memorial University with a BA in 1953 and was named Rhodes Scholar from Newfoundland in that year. Graduated from Oxford University in 1956 and was called to the Bar of England and Wales in 1958 and the Bar of Newfoundland in 1959. Work history and various roles provincially and nationally are as follows:

- Newfoundland Department of Justice, 1959-1962 (Legal Assistant to the Attorney General).
- Queen's Counsel, 1972.
- Justice, Supreme Court of Newfoundland and Labrador, Trial Division, 1986-2008.
- Past President, Canadian Institute for the Administration of Justice.
- Past President, International Commission of Jurists (Canadian Section).
- Awarded Honorary Doctorate of Laws by the Bencher of The Law Society of Newfoundland and Labrador for service to the law, 2002.
- Former Chair, Canadian Bar Association Committee on Human Rights for Developing Countries. Conferences and meetings with Officials, Judges and Lawyers in Kenya, China, India and Cameroon on human rights and legal issues.
- Former Member, International Bar Association Committee on Human Rights and the Rule of Law.
- Chair, Judicial Council of the Provincial Court of Newfoundland and Labrador, (8 years).
- Member representing the Atlantic Provinces on the National Advisory Committee on Judicial Ethics, (3 years).
- Chair of the Provincial Criminal Justice Committee from the Inception of the Committee to present date. (4 years).
- First person in Canada to be awarded Honorary Membership in the Canadian Police Association, 1970.
- Did extensive work in dispute resolution as an alternative to the trial process during his judicial career as well as many years of resolving disputes as an alternative to litigation during his private practice as a lawyer. He joined the Centre for Innovative Dispute Resolution, St. John's in September 2008.
- Commissioner, Offshore Helicopter Safety Inquiry (OHSIJ), 2009-2011.
AGREEMENT

THIS AGREEMENT made at St. John's, in the Province of Newfoundland and Labrador, on this day of Insert Date for Agreement.

BETWEEN: HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR as represented by the Minister of Municipal and Intergovernmental Affairs ("the Client")

AND: Honourable Robert Wells, Q.C.

("the Consultant")

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants expressed, and as amended, the Parties agree as follows:

1. Definitions
   In addition to the terms defined in the General Terms and Conditions attached as Schedule "C", the following words and phrases shall have the following meanings:

   a. "Contract Documents" shall mean and include:
      i. This head agreement (the "Head Agreement");
      ii. The Scope of Work attached as Schedule "A";
      iii. The Special Terms and Conditions attached as Schedule "B";
      iv. The General Terms and Conditions attached as Schedule "C"; and
      v. Protocols for Security of Government Information on Information Technology assets of Contractors attached as Schedule "D".

   b. "Representatives" means directors, officers, employees, consultants, sub-consultants, agents, advisors or partners.

2. The Consultant's Work
   The Consultant shall do all things necessary to fulfill all of the obligations of the Consultant as set out in the Contract Documents (the "Work"). The Work shall be performed by the Consultant to the satisfaction of the Client.
3. **Payment**

1.1 **Consideration**

It is agreed and understood that payments made for the satisfactory performance of the Work pursuant to this Agreement shall be made in accordance with either Option 1, 2 or 3 below.

Payment Option #1 *Not Applicable*

Subject to Article 1.3, upon presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, for the satisfactory performance of the Work, *Insert text of dollar value ($ Insert numeric dollar value) (plus HST)* in accordance with the following payment schedule:

(i) **Periodic payments – set out time or milestones for payments**

Payment Option #2 *Applicable*

Subject to Article 1.3, upon presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, for the satisfactory performance of the Work, the following time rate schedule for activities actually expended in performance of the Work (plus HST):

(i) **Person / Professional Designation – $250.00/hr**

Payment Option #3 *Not Applicable*

Subject to Article 1.3, upon the satisfactory completion of the Work and the presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, *Insert Absolute Limit on Cost of Services (plus HST)*.

1.2 **Reimbursement of Expenses**

It is agreed and understood that reimbursements for the Consultant’s expenses pursuant to this Agreement shall be made in accordance with either Option A or B below.

Reimbursement Option A *[Applicable]*

(a) The Client shall only be responsible for the following reimbursable expenses, payable at cost, provided the Consultant can demonstrate to the Client that such expenses were incurred in relation to the Work, and that documentation, satisfactory to the Client, is provided in support of the reimbursable expense claimed and is attached to the applicable invoice,
including for example, originals of supporting receipts, invoices or statements issued by non-parties to this Agreement:

(i) Long distance phone charges
(ii) Photocopies
(iii) Postage
(iv) Gas Mileage
(v) Airfare
(vi) Meals and Accommodations

(b) All claims submitted for reimbursable expenses in accordance with this Article 1.2 shall be reimbursed at rates not to exceed those established by Treasury Board pursuant to the guidelines and policies of the Client even if such rates are lower than the actual costs incurred by the Consultant.

Reimbursement Option B Not Applicable

The Client shall not be responsible for any expenses incurred by the Consultant, including, without limitation, out of pocket expenses such as travel, meals, accommodations, legal advice, support staff, printing and duplicating, courier, long distance telephone and/or facsimile charges, without the prior written approval of the Client.

1.3 Payment General

(a) Regardless of the payment option selected in Article 1.1, the parties agree and confirm that total amounts payable for the Work shall not exceed a monetary ceiling of Thirty Five Thousand Dollars ($35,000) plus the amounts payable in accordance with Article 1.2.

(b) The Consultant shall remain obligated to complete the Work notwithstanding that the actual costs of the Consultant, whether in respect of professional services or in respect of costs or expenses incurred, may exceed the total aggregate sum set out in Article 1.3(a).

(c) The Parties agree and confirm that as set out in section 25(6) of the Financial Administration Act, RSNL.1990 cF-8, as amended, all fees payable in accordance with this Agreement are subject to there being an appropriation for the work for the fiscal year in which payment under this Agreement is due.

(d) Payment will be made within 60 calendar days of receipt of a properly documented invoice.

(e) All invoices shall clearly show the amount of HST billed by the Consultant as a separate item.

(f) The Consultant shall conform to any request that may be made by the Client to alter the form of invoice customarily used by the Consultant as may be reasonably required for the purposes of the Client's internal accounting systems. The Consultant agrees that each invoice shall
clearly show and identify the work or service which is being charged under that invoice to the Client. The invoice shall have appended thereto any documentation required by the Client.

(g) The Client shall not be responsible to pay any amounts invoiced by the Consultant which may arise from work, services or expenses incurred to remedy errors or omissions in the Work for which the Consultant is responsible.

(h) The Consultant shall submit invoices to:
Andrew Wright, Manager Community Liaison
Local Governance Division
Municipal and Intergovernmental Affairs
P.O. Box 8700 A1B 4J6
Phone: 709 729 7143
Fax: 709 729 4475
Email: andrewwright@gov.nl.ca

4. Notices

All notices, claims, payments, reports and other communications required under this Agreement shall be in writing. The addresses for service are as follows:

For the Client:

Andrew Wright
Manager, Community Liaison
Local Governance Division, Municipal and Intergovernmental Affairs
Government of NL
P.O. Box 8700
A1B 4J6

For the Consultant:

Honourable Robert Wells, Q.C.
36 Quidi Vidi Road
St. John's, NL A1A 1C1
Phone: 709 699 6307
Email: [redacted] s.40(1)

Notices, requests or documents shall be deemed to have been received by the addressee as follows:

(a) As of the date on which they are delivered where delivery is by a party or by messenger or special courier service;
(b) As of the date on which they are sent where delivery is by telex or other means of electronic communication; and
(c) Six (6) days after delivery to Canada Post Corporation where the postal service is used.

5. **Entire Agreement**

   It is hereby agreed that the Contract Documents constitute the entire agreement between the parties (the "Agreement"). There are no understandings, representations or warranties of any kind except as expressly set forth herein. No changes, alterations, modifications or amendments of this Agreement shall be effective unless made in writing and signed by those persons designated for such purpose. This Agreement may be amended or otherwise modified by e-mail.

6. **Representations and Warranties**

   The Consultant hereby represents and warrants that every fact stated or represented by the Consultant or its Representatives to the Client in connection with any proposal made by the Consultant in respect of the Work is true and agrees that the Client shall be conclusively deemed to have relied on each such representation or statement in entering into this Agreement.

7. **Conflict Between Provisions**

   In the event of any conflict or inconsistency between provisions in the Contract Documents, the Contract Documents shall have precedence as follows: first the Head Agreement, second the Special Terms and Conditions, third the General Terms and Conditions, fourth the Protocols for Security of Government Information on Information Technology assets of Contractors, fifth the Scope of Work, and last, any documents incorporated by reference in any of the foregoing.

8. **Start and Completion Date**

   The Consultant shall commence activities in relation to the work and will make best efforts to complete the work in accordance with the following mutually agreed upon dates:

   **Start Date:** February 12, 2015  
   **Completion Date:** April 12, 2015

   In the event of delays due to travel, sickness, or other reasons outside the Consultant's control, the Consultant may request an extension.

9. **Effective Date**

   The effective date of this Agreement shall be the earlier of the start date referred to in Clause 8 or the date on the first page of this Head Agreement.
10. **Paragraph Numbering**

   In the event that the General Terms and Conditions are modified, the numbering references in the General Terms and Conditions shall remain unchanged.

11. **Counterparts**

   This Agreement may be executed in any number of counterparts, each of which will be considered an original of this Agreement, and which together will constitute one and the same instrument. No Party will be bound to this Agreement unless and until all Parties have executed a counterpart. A facsimile signature or an otherwise electronically reproduced signature of either Party shall be deemed to be an original.

   HER MAJESTY IN RIGHT OF
   NEWFOUNDLAND AND LABRADOR

   Minister of Municipal and Intergovernmental Affairs

   Honourable Robert Wells

   Authorized Signature

   Date: 11/14/2015
SCHEDULE “A”
SCOPE OF WORK

The Consultant shall complete the work and/or perform the following services:

Pursuant to the Department of Municipal and Intergovernmental Affairs’ Community Relocation Policy, the Consultant shall independently review and consider 18 residency status appeals related to the potential relocation of Little Bay Islands. A copy of the Community Relocation Policy is attached.
SCHEDULE “B”

SPECIAL TERMS AND CONDITIONS

The Special Terms and Conditions of this Agreement are as follows:

1. Schedule “C” is amended in accordance with the following:

   1. Article 2.1(a) is removed.
   2. Article 7.2 is replaced with:

   7.2 The Client agrees at all times to indemnify and save harmless the Consultant, its officers, servants employees or agents from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever brought or prosecuted in any manner based upon, or occasioned by any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly from the Work except to the extent to which such claims and demands, losses, costs, damages, actions, suits or other proceedings relate to the negligence of an officer, employee, or agent of the Consultant in the performance of his or her duties.

   The Client shall not be liable for, and the Consultant shall indemnify and save harmless, the Client and the Client’s Representatives against all losses, costs, charges, or expenses incurred by the Client and its agents, where such amounts do not exceed the maximum amount payable in accordance with the professional liability insurance held by the Law Society of Newfoundland and Labrador, where as a result of actions, claims or awards for compensation at law, equity or under any applicable legislation, made or brought by, against, suffered by or imposed upon the Client, or its Representatives by a third party, as a result of or related to the negligence of the Consultant in the performance of this Agreement.

2. Article 7.3 is removed.

[Signature]
Minister of Municipal and Intergovernmental Affairs
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GENERAL TERMS AND CONDITIONS

Article - 1. INFORMATION SUPPLIED BY THE CLIENT

1.1 The Client will furnish to the Consultant all available information necessary for the performance of the Work. The Client makes no guarantee either expressed or implied as to the accuracy of the information supplied. The Consultant shall review the information for accuracy and applicability.

1.2 Where discrepancies, omissions or obscurities in the information are evident, the Consultant shall bring them to the attention of the Client and secure written instructions from the Client before proceeding with any work.

Article - 2. CONFIDENTIALITY, MATERIALS AND COPYRIGHT

2.1 For the purposes of this Article "Confidential Information" means:

(a) all communications and instructions from the Client respecting the Services, including the fact of this Agreement;

(b) all information acquired by the Consultant, his/her employees, servants and/or agents respecting policy consideration and development, business decisions, internal deliberations, discussions and considerations and any other aspect of the decision-making process of the Client;

(c) all oral, written, electronic, and machine readable information and data and any accompanying supporting materials and documentation, including without limitation, materials, documents, reports, databases, information and data of whatever nature and kind concerning the affairs of the Client, disclosed directly or indirectly to the Consultant, his/her employees, servants and/or agents during the performance of the Services or in any way related thereto;

(d) all personal information, as defined from time to time under the Access to Information and Protection of Privacy Act, SNL:2002 cA-1.1, or the Personal Health Information Act, SNL:2008 cP-7.01, to mean recorded information about an identifiable individual, including:

(i) the individual's name, address or telephone number,

(ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,

(iii) the individual's age, sex, sexual orientation, marital status or family status,

(iv) an identifying number, symbol or other particular assigned to the individual.
(v) the individual’s fingerprints, blood type or inheritable characteristics,

(vi) information about the individual’s health care status or history, including a physical or mental disability,

(vii) information about the individual’s educational, financial, criminal or employment status or history,

(viii) the opinions of a person about the individual, and

(ix) the individual’s personal views or opinions

for any individual, which is, directly or indirectly, disclosed to or collected by the Consultant, its, his/her employees, servants and/or agents during the performance of the Services or in any way related thereto;

(e) all information that is developed based upon Confidential Information including the work product of the Consultant, its, his/her employees, servants and/or agents; and

(f) Confidential Information shall not include any Information which:

(i) at the time such information was provided to the Consultant was or thereafter became part of the public domain through no act or omission of the Consultant or its, his/her Representatives; or

(ii) is Information which the Consultant can show possession of prior to the date of this Agreement and which was received or developed by the Consultant free of obligations of confidentiality to the Client.

2.2 The Consultant shall treat all Confidential Information acquired by the Consultant in the performance of the Services as privileged and confidential and shall not divulge the same to any person or persons at any time without the express written approval of the Client, unless required to do so by law, which may include a subpoena or other similar process or in connection with litigation, arbitration or other proceeding or by virtue of an Act or Regulations. In the event that such disclosure is required, the Consultant shall give the Client prompt notice of the requirement upon becoming aware that such disclosure is required. Where circumstances did not permit the Consultant to provide such notice prior to disclosure, the Consultant shall provide such notice to the Client immediately after the required disclosure.

2.3 The Consultant shall only use the Confidential Information acquired in the performance of the Services for the purposes specified in the Scope of Work and this Agreement, and shall not permit the use of the Confidential Information for any other purposes.

2.4 All materials, data, designs, plans, drawings, specifications, research, reports, notes, estimates, summaries, calculations, surveys, papers, completed work, and work in progress and such other information and materials or parts thereof as are compiled, drawn and produced by the Consultant in performing the Services, including without limitation, computer printouts and computer models and all copyrights thereto and all patents, trademarks and Industrial designs arising therefrom, are the sole and exclusive property of the Government of Newfoundland and Labrador and the contents thereof are privileged and confidential. Nothing in this Agreement shall give the Consultant a right, however
arising, to assert any lien, claim, demand, property right, remedy or security right of any kind over the information provided to the Consultant pursuant to the terms of this Agreement. The Consultant acknowledges that the Client's right to this information shall at all times be paramount to any rights of the Consultant, at law or in equity, and that the Consultant's remedies against the Client for the Client's breaches under this Agreement do not include the right to deprive the Client of access to the Client's Information in the Consultant's possession.

2.5 The Consultant shall provide to the Client and solely to the Client upon completion of the Services or upon earlier termination of this Agreement all Confidential Information acquired during the performance of the Services, or shall, at the request of the Client, destroy any and all copies and versions of the Confidential Information in the possession of the Consultant, his/her employees, servants and/or agents, and shall certify the destruction of same to the Client.

2.6 The Consultant acknowledges that, in addition to the requirements of this Agreement, the Confidential Information acquired by the Consultant, its employees, servants and/or agents in the performance of the Services and in particular personal information, is subject to privacy legislation in this jurisdiction, including but not limited to the Access to Information and Protection of Privacy Act, the Management of Information Act, SNL2005 cM-1.01, the Privacy Act, RSNL1990 cP-22, and Personal Health Information Act, SNL2008 cP-7.01, as well as other legislation which may apply in the jurisdiction of the Consultant's operation. The Consultant is responsible to ensure the compliance with and satisfaction of the legislative requirements of all such Information relating to the treatment of Confidential Information by the Consultant, its, his/her employees, servants and/or agents. The client may be compelled to disclose financial information pursuant to the first cited Act.

2.7 The Consultant shall ensure that its, his/her employees, servants and/or agents have in place and follow the appropriate systems, processes, protocols and policies to maintain the physical and electronic security of all Confidential Information, including but not restricted to the following:

(a) at a minimum, using the same level of physical and electronic security as the Consultant employs to avoid disclosure or dissemination of the Consultant's own confidential information, to prevent the disclosure of any of the Confidential Information to any third party, or to any of its employees, servants or agents other than those who are required to have access to properly perform the Services under this Agreement;

(b) establish and maintain security policies, standards and safeguards to prevent unauthorized access, collection, use, disclosure or disposal of the Confidential Information;

(c) ensure all employees, servants and/or agents of the Consultant comply with all policies, standards and safeguards established under this Article;

(d) advise the Client of any changes in its, his/her security systems, procedures, standards and practices that may affect the Confidential Information and seek the Client's consent prior to such changes; and

(e) satisfaction of the foregoing commitments includes, but is not restricted to, compliance with the requirements set out in Schedule "D", unless otherwise advised by the Client, and this includes:
(i) complying with all alterations or updates of Schedule "D" as may be provided to the Consultant from time to time; and

(ii) adhering to any additional instructions (including oral instructions) from the Client as they relate to the subject matter contained in Schedule "D" and this Article.

2.8 The Consultant shall only disclose confidential information to persons other than its employees, servants and/or agents with the prior written consent of the Client, and then only to those persons who need to know the information in order to carry out the duties associated with this Agreement and only after confirming that such persons agree to comply with the provisions of this Article including the requirements set out in Schedule "D".

2.9 The Consultant shall:

(a) notify the Client promptly of any unauthorized possession, use or knowledge, or attempt thereof, of the Client’s information in the possession of the Consultant, including but not limited to data processing files, transmission messages or other confidential information by any person or entity which may become known to the Consultant,

(b) promptly furnish to the Client full details of the unauthorized possession, use or knowledge, or attempt thereof, and assist the Client in investigating or preventing the recurrence of any unauthorized possession, use or knowledge, or attempt thereof, of confidential information,

(c) use reasonable efforts to cooperate with the Client in any litigation and investigation against third parties deemed necessary by the Client to protect its proprietary rights;

(d) promptly use all reasonable efforts to prevent a recurrence of any such unauthorized possession, use or knowledge of confidential information; and

(e) refer to and follow the privacy breach protocol of the Government of Newfoundland and Labrador as it exists at the time of the breach and located on the Department of Justice website at: http://www.justice.gov.nl.ca/just/CIVIL/olpp/default.htm

Article - 3. EMPLOYEES OF THE CONSULTANT

3.1 The Consultant shall provide employees who are competent in their field of specialization. The Client will have the right to have the Consultant remove from the Work any person, who by misconduct or by failure to properly perform his/her duties is considered by the Client to be unfit for employment on the Work. If the Consultant fails to remove any unfit person from the Work as requested by the Client, then the Client may void this Agreement or refuse to accept subsequent Work in which the person was involved and may refuse to approve payment for such Work.
3.2 The Consultant shall not alter, remove or replace the employees or Representatives indicated in the Scope of Work without prior written approval by the Client.

Article - 4. ACCESS TO FACILITIES

4.1 The Client agrees to provide, where it is deemed by the Client, in its absolute and sole discretion to be necessary for the reasonable performance of the Work, working space and equipment access for the Consultant to perform the Work during Client office hours.

4.2 When using or accessing the premises of the Client, the Consultant and all officers, employees and agents of the Consultant shall comply with all security regulations and workplace policies and procedures in effect from time to time at the Client’s facilities.

Article - 5. RECORDS AND AUDIT

5.1 The Consultant shall keep records, books of account and supporting documents in accordance with accepted accounting procedures and practices. The records shall be made available to the Client or its authorized representative for observation or audit at mutually convenient times and up to one year after discharge of this Agreement.

5.2 The Consultant shall furnish reports as required by the Client for the purpose of monitoring the progress of the Work.

Article - 6. TERMINATION

6.1 This Agreement is deemed to be concluded once the Work has been completed to the satisfaction of the Client and payment(s), as stipulated in the Agreement, has been issued to the Consultant.

6.2 Notwithstanding the provisions of this Agreement, either of the Parties may at any time by way of fourteen (14) days written notice to the other, terminate this Agreement.

6.3 Where this Agreement is terminated prior to the mutually agreed upon completion date, the Consultant shall thereupon be entitled to payment in accordance with this Agreement in respect of that part of the Work completed up to the date of termination, provided however, that the Consultant shall not be entitled to any other payment in respect of such termination, including, without prejudice to the generality of the foregoing, any payment for any consequential loss or damage or loss of profits arising from termination of this Agreement or in any other way related thereto. The Client shall retain the right of set off with respect to any earned but unpaid proceeds then owing pursuant to this Agreement.
Article - 7. LIABILITY

7.1 The Consultant agrees that in performance of the Work neither the Consultant nor any Consultant's Representative shall be or be deemed to be an officer, servant, agent or partner of the Client.

7.2 The Client shall not be liable for, and the Consultant shall indemnify and save harmless the Client and the Client's Representatives against all losses, costs, charges, or expenses incurred by the Client and its agents as a result of actions, claims or awards for compensation at law, equity or under any applicable legislation, made or brought by, against, suffered by or imposed upon the Client, or its Representatives by a third party, as a result of or related to the performance of this Agreement by the Consultant or the Consultant's Representatives.

7.3 The Consultant shall defend any and all such actions and pay all legal charges, costs and other expenses arising therefrom. Notwithstanding the foregoing, the Client may at its own discretion retain its own solicitors to defend its interests in any such suit or claim, and the legal costs of that defense shall be paid by the Consultant.

Article - 8. COMPLIANCE WITH LAW

8.1 In respect of any work within the Province of Newfoundland and Labrador connected with or arising from this Agreement, the Consultant shall provide (where requested by the Client, evidence of compliance with all requirements of the Province of Newfoundland and Labrador with respect to Worker's Compensation and or Occupational Health and Safety, including without limitation, any payments or compliance orders due or issued thereunder.

8.2 The Consultant shall ensure that the Consultant and its Representatives comply with all requirements of any governing federal, provincial or municipal legislation, by-laws or regulations applicable to the Consultant or the Consultant's Representatives in the performance of the Work.

Article - 9. ARBITRATION

9.1 In the case of a dispute arising between the Client and the Consultant as to their respective rights and obligations under this Agreement, the parties shall first attempt to resolve all matters through friendly negotiation by a meeting between their representatives upon notice. A resolution reached in this way must be reached within 10 days of both parties having knowledge and notice of the dispute and be reduced to writing.

9.2 In the case of a dispute arising between the Client and the Consultant as to their respective rights and obligations under this Agreement, (that has not been resolved pursuant to Article 9.1), either party may give the other notice of such dispute and to request arbitration thereof. If both parties agree, the parties shall, with respect to the particular matters then in dispute, submit the same to arbitration in accordance with the provisions of the Arbitration Act, RSNL1990 cA-14, including such provisions for the appointment of arbitrators.
Article - 10. LAWS GOVERNING

10.1 This Agreement shall be governed by and interpreted in accordance with the laws of the Province of Newfoundland and Labrador and all actions, suits or proceedings arising out of this Agreement shall be determined in a court of competent jurisdiction in Newfoundland and Labrador subject to any right of appeal.

Article - 11. USE OF WORK

11.1 The Client shall have the right to use the Work or variations thereof in other operations of the Client.

Article - 12. CONFLICT OF INTEREST

12.1 No public employee or member of the House of Assembly of the Province of Newfoundland and Labrador shall be admitted to any part or share of the payments made pursuant to this Agreement or to any benefits arising therefrom except in accordance with the Conflict of Interest Act or the House of Assembly Act.

12.2 The Consultant and the Consultant's Representatives:

(a) shall conduct all duties related to this Agreement with Impartiality;
(b) shall not influence, seek to influence, or otherwise take part in a decision of the Client, knowing that the decision might further their private interests;
(c) shall not accept any commission, discount, allowance, payment, gift, or other benefit that is connected, directly or indirectly, with the performance of any duties related to this Agreement, that causes, or would appear to cause, a conflict of interest; and
(d) shall have no financial interest in the business of a third party that causes, or would appear to cause, a conflict of interest in connection with the performance of any duties related to this Agreement.

Article - 13. SUBCONTRACTORS

13.1 The Consultant shall not subcontract all or a portion of the Work without the prior written approval of the Client.

13.2 The entry into any subcontract shall not relieve the Consultant of any of its obligations under the terms of this Agreement.
Article - 14. GENERAL

(a) Articles 2 and 7 of this Agreement shall survive the termination or expiration of this Agreement.

(b) Neither party shall be considered in default in performance of its obligations hereunder to the extent that performance of such obligations is delayed, hindered, or prevented by force majeure. Force majeure shall be any cause beyond the control of the parties hereto which they could not reasonably have foreseen and guarded against.

(c) Time shall be of the essence of this Agreement.

(d) The failure of the Client to insist upon or enforce in any instance strict performance by the Consultant of any of the terms of this Agreement or to exercise any rights herein conferred shall not be construed as a waiver or a relinquishment to any extent of the Client's right to assert or rely upon any such terms or rights on any future occasion.

(e) If any provision of this Agreement is determined to be invalid or unenforceable, in whole or in part, such invalidity or unenforceability shall attach only to such provision, and all other provisions hereof shall continue in full force and effect.

(f) The division of this Agreement into Articles and Clauses and the insertion of headings are for the convenience of reference only and shall not affect the construction or interpretation of this Agreement.

(g) This Agreement shall inure to the benefit of and be binding upon the Parties hereto, their respective heirs, legal representatives, successors and assigns.

(h) The Consultant shall not assign this Agreement in whole or in part to any third party without the prior written approval of the Client.

END OF SCHEDULE C
SCHEDULE “D”

Protocols for Security of Government Information on Information Technology assets of Contractors

The Consultant shall confirm with the client Department whether the Consultant will be required to use information technology resources, including computers, of the Government of Newfoundland and Labrador in the conduct of the work under the Agreement. The following requirements apply where the Consultant will not be using such assets, but will instead have access to confidential information (including personal information) (“Confidential Information”) received from the Government of Newfoundland and Labrador (“Government”) and will be storing, manipulating or accessing that Confidential Information on the Consultant’s own information technology resources.

- All portable storage devices or media (e.g., flash drives, memory sticks, portable hard drives, writable compact discs or digital video discs, etc.) may only be used to transport and / or store Confidential Information where either the Confidential Information or the device or media is encrypted.

- Unless specifically separately authorized by the Agreement or otherwise, the Consultant is not permitted to attach non-government computers or other information technology systems to any Government network.

- Consultants are expected to implement and maintain up to date versions of all ordinary business software for the reasonable protection of information on computers attached to the Internet which will have access to or store Confidential Information, including security firewall and anti-viral software.

- Consultants are not permitted to use any Peer to Peer file sharing program (e.g., Limewire, etc.) or chat program (i.e., MSN, Skype) on any information technology asset which will contain Confidential Information, or which will be connected via a network to any computer which will contain Confidential Information.

- Email should not be used as a method to transmit Confidential Information across public networks such as the Internet unless the e-mail and/or its attachments are encrypted or zipped in a secure manner.

- The Consultant acknowledges that, in addition to the requirements of this Agreement, the Confidential Information acquired by the Consultant, its employees, servants and/or agents in the performance of the Services and in particular personal information, is subject to privacy legislation in various jurisdictions, including but not limited to the Access to Information and Protection of Privacy Act, and Management of Information Act, SNL2005, cM-1.01, and the Privacy Act, RSNL1990 cP-22, as well as other legislation which may apply in the jurisdiction of the Consultant’s operation. The Consultant is responsible to ensure the compliance with and satisfaction of the legislative requirements of all such information relating to the treatment of Confidential Information by the Consultant, its employees, servants and/or agents.
• Where a Consultant will be granted access to the Government computer network during the course of the work, in addition to the requirements noted above, the Consultant shall not:
  o Share personal computer drives or folders on a computer accessing the network; or
  o Access the network remotely, either through wired or wireless connections, except through the use of secure ID and virtual private network systems.

• These requirements apply to the Consultant and all agents, employees or permitted sub-Consultants of the Consultant, and it is the responsibility of the Consultant to ensure that all such agents, employees or permitted sub-Consultants are aware of these restrictions and are in compliance with them.

END OF SCHEDULE D
Thank you Mr. Wells,

I will be discussing your and Ms. Hollett's concerns with our solicitor and executive. I will contact you soon.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
709 729 7143
andrewwright@gov.nl.ca

From: Robert Wells [mailto:Robert.Wells@gov.nl.ca]
Sent: Wednesday, February 04, 2015 8:38 AM
To: Wright, Andrew
Subject: Relocation agreement

Good morning Andrew

Thank you for the valuable meeting yesterday. Since than I have thought through more aspects of the review.

I am seriously concerned about the indemnity issue.
Firstly, appeals are from persons who are dissatisfied with the minister's decision. It follows that in any case where I agree with the minister, the applicant may take court action either separately or perhaps by way of a class action. Should that happen the reviewer could also be sued because the reviewer's recommendation to the minister would become important in the litigation.

The other point I wish to make is that this is not simply a review based on the evidence which was before the minister, because the reviewer has the discretion to seek further information, i.e. an investigative role. Should the reviewer not investigate, it could be alleged that he was negligent in failing to investigate further or sufficiently.

Because of my concern over possible litigation I would need a clause in the agreement which would provide me with full indemnity in respect of any litigation and also an agreement to provide Counsel for me should I be named as a party in any litigation arising out of the review.

The foregoing is my major concern about the agreement, although I would note that if I have to use my discretion to inquire further, that may involve logistical problems at this time of year. In that regard I believe that the 80 calendar days which I have suggested, is fair.
Thank you for your help and to the Minister for offering me this work which I would do as thoroughly and quickly as possible.

Kind regards
Robert Wells
Honourable Robert Wells Q.C.
Good morning Mr. Wells, Please review the information below and the attached files. Attached are:

1) Revised Contract/Schedule A;
2) Revised Schedule B;
3) Schedule C; and
4) Schedule D.

I have updated the contract which addresses your concerns:

Contract Section 3 – 1.2 Reimbursement of Expenses
    • We have added airfare as a reimbursable expense.

Contract Section 3 – 1.3 Payment General
    • As discussed, we have agreed on a cap of $35,000.

Contract Section 8 – Start and Completion Date
    • When we have an agreed upon start date (when contract is signed) we will calculate 80 days from then. We also added the provision of requesting minister’s approval for an extension.

Please see Schedule B for special conditions regarding indemnity and confidentiality.

You also indicated concerns with the following:

• Agreement/Contract 1.3 – Payment General
(C) The Parties agree and confirm that as set out in section 25(6) of the Financial Administration Act, RSNL1990 cF-8, as amended, all fees payable in accordance with this Agreement are subject to there being an appropriation for the work for the fiscal year in which payment under this Agreement is due.

Regarding this, our Solicitor has advised that we cannot contract out of Financial Administration Act which states: 25(6) Except as otherwise provided in an Act, it is a condition of every contract providing for the payment of money by the Crown that payment under the contract is subject to there being an appropriation for the particular goods or services for the fiscal year in which payment under that contract falls due.

In the event you have any concerns, please contact our Solicitor Denise Woodrow at 729-0163 or by email. cc: Denise Woodrow

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
709 729 7143
AGREEMENT

THIS AGREEMENT made at St. John’s, in the Province of Newfoundland and Labrador, on this day of Insert Date for Agreement.

BETWEEN: HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR as represented by the Minister of Municipal and Intergovernmental Affairs ("the Client")

AND: Honourable Robert Wells, Q.C.

("the Consultant")

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants expressed, and as amended, the Parties agree as follows:

1. **Definitions**
   In addition to the terms defined in the General Terms and Conditions attached as Schedule “C”, the following words and phrases shall have the following meanings:

   a. “Contract Documents” shall mean and include:
      i. This head agreement (the "Head Agreement");
      ii. The Scope of Work attached as Schedule “A”;
      iii. The Special Terms and Conditions attached as Schedule “B”;
      iv. The General Terms and Conditions attached as Schedule “C”; and

   b. “Representatives” means directors, officers, employees, consultants, sub-consultants, agents, advisors or partners.

2. **The Consultant’s Work**
   The Consultant shall do all things necessary to fulfill all of the obligations of the Consultant as set out in the Contract Documents (the "Work"). The Work shall be performed by the Consultant to the satisfaction of the Client.
3. **Payment**

1.1 **Consideration**

It is agreed and understood that payments made for the satisfactory performance of the Work pursuant to this Agreement shall be made in accordance with either Option 1, 2 or 3 below.

**Payment Option #1 Not Applicable**

Subject to Article 1.3, upon presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, for the satisfactory performance of the Work, **Insert text of dollar value ($ Insert numeric dollar value )]**(plus HST) in accordance with the following payment schedule:

(i) Periodic payments – set out time or milestones for payments

**Payment Option #2 Applicable**

Subject to Article 1.3, upon presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, for the satisfactory performance of the Work, the following time rate schedule for activities actually expended in performance of the Work (plus HST):

(i) Person / Professional Designation – $250.00/hr

**Payment Option #3 Not Applicable**

Subject to Article 1.3, upon the satisfactory completion of the Work and the presentation of itemized and substantiated invoices satisfactory to the Client, the Client shall pay to the Consultant, **Insert Absolute Limit on Cost of Services** (plus HST).

1.2 **Reimbursement of Expenses**

It is agreed and understood that reimbursements for the Consultant’s expenses pursuant to this Agreement shall be made in accordance with either Option A or B below.

**Reimbursement Option A [Applicable]**

(a) The Client shall only be responsible for the following reimbursable expenses, payable at cost, provided the Consultant can demonstrate to the Client that such expenses were incurred in relation to the Work, and that documentation, satisfactory to the Client, is provided in support of the reimbursable expense claimed and is attached to the applicable invoice,
including for example, originals of supporting receipts, invoices or statements issued by non-parties to this Agreement:

(i) Long distance phone charges
(ii) Photocopies
(iii) Postage
(iv) Gas Mileage
(v) Airfare
(vi) Meals and Accommodations

(b) All claims submitted for reimbursable expenses in accordance with this Article 1.2 shall be reimbursed at rates not to exceed those established by Treasury Board pursuant to the guidelines and policies of the Client even if such rates are lower than the actual costs incurred by the Consultant.

Reimbursement Option B Not Applicable

The Client shall not be responsible for any expenses incurred by the Consultant, including, without limitation, out of pocket expenses such as travel, meals, accommodations, legal advice, support staff, printing and duplicating, courier, long distance telephone and/or facsimile charges, without the prior written approval of the Client.

1.3 Payment General

(a) Regardless of the payment option selected in Article 1.1 and/or 1.2, the Parties agree and confirm that total amounts payable for the Work shall not exceed a monetary ceiling of Thirty Five Thousand Dollars ($35,000.00).

(b) The Consultant shall remain obligated to complete the Work notwithstanding that the actual costs of the Consultant, whether in respect of professional services or in respect of costs or expenses incurred, may exceed the total aggregate sum set out in Article 1.3(a).

(c) The Parties agree and confirm that as set out in section 25(6) of the Financial Administration Act, RSNL1990 cF-8, as amended, all fees payable in accordance with this Agreement are subject to there being an appropriation for the work for the fiscal year in which payment under this Agreement is due.

(d) Payment will be made within 60 calendar days of receipt of a properly documented invoice.

(e) All invoices shall clearly show the amount of HST billed by the Consultant as a separate item.

(f) The Consultant shall conform to any request that may be made by the Client to alter the form of invoice customarily used by the Consultant as may be reasonably required for the purposes of the Client’s internal accounting systems. The Consultant agrees that each invoice shall
clearly show and identify the work or service which is being charged under that invoice to the Client. The invoice shall have appended thereto any documentation required by the Client.

(g) The Client shall not be responsible to pay any amounts invoiced by the Consultant which may arise from work, services or expenses incurred to remedy errors or omissions in the Work for which the Consultant is responsible.

(h) The Consultant shall submit invoices to:

Andrew Wright, Manager Community Liaison
Local Governance Division
Municipal and Intergovernmental Affairs
P.O. Box 8700 A1B 4J6
    Phone: 709 729 7143
    Fax:   709 729 4475
    Email: andrewwright@gov.nl.ca

4. Notices

All notices, claims, payments, reports and other communications required under this Agreement shall be in writing. The addresses for service are as follows:

For the Client:

Andrew Wright
Manager, Community Liaison
Local Governance Division, Municipal and Intergovernmental Affairs
Government of NL
P.O. Box 8700
A1B 4J6

For the Consultant:

Honourable Robert Wells, Q.C.
36 Quidi Vidi Road
St. John's, NL A1A 1C1
Phone: 709 699 6307
Email: [redacted]

Notices, requests or documents shall be deemed to have been received by the addressee as follows:

(a) As of the date on which they are delivered where delivery is by a party or by messenger or special courier service;

(b) As of the date on which they are sent where delivery is by telex, teletype, telegraph, facsimile or other means of electronic communication; and
(c) Six (6) days after delivery to Canada Post Corporation where the postal service is used.

5. **Entire Agreement**
   It is hereby agreed that the Contract Documents constitute the entire agreement between the parties (the “Agreement”). There are no understandings, representations or warranties of any kind except as expressly set forth herein. No changes, alterations, modifications or amendments of this Agreement shall be effective unless made in writing and signed by those persons designated for such purpose. This Agreement may be amended or otherwise modified by e-mail.

6. **Representations and Warranties**
   The Consultant hereby represents and warrants that every fact stated or represented by the Consultant or its Representatives to the Client in connection with any proposal made by the Consultant in respect of the Work is true and agrees that the Client shall be conclusively deemed to have relied on each such representation or statement in entering into this Agreement.

7. **Conflict Between Provisions**
   In the event of any conflict or inconsistency between provisions in the Contract Documents, the Contract Documents shall have precedence as follows: first the Head Agreement, second the Special Terms and Conditions, third the General Terms and Conditions, fourth the Protocols for Security of Government Information on Information Technology assets of Contractors, fifth the Scope of Work, and last, any documents incorporated by reference in any of the foregoing.

8. **Start and Completion Date**
   The Consultant shall commence activities in relation to the work and will make best efforts to complete the work in accordance with the following mutually agreed upon dates:

   Start Date: TBD, 2015
   Completion Date: 80 days from appointment. (calculate the date)

   In the event of delays due to travel, sickness, or other reasons outside the Consultant’s control, the Consultant may request an extension.

9. **Effective Date**
   The effective date of this Agreement shall be the earlier of the start date referred to in Clause 8 or the date on the first page of this Head Agreement.
10. **Paragraph Numbering**

In the event that the General Terms and Conditions are modified, the numbering references in the General Terms and Conditions shall remain unchanged.

11. **Counterparts**

This Agreement may be executed in any number of counterparts, each of which will be considered an original of this Agreement, and which together will constitute one and the same instrument. No Party will be bound to this Agreement unless and until all Parties have executed a counterpart. A facsimile signature or an otherwise electronically reproduced signature of either Party shall be deemed to be an original.

---

HER MAJESTY IN RIGHT OF
NEWFOUNDLAND AND LABRADOR

Minister of Municipal and Intergovernmental Affairs

Honourable Robert Wells

---

Authorized Signature

Date: ________________________________
SCHEDULE “A”
SCOPE OF WORK

The Consultant shall complete the work and/or perform the following services:

Pursuant to the Department of Municipal and Intergovernmental Affairs’ Community Relocation Policy, the Consultant shall independently review and consider 18 residency status appeals related to the potential relocation of Little Bay Islands. A copy of the Community Relocation Policy is attached.
SCHEDULE “B"

SPECIAL TERMS AND CONDITIONS

The Special Terms and Conditions of this Agreement are as follows:

1. Schedule “C” is amended in accordance with the following:

   1. Article 2.1(a) is removed.

   2. Article 7.2 is replaced with:

5.2 The Client agrees at all times to indemnify and save harmless the Consultant, its officers, servants employees or agents from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever brought or prosecuted in any manner based upon, or occasioned by any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly from the Work except to the extent to which such claims and demands, losses, costs, damages, actions, suits or other proceedings relate to the negligence of an officer, employee, or agent of the Consultant in the performance of his or her duties.

The Client shall not be liable for, and the Consultant shall indemnify and save harmless the Client and the Client’s Representatives against all losses, costs, charges, or expenses incurred by the Client and its agents as a result of actions, claims or awards for compensation at law, equity or under any applicable legislation, made or brought by, against, suffered by or imposed upon the Client, or its Representatives by a third party, as a result of or related to the negligence of the Consultant in the performance of this Agreement.

2. Article 7.3 is removed.
Minister of Municipal and Intergovernmental Affairs
SCHEDULE “C”

GENERAL TERMS AND CONDITIONS

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
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<td>Information Supplied By The Client</td>
</tr>
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<td>2</td>
<td>Confidentiality, Materials and Copyright</td>
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<td>3</td>
<td>Employees of the Consultant</td>
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<td>Access to Facilities</td>
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<td>Subcontractors</td>
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<tr>
<td>14</td>
<td>General</td>
</tr>
</tbody>
</table>
GENERAL TERMS AND CONDITIONS

Article - 1. INFORMATION SUPPLIED BY THE CLIENT

1.1 The Client will furnish to the Consultant all available information necessary for the performance of the Work. The Client makes no guarantee either expressed or implied as to the accuracy of the information supplied. The Consultant shall review the information for accuracy and applicability.

1.2 Where discrepancies, omissions or obscurities in the information are evident, the Consultant shall bring them to the attention of the Client and secure written instructions from the Client before proceeding with any work.

Article - 2. CONFIDENTIALITY, MATERIALS AND COPYRIGHT

2.1 For the purposes of this Article "Confidential Information" means:

(a) all communications and instructions from the Client respecting the Services, including the fact of this Agreement;

(b) all information acquired by the Consultant, his/her employees, servants and/or agents respecting policy consideration and development, business decisions, internal deliberations, discussions and considerations and any other aspect of the decision-making process of the Client;

(c) all oral, written, electronic, and machine readable information and data and any accompanying supporting materials and documentation, including without limitation, materials, documents, reports, databases, information and data of whatever nature and kind concerning the affairs of the Client, disclosed directly or indirectly to the Consultant, his/her employees, servants and/or agents during the performance of the Services or in any way related thereto;

(d) all personal information, as defined from time to time under the Access to Information and Protection of Privacy Act, SNL2002 cA-1.1, or the Personal Health Information Act, SNL2008 cP-7.01, to mean recorded information about an identifiable individual, including

(i) the individual's name, address or telephone number,

(ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,

(iii) the individual's age, sex, sexual orientation, marital status or family status,

(iv) an identifying number, symbol or other particular assigned to the individual.
(v) the individual’s fingerprints, blood type or inheritable characteristics,

(vi) information about the individual’s health care status or history, including a physical or mental disability,

(vii) information about the individual’s educational, financial, criminal or employment status or history,

(viii) the opinions of a person about the individual, and

(ix) the individual’s personal views or opinions

for any individual, which is, directly or indirectly, disclosed to or collected by the Consultant, its, his/her employees, servants and/or agents during the performance of the Services or in any way related thereto;

(e) all information that is developed based upon Confidential Information including the work product of the Consultant, its, his/her employees, servants and/or agents; and

(f) Confidential Information shall not include any information which:

(i) at the time such information was provided to the Consultant was or thereafter became part of the public domain through no act or omission of the Consultant or its, his/her Representatives; or

(ii) is information which the Consultant can show possession of prior to the date of this Agreement and which was received or developed by the Consultant free of obligations of confidentiality to the Client.

2.2 The Consultant shall treat all Confidential Information acquired by the Consultant in the performance of the Services as privileged and confidential and shall not divulge the same to any person or persons at any time without the express written approval of the Client, unless required to do so by law, which may include a subpoena or other similar process or in connection with litigation, arbitration or other proceeding or by virtue of an Act or Regulations. In the event that such disclosure is required, the Consultant shall give the Client prompt notice of the requirement upon becoming aware that such disclosure is required. Where circumstances did not permit the Consultant to provide such notice prior to disclosure, the Consultant shall provide such notice to the Client immediately after the required disclosure.

2.3 The Consultant shall only use the Confidential Information acquired in the performance of the Services for the purposes specified in the Scope of Work and this Agreement, and shall not permit the use of the Confidential Information for any other purposes.

2.4 All materials, data, designs, plans, drawings, specifications, research, reports, notes, estimates, summaries, calculations, surveys, papers, completed work, and work in progress and such other information and materials or parts thereof as are compiled, drawn and produced by the Consultant in performing the Services, including without limitation, computer printouts and computer models and all copyrights thereto and all patents, trademarks and industrial designs arising therefrom, are the sole and exclusive property of the Government of Newfoundland and Labrador and the contents thereof are privileged and confidential. Nothing in this Agreement shall give the Consultant a right, however
arising, to assert any lien, claim, demand, property right, remedy or security right of any kind over the information provided to the Consultant pursuant to the terms of this Agreement. The Consultant acknowledges that the Client's right to this information shall at all times be paramount to any rights of the Consultant, at law or in equity, and that the Consultant's remedies against the Client for the Client's breaches under this Agreement do not include the right to deprive the Client of access to the Client's information in the Consultant's possession.

2.5 The Consultant shall provide to the Client and solely to the Client upon completion of the Services or upon earlier termination of this Agreement all Confidential Information acquired during the performance of the Services, or shall, at the request of the Client, destroy any and all copies and versions of the Confidential Information in the possession of the Consultant, his/her employees, servants and/or agents, and shall certify the destruction of same to the Client.

2.6 The Consultant acknowledges that, in addition to the requirements of this Agreement, the Confidential Information acquired by the Consultant, its employees, servants and/or agents in the performance of the Services and in particular personal information, is subject to privacy legislation in this jurisdiction, including but not limited to the Access to Information and Protection of Privacy Act, the Management of Information Act, SNL2005, cM-1.01, the Privacy Act, RSNL1990 cP-22, and Personal Health Information Act, SNL2006 cP-7.01, as well as other legislation which may apply in the jurisdiction of the Consultant's operation. The Consultant is responsible to ensure the compliance with and satisfaction of the legislative requirements of all such information relating to the treatment of Confidential Information by the Consultant, its, his/her employees, servants and/or agents. The client may be compelled to disclose financial information pursuant to the first cited Act.

2.7 The Consultant shall ensure that it, his/her employees, servants and/or agents have in place and follow the appropriate systems, processes, protocols and policies to maintain the physical and electronic security of all Confidential Information, including but not restricted to the following:

(a) at a minimum, using the same level of physical and electronic security as the Consultant employs to avoid disclosure or dissemination of the Consultant's own confidential information, to prevent the disclosure of any of the Confidential Information to any third party, or to any of its employees, servants or agents other than those who are required to have access to properly perform the Services under this Agreement;

(b) establish and maintain security policies, standards and safeguards to prevent unauthorized access, collection, use, disclosure or disposal of the Confidential Information;

(c) ensure all employees, servants and/or agents of the Consultant comply with all policies, standards and safeguards established under this Article;

(d) advise the Client of any changes in its, his/her security systems, procedures, standards and practices that may affect the Confidential Information and seek the Client's consent prior to such changes; and

(e) satisfaction of the foregoing commitments includes, but is not restricted to, compliance with the requirements set out in Schedule "D", unless otherwise advised by the Client, and this includes:
(i) complying with all alterations or updates of Schedule “D” as may be provided to the Consultant from time to time; and

(ii) adhering to any additional instructions (including oral instructions) from the Client as they relate to the subject matter contained in Schedule “D” and this Article.

2.8 The Consultant shall only disclose confidential information to persons other than its employees, servants and/or agents with the prior written consent of the Client, and then only to those persons who need to know the information in order to carry out the duties associated with this Agreement and only after confirming that such persons agree to comply with the provisions of this Article including the requirements set out in Schedule “D”.

2.9 The Consultant shall:

(a) notify the Client promptly of any unauthorized possession, use or knowledge, or attempt thereof, of the Client’s information in the possession of the Consultant; including but not limited to data processing files, transmission messages or other confidential information by any person or entity which may become known to the Consultant;

(b) promptly furnish to the Client full details of the unauthorized possession, use or knowledge, or attempt thereof, and assist the Client in investigating or preventing the recurrence of any unauthorized possession, use or knowledge, or attempt thereof, of confidential information;

(c) use reasonable efforts to cooperate with the Client in any litigation and investigation against third parties deemed necessary by the Client to protect its proprietary rights;

(d) promptly use all reasonable efforts to prevent a recurrence of any such unauthorized possession, use or knowledge of confidential information; and

(e) refer to and follow the privacy breach protocol of the Government of Newfoundland and Labrador as it exists at the time of the breach and located on the Department of Justice website at: http://www.justice.gov.nl.ca/just/CIVIL/atlipp/default.htm

Article - 3. EMPLOYEES OF THE CONSULTANT

3.1 The Consultant shall provide employees who are competent in their field of specialization. The Client will have the right to have the Consultant remove from the Work any person, who by misconduct or by failure to properly perform his/her duties is considered by the Client to be unfit for employment on the Work. If the Consultant fails to remove any unfit person from the Work as requested by the Client, then the Client may void this Agreement or refuse to accept subsequent Work in which the person was involved and may refuse to approve payment for such Work.
3.2 The Consultant shall not alter, remove or replace the employees or representatives indicated in the Scope of Work without prior written approval by the Client.

Article - 4. ACCESS TO FACILITIES

4.1 The Client agrees to provide, where it is deemed by the Client, in its absolute and sole discretion to be necessary for the reasonable performance of the Work, working space and equipment access for the Consultant to perform the Work during Client office hours.

4.2 When using or accessing the premises of the Client, the Consultant and all officers, employees and agents of the Consultant shall comply with all security regulations and workplace policies and procedures in effect from time to time at the Client’s facilities.

Article - 5. RECORDS AND AUDIT

5.1 The Consultant shall keep records, books of account and supporting documents in accordance with accepted accounting procedures and practices. The records shall be made available to the Client or its authorized representative for observation or audit at mutually convenient times and up to one year after discharge of this Agreement.

5.2 The Consultant shall furnish reports as required by the Client for the purpose of monitoring the progress of the Work.

Article - 6. TERMINATION

6.1 This Agreement is deemed to be concluded once the Work has been completed to the satisfaction of the Client and payment(s), as stipulated in the Agreement, has been issued to the Consultant.

6.2 Notwithstanding the provisions of this Agreement, either of the Parties may at any time by way of fourteen (14) days written notice to the other, terminate this Agreement.

6.3 Where this Agreement is terminated prior to the mutually agreed upon completion date, the Consultant shall thereupon be entitled to payment in accordance with this Agreement in respect of that part of the Work completed up to the date of termination, provided however, that the Consultant shall not be entitled to any other payment in respect of such termination, including, without prejudice to the generality of the foregoing, any payment for any consequential loss or damage or loss of profits arising from termination of this Agreement or in any other way related thereto. The Client shall retain the right of set off with respect to any earned but unpaid proceeds then owing pursuant to this Agreement.
Article - 7. LIABILITY

7.1 The Consultant agrees that in performance of the Work neither the Consultant nor any Consultant's Representative shall be or be deemed to be an officer, servant, agent or partner of the Client.

7.2 The Client shall not be liable for, and the Consultant shall indemnify and save harmless the Client and the Client's Representatives against all losses, costs, charges, or expenses incurred by the Client and its agents as a result of actions, claims or awards for compensation at law, equity or under any applicable legislation, made or brought by, against, suffered by or imposed upon the Client, or its Representatives by a third party, as a result of or related to the performance of this Agreement by the Consultant or the Consultant's Representatives.

7.3 The Consultant shall defend any and all such actions and pay all legal charges, costs and other expenses arising therefrom. Notwithstanding the foregoing, the Client may at its own discretion retain its own solicitors to defend its interests in any such suit or claim, and the legal costs of that defense shall be paid by the Consultant.

Article - 8. COMPLIANCE WITH LAW

8.1 In respect of any work within the Province of Newfoundland and Labrador connected with or arising from this Agreement, the Consultant shall provide (where requested by the Client) evidence of compliance with all requirements of the Province of Newfoundland and Labrador with respect to Worker's Compensation and or Occupational Health and Safety, including without limitation, any payments or compliance orders due or issued thereunder.

8.2 The Consultant shall ensure that the Consultant and its Representatives comply with all requirements of any governing federal, provincial or municipal legislation, by-laws or regulations applicable to the Consultant or the Consultant's Representatives in the performance of the Work.

Article - 9. ARBITRATION

9.1 In the case of a dispute arising between the Client and the Consultant as to their respective rights and obligations under this Agreement, the parties shall first attempt to resolve all matters through friendly negotiation by a meeting between their representatives upon notice. A resolution reached in this way must be reached within 10 days of both parties having knowledge and notice of the dispute and be reduced to writing.

9.2 In the case of a dispute arising between the Client and the Consultant as to their respective rights and obligations under this Agreement, (that has not been resolved pursuant to Article 9.1), either party may give the other notice of such dispute and to request arbitration thereof. If both parties agree, the parties shall, with respect to the particular matters then in dispute, submit the same to arbitration in accordance with the provisions of the Arbitration Act, RSNL1990 cA-14, including such provisions for the appointment of arbitrators.
Article - 10.  LAWS GOVERNING

10.1 This Agreement shall be governed by and interpreted in accordance with the laws of the Province of Newfoundland and Labrador and all actions, suits or proceedings arising out of this Agreement shall be determined in a court of competent jurisdiction in Newfoundland and Labrador subject to any right of appeal.

Article - 11.  USE OF WORK

11.1 The Client shall have the right to use the Work or variations thereof in other operations of the Client.

Article - 12.  CONFLICT OF INTEREST

12.1 No public employee or member of the House of Assembly of the Province of Newfoundland and Labrador shall be admitted to any part or share of the payments made pursuant to this Agreement or to any benefits arising therefrom except in accordance with the Conflict of Interest Act or the House of Assembly Act.

12.2 The Consultant and the Consultant's Representatives:

(a) shall conduct all duties related to this Agreement with impartiality;

(b) shall not influence, seek to influence, or otherwise take part in a decision of the Client, knowing that the decision might further their private interests;

(c) shall not accept any commission, discount, allowance, payment, gift, or other benefit that is connected, directly or indirectly, with the performance of any duties related to this Agreement, that causes, or would appear to cause, a conflict of interest, and

(d) shall have no financial interest in the business of a third party that causes, or would appear to cause, a conflict of interest in connection with the performance of any duties related to this Agreement.

Article - 13.  SUBCONTRACTORS

13.1 The Consultant shall not subcontract all or a portion of the Work without the prior written approval of the Client.

13.2 The entry into any subcontract shall not relieve the Consultant of any of its obligations under the terms of this Agreement.
Article - 14. GENERAL

(a) Articles 2 and 7 of this Agreement shall survive the termination or expiration of this Agreement.

(b) Neither party shall be considered in default in performance of its obligations hereunder to the extent that performance of such obligations is delayed, hindered, or prevented by force majeure. Force majeure shall be any cause beyond the control of the parties hereto which they could not reasonably have foreseen and guarded against.

(c) Time shall be of the essence of this Agreement.

(d) The failure of the Client to insist upon or enforce in any instance strict performance by the Consultant of any of the terms of this Agreement or to exercise any rights herein conferred shall not be construed as a waiver or a relinquishment to any extent of the Client's right to assert or rely upon any such terms or rights on any future occasion.

(e) If any provision of this Agreement is determined to be invalid or unenforceable, in whole or in part, such invalidity or unenforceability shall attach only to such provision, and all other provisions hereof shall continue in full force and effect.

(f) The division of this Agreement into Articles and Clauses and the insertion of headings are for the convenience of reference only and shall not affect the construction or interpretation of this Agreement.

(g) This Agreement shall inure to the benefit of and be binding upon the Parties hereto, their respective heirs, legal representatives, successors and assigns.

(h) The Consultant shall not assign this Agreement in whole or in part to any third party without the prior written approval of the Client.

END OF SCHEDULE C
SCHEDULE "D"

Protocols for Security of Government Information on Information Technology assets of Contractors

The Consultant shall confirm with the client Department whether the Consultant will be required to use information technology resources, including computers, of the Government of Newfoundland and Labrador in the conduct of the work under the Agreement. The following requirements apply where the Consultant will not be using such assets, but will instead have access to confidential information (including personal information) ("Confidential Information") received from the Government of Newfoundland and Labrador ("Government") and will be storing, manipulating or accessing that Confidential Information on the Consultant's own information technology resources.

- All portable storage devices or media (e.g., flash drives, memory sticks, portable hard drives, writeable compact discs or digital video discs, etc.) may only be used to transport and / or store Confidential Information where either the Confidential Information or the device or media is encrypted.

- Unless specifically separately authorized by the Agreement or otherwise, the Consultant is not permitted to attach non-government computers or other information technology systems to any Government network.

- Consultants are expected to implement and maintain up to date versions of all ordinary business software for the reasonable protection of information on computers attached to the Internet which will have access to or store Confidential Information, including security firewall and anti-viral software.

- Consultants are not permitted to use any Peer to Peer file sharing program (e.g., Limewire, etc.) or chat program (i.e., MSN, Skype) on any information technology asset which will contain Confidential Information, or which will be connected via a network to any computer which will contain Confidential Information.

- Email should not be used as a method to transmit Confidential Information across public networks such as the Internet unless the e-mail and/or its attachments are encrypted or zipped in a secure manner.

- The Consultant acknowledges that, in addition to the requirements of this Agreement, the Confidential Information acquired by the Consultant, its employees, servants and/or agents in the performance of the Services and in particular personal information, is subject to privacy legislation in various jurisdictions, including but not limited to the Access to Information and Protection of Privacy Act, and Management of Information Act, SNL2005, cM-1.01, and the Privacy Act, RSNL1990 cP-22, as well as other legislation which may apply in the jurisdiction of the Consultant's operation. The Consultant is responsible to ensure the compliance with and satisfaction of the legislative requirements of all such information relating to the treatment of Confidential Information by the Consultant, its employees, servants and/or agents.
• Where a Consultant will be granted access to the Government computer network during the course of the work, in addition to the requirements noted above, the Consultant shall not:
  
  o Share personal computer drives or folders on a computer accessing the network; or
  
  o Access the network remotely, either through wired or wireless connections, except through the use of secure ID and virtual private network systems.

• These requirements apply to the Consultant and all agents, employees or permitted sub-Consultants of the Consultant, and it is the responsibility of the Consultant to ensure that all such agents, employees or permitted sub-Consultants are aware of these restrictions and are in compliance with them.

END OF SCHEDULE D
Andy:

Attached is the requisition for the PO for Robert Wells.

Can you please print it, sign it and give back to me, so we can get the PO issued and the invoice paid.

Since Andrew is not here, you can change the requestor to someone else; note the invoice would get sent to the requestor in Oracle. (maybe Sherry A.?)

Paul Forristall, B.Comm., CPA, CGA
Manager of Finance, Budgeting and General Operations
Strategic Financial Management Division
Department of Municipal and Intergovernmental Affairs
Government of Newfoundland and Labrador
PO Box 8700
St. John's, NL Canada A1B 4J6
Tel: (709) 729-4796
Fax: (709) 729-5535
Email: PaulForristall@gov.nl.ca
**Departmental Requisition Form (Request for Goods and Services)**

**Requisition Number:**

**Purchase Order Number:**

(Standing Offer # if applicable)

**Page 1 of 1**

*Required Delivery Date:

---

**Requestor Contact Info**

**Name:** Andrew Wright

**Phone** 729-7143

**Fax:**

**Bill To:**

Department of Finance
Corporate Financial Services
657 Topsail Road, St. John's, NL, A1E 2E3
gnlnvoices@gov.nl.ca

**List Vendor Name & Address (if known):**

ROBERT WELLS (ST.JOHN'S)

(Vendor # 40122181; Site STJ – BOX 21106)

**Deliver To:**

Dept of Municipal & Intergovernmental Affairs
P.O. Box 8700
St. John's, NL
A1B 4J6

---

**Item #** | **Description/Special Instructions** | **Quantity** | **Unit Price** | **Extended Price**
---|---|---|---|---
1 | Consultant – Independent review appeals related to the potential relocation of Little Bay Islands | 35,000 | $1.00 | $35,000.00
2 | Other reimbursable expenses – travel, etc. | 1,200 | $1.00 | $1,200.00

* Fill out and attach a Departmental Requisition Continuation Sheet if further space required.

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**Accounting Distribution**

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**Authorization**

**Requested By**

(Print Name): Andrew Wright

**Approving Authority**

(Print Name): Andy Morgans

**Signature:**

**Date:**

(Form must be signed by requestor and approver before goods/services can be acquired)

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* Please attach 3 quotes where applicable.
Information Note
Department of Municipal Affairs

Issue: To provide an overview of the seven overturned Little Bay Islands’ relocation residency determinations following Honourable Justice Robert Wells’ independent review.

Background and Current Status

- Individuals identified as permanent residents over the age of 18 are eligible to vote on relocation, and furthermore they are entitled to receive relocation financial assistance.
- The Community Relocation Policy (the Policy) indicates that permanent residency is established if, in each of the two twelve month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:
  (a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:
      i. The individual was temporarily absent from the community to attend grade school or post-secondary school.
      ii. The individual was temporarily absent for medical reasons substantiated by a doctor's note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.
      iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment;
  (b) The individual did not establish permanent residency in another Community;
  and
  (c) Proof of (a) and (b) must be satisfactory to the Department.

- To determine the permanent residents of Little Bay Islands, the Department of Municipal Affairs (the department) requested and reviewed affidavits and supporting documents from residents and property owners who were identified by the Town Council.
- The affidavits provided information about family composition; address information; property ownership; commercial property ownership; and time spent in the community. The residents and property owners were also requested to permit the department to confirm their home addresses with entities such as Service NL and Canada Revenue Agency (CRA). Review of this secondary information was necessary to independently validate the information in the affidavit.

- The supporting documents/information reviewed by the department included:
  o Copies of driver license or identifications;
  o Utility bills;
  o CRA income tax filing address;
  o Marriage/Birth Certificates;
• Other documents sent by the applicants; and
  • Documents in support of commercial property ownership such as income tax forms, licenses, etc.

• The residency determination process was essentially a table top exercise based on reviewing the information received from each resident and/or property owner. Where department officials noted concerns or had questions about the affidavits or supporting documentation, they followed up with applicants by email or phone.

• As per the Policy, those determined to be non-resident property owners by department officials had a right to appeal. An appeal may be based upon either the interpretation of facts by the department related to residency or upon circumstances not envisioned by the Policy which may warrant an exception to the residency criteria. The Minister shall appoint an independent reviewer to consider an appeal and make a recommendation to the Minister. The Minister will make the final residency determination.

• On 3 February 2015, Honourable Robert Wells was appointed as the Independent Reviewer to consider 18 appeals by property owners in Little Bay Islands who were determined by the department to be non-resident property owners.

• The reviewer may have visited or contacted the person(s) who filed the appeal to request additional information, but was not required to do so.

• On 17 April 2015, Mr. Wells submitted his 18 appeal reports with recommendations to the Minister. Mr. Wells outlined in his reports that his standard for making his recommendations was on the "balance of probabilities", which is the applicable standard used in civil matters in Newfoundland and Labrador.

• Mr. Wells agreed with 11 of the department's residency determinations but recommended 7 appeals be overturned.

• On June 8, 2015, former Minister Keith Hutchings accepted Mr. Wells’ recommendations.

Analysis:

• In cases where proof of residency status was not fully satisfactory to the department (as permitted by the Policy), it was decided to err on the side of caution by determining individuals in these cases to be non-residents knowing that they had an option to appeal. The alternative was to allow potentially ineligible individuals the ability to vote on relocation and receive financial assistance. Many of the appeals received fell into this category.

• Pivotal to Mr. Wells’ recommendations to overturn the 7 appeals was due to the fact that: (a) the 183 day per annum requirement was actually achieved; (b) they did not establish permanent residency anywhere else; and (c) the 183 day per annum requirement was not met, but the individuals in question qualified for an exception as permitted by the Policy.

• The following paragraphs provide a brief synopsis of each overturned appeal:
The department determined that  were permanent residents of  rather than Little Bay Islands, based on the balance of the information received. However, Mr. Wells recommended that they be considered permanent residents of Little Bay Islands as they met the required number of days in the community.

The department determined that  was a permanent resident of  rather than Little Bay Islands, based on the balance of the information received. However, Mr. Wells recommended that  be considered a permanent resident of Little Bay Islands because  Therefore, Mr. Wells believed that  qualified for an exception to the 183 day requirement as permitted by the Policy.

The department determined that  was a permanent resident of  rather than Little Bay Islands, based on the balance of the information received. However, Mr. Wells recommended that  be considered a permanent resident of Little Bay Islands because  Therefore, Mr. Wells believed that  qualified for an exception to the 183 day requirement as permitted by the Policy.
Therefore, he believed that [ REDACTED ] qualifies for an exception to the 183 day requirement as permitted by the Policy.

Section 40(1)

The department determined that [ REDACTED ] were permanent residents of [ REDACTED ] rather than Little Bay Islands, based on the balance of the information received. However, Mr. Wells recommended that they be considered permanent residents of Little Bay Islands as they met the required number of days in the community.

Action Being Taken:
- No action is being taken or recommended to be taken in regard to these overturned residency determinations.

Prepared/approved by: A. Wright / A. Morgans
Ministerial Approval: Minister Joyce

December 22, 2015
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Honourable Robert Wells, Q.C.
Reviewer

Recommendation
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Reviewer's Recommendation

In March of 2013, the Department of Municipal Affairs of the Government of Newfoundland and Labrador instituted a "Community Relocation Policy" under the authority of the Evacuated Communities Act, 1990.

The broad scope of the policy is set out on page 1 of the policy document and is as follows:

The Department of Municipal Affairs will only consider relocation assistance requests that are community-initiated and community-driven. The Department will not initiate any actions to encourage relocation assistance requests from communities.

The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:
a. The Community initiates contact with the Department concerning the possibility of relocation assistance;

b. The total cost of relocation assistance plus residual essential services for Permanent Residents who may choose to remain in the Community does not exceed the cost to Government to deliver services to the Community for a twenty-year period;

c. A vote on relocation demonstrates that ninety per cent or more of the voting aged Permanent Residents wish to relocate; and

d. Ninety per cent or more of Permanent Residential Property Owners subsequently sign Government's conditional offers to purchase.

The level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:

a. Be provided with alternate public services at service levels which Government deems appropriate for the number of persons remaining in the Community.
b. Retain the option of accepting the supports available under the Community Relocation Policy for one year subsequent to the date that the Minister approves relocation assistance.

After all Permanent Residents have vacated a Community, the Minister of Municipal Affairs will declare the Community to be an evacuated Community in accordance with the *Evacuated Communities Act*.

There follows a series of definitions which are as follows:

1. DEFINITIONS

1.a. **Commercial Property Owner**: An individual or company that owns property within the Community and currently operates a commercial enterprise on that property or that owns a Rental Property in the Community.

1.b. **Community**: Includes municipalities, local service districts, and / or unincorporated areas.

1.c. **Non-Resident Residential Property Owner**: An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will
normally include persons who maintain seasonal homes in the Community.

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve - month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve - month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:
   i. The individual was temporarily absent from the Community to attend grade school or postsecondary school.
   ii. The individual was temporarily absent for medical reasons substantiated by a doctor's note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.
   iii. The individual or his / her spouse worked outside the Community and regularly returned to the Community between periods of outside employment;

(b) The individual did not establish permanent residency in another Community; and
(c) Proof of (a) and (b) must be satisfactory to the Department.

Work on relocation assistance cannot take place until the Department reviews a request for relocation assistance, which in the case of Little Bay Islands was dated the 29th day of April 2013. When such a request is received, the Department must under the terms of the policy follow a series of steps which may or may not result in relocation assistance.

The first of these steps requires:

(a) The Department will determine the residuary states of persons in the community (i.e. Permanent, Resident or Non-Resident Property Owner) and give written notification of the determination made in that regard.

(b) As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

The determination of residency status will determine which persons are entitled to vote if the policy requires a vote to be held. It follows that if a vote is to be held, it will involve "voting aged Permanent Residents."

Paragraph 3 of the policy which governs appeals says:
3. APPEAL OF RESIDENCY STATUS DETERMINATION

The Department's determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department's determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based upon either the interpretation of facts by the Department related to residency or upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria.

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department's decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

Within 15 calendar days of receiving an appeal of residency status, the Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal within 30 calendar days of being appointed. Having considered the reviewer's recommendation, the Minister will make a final determination of residency status.

I wish to make it clear to the reader, should it become an issue, that the reviewer's task and its scope is limited by the second paragraph, i.e. that the reviewer's role is to
review the work which went into the Department’s decision to find that the appellant is not a permanent resident and to examine the material provided by the appellant to determine whether there will be a recommendation either to alter the Department’s decision or to let it stand.

It is important to note that the reviewer may make a request for additional information but is not required to do so. Because of the importance of such recommendations to an individual appellant, I have decided that I will contact when I believe it is warranted some of the Little Bay Islands’ appellants. Contact will be by telephone, letter or face to face meetings depending on the circumstances.

Because of the number of appeals received and difficulties of winter travel, I have asked for and received an extension of my timeframe to complete. My original timeframe was 60 calendar days which would have expired on April 12, 2015. In recognition of winter travel difficulties I have been granted a sufficient extension.

Finally, before dealing with the substance of a particular appeal, I am reproducing the letter sent in June 2013 to the property owners in the community:
June 21, 2013

Resident / Property Owner

Re: Permanent Residents, Non-Residents and Property Owners – Little Bay Islands

Dear Resident / Property Owner:

On April 29, 2013, the Department of Municipal Affairs received a request from Little Bay Islands for relocation financial assistance.

As per the Community Relocation Policy, the residency status of persons and property owners in Little Bay Islands must be determined. Those determined to be permanent residents and permanent residential property owners will be permitted to vote on the question of relocation.

To assist government in this process, we ask that you complete and return the enclosed forms in the envelope provided by Wednesday, July 31, 2013. Please note that individuals should complete and return all forms applicable to them rather than making a joint submission. If we do not receive documentation from you by Wednesday, July 31, 2013, we will assume that you are not seeking permanent residency or property owner status.

In the event the included self-addressed envelope provided is lost or damaged, please forward all information to:

Community Relocation Office
Department of Municipal Affairs
Government of NL
Confederation Building
4th Floor, West Block
St. John’s, NL
A1B 4J6

A copy of the Community Relocation Policy is enclosed for your reference. Should you have any questions concerning this matter, please contact the Community Relocation Office at (709) 729-5288 or relocation@gov.nl.ca.

Sincerely,

[Signature]

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
Kevin Pollard, MHA

Enc. Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal of [REDACTED] who [REDACTED] found by the Department to be a non-resident property [REDACTED] in Little Bay Islands. [REDACTED] appeal [REDACTED] presented on [REDACTED] behalf by [REDACTED] Counsel David A. Mills, Q.C., of Stephenville, Newfoundland and Labrador.

The facts in respect of [REDACTED] residency appear to be that [REDACTED] Little Bay Islands. [REDACTED] That home is [REDACTED]

As a practical matter, [REDACTED] In the timeframe required to be accounted for under the Government's relocation policy, which is two 12 month periods beginning April 2011 and ending in 2013, [REDACTED] spent the following days in Little Bay Islands:

2011 - [REDACTED]
2012 - [REDACTED]
2013 - [REDACTED]
The residential requirement to establish permanent residency in a community considering relocation, is residence for at least 183 days in each of the two 12 month periods (paragraph 1.d.(a) of the policy). These periods are from April 2011 to April 2013.

There can be an allowance for temporary absences for attendance at grade or postsecondary school, absences for medical reasons, or for work purposes by the individual or his or her spouse outside the community. There is no evidence before me that any one of these three absence requirements applies in this case. It follows therefore that [redacted] did not establish permanent residency [redacted]. The evidence satisfies me that [redacted] has not established permanent residency elsewhere in Canada. [redacted]

The policy requires proof of residential requirements (a) and (b) satisfactory to the Department. [redacted] failed to establish the required period of residential time in Little Bay Islands under clause (a) of paragraph 1.d. of the policy, and thus fails to meet that requirement. The gist of [redacted] appeal argument is that [redacted] has no other permanent residence except that which is in Little Bay Islands and [redacted].
In other respects the argument is that the definition of permanent residency is based on policy decision, not legislated reasons, and that the Minister must follow other definitions of permanent residency as found in other legislation. It is further argued that the division of taxpayers into two separate groups in a community, such as Little Bay Islands, and granting one group a franchise to vote, while denying the other group is a violation of the Canadian Charter of Rights and Freedoms. The final argument presented is that the Province in 2013 spent heavily in capital projects in Little Bay Islands, which gave investors and property owners' confidence in the community. That confidence has been eroded by an increase in relocation funds and a shift in policy direction intended to invite residents in the community to consider relocation to the detriment of those who have invested in the community. These arguments may or may not have any validity, but it is not in my mandate to base my recommendations on them.

My mandate as reviewer of the departmental decision to not grant permanent resident status, is to consider only the determination of residential status under the terms of the policy. I have no mandate to consider the validity or legality of the policy or to test its validity under the requirements of the Charter. It follows that I must accept the policy as it is. The policy therefore stands as formulated until either Government changes it or unless it is found to be invalid by a court of competent jurisdiction.

That being so, it is clear that [redacted] not qualify under the days of residency prescribed by the policy, i.e. under paragraph 1.d.(a). It follows that I cannot
recommend to the Minister that he alter the residency decision which was rendered by the Department.

Dated at St. John's, in the Province of Newfoundland and Labrador, this 12th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Honourable Robert Wells, Q.C.
Reviewer

Recommendation
In the Matter of an Appeal by
against a decision of the
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An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department's decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

Within 15 calendar days of receiving an appeal of residency status, the Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal within 30 calendar days of being appointed. Having considered the reviewer's recommendation, the Minister will make a final determination of residency status.

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It is important to note that the reviewer may make a request for additional information but is not required to do so. Because of the importance of such recommendations to an individual appellant, I have decided that I will contact when I believe it is warranted some of the Little Bay Islands’ appellants. Contact will be by telephone, letter or face to face meetings depending on the circumstances.

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Government of NL
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A copy of the Community Relocation Policy is enclosed for your reference. Should you have any questions concerning this matter, please contact the Community Relocation Office at (709) 729-5288 or relocation@gov.nl.ca.

Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
Kevin Pollard, MHA

Enc. Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal by

were

found by the Department not to have met the requirements for permanent residency as
required under the policy established as a Community Relocation Policy under the
Evacuated Communities Act of 1990.

at Little Bay Islands. Thus, the Department found to be non-resident property
owners. It follows, as say in their appeal document, that such a finding has the result
that are not eligible to vote on the community relocation issue and if relocation
proceeds, not eligible for relocation assistance.

appeal is on two bases:

(a) that the policy is not law or an act of legislation, and

(b) that the policy is discriminatory because any relocation process should
involve all taxpaying members of the community. allege a further
discrimination in that if relocation proceeds it could take away community
services from them as homeowners and fail to compensate property
owners’ for the financial losses resulting from relocation.
Their argument concludes by saying:

[Blacked-out text] this has been a terrible disappointment - trust this situation can be amended and [Blacked-out text] can be given due consideration in the light of the issues stated in this letter.

I understand the concerns of [Blacked-out text] but nevertheless as an independent reviewer I have no power to amend or alter the terms of the community Relocation Policy instituted by the Government of the Province. As independent reviewer I cannot comment on the legality of either the legislation or the policies adopted by Government. My role is set out in paragraph 3 of the policy and must be based:

(a) upon either the interpretation of facts by the Department related to residency, or

(b) circumstances not envisioned by this policy which may warrant an exception to the residency criteria.

In the present case, (a) above cannot apply because the [Blacked-out text] clearly admit that [Blacked-out text]

The second question becomes, are there circumstances not envisioned by this policy which may warrant an exception to the residency criteria. I cannot find such circumstances in the case of what is clearly a vacation home, whether owned by persons living in this Province or elsewhere. It is in my opinion that the makers of the policy did
envision a substantial difference between permanent residents of Little Bay Islands and non-resident property owners with permanent homes elsewhere. It is not part of my mandate and terms of reference to alter any aspect of the policy or find that the policy is inappropriate or invalid.

Finally, the reality is that many small fishing communities were established on islands around Newfoundland, long before roads, electricity and other modern services were or could be supplied to their residents. In the second half of the last century, many services were supplied to Newfoundland outports, but nevertheless not all services can be supplied to island communities off the coast.

The reason why such communities were established in the first place, was to be near to adjacent fishing grounds which had to be accessed by sail or by human power at the oars. As new economic opportunities came to the Province, there was a gradual decline of many island fishing communities. It is not surprising that both young and old persons wished to avail of services and opportunities which were not readily available in such communities. It is also not surprising that the natural beauty of some island communities caused persons to relocate. It would seem that the relocation policy was established to assist permanent residents who needed help to relocate in areas of the Province where services and opportunities are more readily available.
I fully understand the concerns of the non-resident property owners, but I also understand the needs of the permanent residents who wish to relocate in order that they and their families can avail of greater opportunities in other communities. I do not believe that the intention of the Department was to discriminate in formulating its policy as to the respective treatment of permanent residents and non-resident property owners. It appears that the policy was developed to use limited financial resources to assist those in greater need.

For the foregoing reasons, I am unable to recommend to the Minister that he should alter the departmental decision in this case.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 12th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Honourable Robert Wells, Q.C.
Reviewer

Recommendation
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

**Reviewer’s Recommendation**

In March of 2013, the Department of Municipal Affairs of the Government of Newfoundland and Labrador instituted a “Community Relocation Policy” under the authority of the *Evacuated Communities Act, 1990.*

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The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:
a. The Community initiates contact with the Department concerning the possibility of relocation assistance;

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c. A vote on relocation demonstrates that ninety per cent or more of the voting aged Permanent Residents wish to relocate; and

d. Ninety per cent or more of Permanent Residential Property Owners subsequently sign Government's conditional offers to purchase.

The level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:

a. Be provided with alternate public services at service levels which Government deems appropriate for the number of persons remaining in the Community.
b. Retain the option of accepting the supports available under the Community Relocation Policy for one year subsequent to the date that the Minister approves relocation assistance.

After all Permanent Residents have vacated a Community, the Minister of Municipal Affairs will declare the Community to be an evacuated Community in accordance with the Evacuated Communities Act.

There follows a series of definitions which are as follows:

1. DEFINITIONS

1.a. Commercial Property Owner: An individual or company that owns property within the Community and currently operates a commercial enterprise on that property or that owns a Rental Property in the Community.

1.b. Community: Includes municipalities, local service districts, and / or unincorporated areas.

1.c. Non-Resident Residential Property Owner: An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will
normally include persons who maintain seasonal homes in the Community.

1.d. **Permanent Resident**: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or postsecondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor's note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his / her spouse worked outside the Community and regularly returned to the Community between periods of outside employment;

(b) The individual did not establish permanent residency in another Community; and
(c) Proof of (a) and (b) must be satisfactory to the Department.

Work on relocation assistance cannot take place until the Department reviews a request for relocation assistance, which in the case of Little Bay Islands was dated the 29th day of April 2013. When such a request is received, the Department must under the terms of the policy follow a series of steps which may or may not result in relocation assistance.

The first of these steps requires:

(a) The Department will determine the residuary states of persons in the community (i.e. Permanent, Resident or Non-Resident Property Owner) and give written notification of the determination made in that regard.

(b) As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

The determination of residency status will determine which persons are entitled to vote if the policy requires a vote to be held. It follows that if a vote is to be held, it will involve “voting aged Permanent Residents.”

Paragraph 3 of the policy which governs appeals says:
3. APPEAL OF RESIDENCY STATUS DETERMINATION

The Department's determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department's determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based upon either the interpretation of facts by the Department related to residency or upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria.

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department's decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

Within 15 calendar days of receiving an appeal of residency status, the Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal within 30 calendar days of being appointed. Having considered the reviewer's recommendation, the Minister will make a final determination of residency status.

I wish to make it clear to the reader, should it become an issue, that the reviewer's task and its scope is limited by the second paragraph, i.e. that the reviewer's role is to
review the work which went into the Department’s decision to find that the appellant is not a permanent resident and to examine the material provided by the appellant to determine whether there will be a recommendation either to alter the Department’s decision or to let it stand.

It is important to note that the reviewer may make a request for additional information but is not required to do so. Because of the importance of such recommendations to an individual appellant, I have decided that I will contact when I believe it is warranted some of the Little Bay Islands’ appellants. Contact will be by telephone, letter or face to face meetings depending on the circumstances.

Because of the number of appeals received and difficulties of winter travel, I have asked for and received an extension of my timeframe to complete. My original timeframe was 60 calendar days which would have expired on April 12, 2015. In recognition of winter travel difficulties I have been granted a sufficient extension.

Finally, before dealing with the substance of a particular appeal, I am reproducing the letter sent in June 2013 to the property owners in the community:
June 21, 2013

Resident / Property Owner

Re: Permanent Residents, Non-Residents and Property Owners – Little Bay Islands

Dear Resident / Property Owner:

On April 29, 2013, the Department of Municipal Affairs received a request from Little Bay Islands for relocation financial assistance.

As per the Community Relocation Policy, the residency status of persons and property owners in Little Bay Islands must be determined. Those determined to be permanent residents and permanent residential property owners will be permitted to vote on the question of relocation.

To assist government in this process, we ask that you complete and return the enclosed forms in the envelope provided by Wednesday, July 31, 2013. Please note that individuals should complete and return all forms applicable to them rather than making a joint submission. If we do not receive documentation from you by Wednesday, July 31, 2013, we will assume that you are not seeking permanent residency or property owner status.

In the event the included self-addressed envelope provided is lost or damaged, please forward all information to:

Community Relocation Office
Department of Municipal Affairs
Government of NL
Confederation Building
4th Floor, West Block
St. John’s, NL
A1B 4J6

A copy of the Community Relocation Policy is enclosed for your reference. Should you have any questions concerning this matter, please contact the Community Relocation Office at (709) 729-5288 or relocation@gov.nl.ca.

Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
Kevin Pollard, MHA

Enc. Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal of [redacted] who was found by the Department to be a non-resident property owner. [redacted] has appealed the departmental decision on the grounds that [redacted] situation is that [redacted] lived on Little Bay Islands as a permanent resident [redacted] and in 2010.

It is also noteworthy that as long ago as [redacted] Little Bay Islands, particularly as it needs [redacted] In addition to [redacted] thus it became almost impossible for [redacted] Little Bay Islands.

For these reasons, [redacted] Little Bay Islands and [redacted] As [redacted] describes it, [redacted]
did not fill in the days spent in Little Bay Islands between April 2011 and April 2012 because most of that time. Nevertheless has a strong argument that was away from the community of Little Bay Islands. It cannot really be argued that is a because it is unlikely that Little Bay Islands. In Little Bay Islands.

Technically permanent residency requirements, but Little Bay Islands until and It follows that the only way can qualify as a permanent resident is if the Minister is prepared to exercise his discretion under the appeals provision of the policy, which provides that an appeal may be based “upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria.”

In the circumstances of I recommend to the Minister that as has been a lifelong permanent resident of Little Bay Islands
that he as Minister could find that [REDACTED] is a permanent resident on the ground that on a balance of probabilities he falls within [REDACTED] of the policy and that the appeal should be allowed.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Honourable Robert Wells, Q.C. Reviewer

Recommendation
Section 40(1): Personal Privacy

In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Reviewer’s Recommendation

In March of 2013, the Department of Municipal Affairs of the Government of Newfoundland and Labrador instituted a “Community Relocation Policy” under the authority of the Evacuated Communities Act, 1990.

The broad scope of the policy is set out on page 1 of the policy document and is as follows:

The Department of Municipal Affairs will only consider relocation assistance requests that are community-initiated and community-driven. The Department will not initiate any actions to encourage relocation assistance requests from communities.

The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:
a. The Community initiates contact with the Department concerning the possibility of relocation assistance;

b. The total cost of relocation assistance plus residual essential services for Permanent Residents who may choose to remain in the Community does not exceed the cost to Government to deliver services to the Community for a twenty-year period;

c. A vote on relocation demonstrates that ninety per cent or more of the voting aged Permanent Residents wish to relocate; and

d. Ninety per cent or more of Permanent Residential Property Owners subsequently sign Government's conditional offers to purchase.

The level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:

a. Be provided with alternate public services at service levels which Government deems appropriate for the number of persons remaining in the Community.
b. Retain the option of accepting the supports available under the Community Relocation Policy for one year subsequent to the date that the Minister approves relocation assistance.

After all Permanent Residents have vacated a Community, the Minister of Municipal Affairs will declare the Community to be an evacuated Community in accordance with the *Evacuated Communities Act*.

There follows a series of definitions which are as follows:

**1. DEFINITIONS**

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normally include persons who maintain seasonal homes in the Community.

1.d. **Permanent Resident:** Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

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(c) Proof of (a) and (b) must be satisfactory to the Department.

Work on relocation assistance cannot take place until the Department reviews a request for relocation assistance, which in the case of Little Bay Islands was dated the 29th day of April 2013. When such a request is received, the Department must under the terms of the policy follow a series of steps which may or may not result in relocation assistance.

The first of these steps requires:

(a) The Department will determine the residuary states of persons in the community (i.e. Permanent, Resident or Non-Resident Property Owner) and give written notification of the determination made in that regard.

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The determination of residency status will determine which persons are entitled to vote if the policy requires a vote to be held. It follows that if a vote is to be held, it will involve “voting aged Permanent Residents.”

Paragraph 3 of the policy which governs appeals says:
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I wish to make it clear to the reader, should it become an issue, that the reviewer's task and its scope is limited by the second paragraph, i.e. that the reviewer's role is to
review the work which went into the Department's decision to find that the appellant is not a permanent resident and to examine the material provided by the appellant to determine whether there will be a recommendation either to alter the Department's decision or to let it stand.

It is important to note that the reviewer may make a request for additional information but is not required to do so. Because of the importance of such recommendations to an individual appellant, I have decided that I will contact when I believe it is warranted some of the Little Bay Islands' appellants. Contact will be by telephone, letter or face to face meetings depending on the circumstances.

Because of the number of appeals received and difficulties of winter travel, I have asked for and received an extension of my timeframe to complete. My original timeframe was 60 calendar days which would have expired on April 12, 2015. In recognition of winter travel difficulties I have been granted a sufficient extension.

Finally, before dealing with the substance of a particular appeal, I am reproducing the letter sent in June 2013 to the property owners in the community:
June 21, 2013

Resident / Property Owner

Re: Permanent Residents, Non-Residents and Property Owners — Little Bay Islands

Dear Resident / Property Owner:

On April 29, 2013, the Department of Municipal Affairs received a request from Little Bay Islands for relocation financial assistance.

As per the Community Relocation Policy, the residency status of persons and property owners in Little Bay Islands must be determined. Those determined to be permanent residents and permanent residential property owners will be permitted to vote on the question of relocation.

To assist government in this process, we ask that you complete and return the enclosed forms in the envelope provided by Wednesday, July 31, 2013. Please note that individuals should complete and return all forms applicable to them rather than making a joint submission. If we do not receive documentation from you by Wednesday, July 31, 2013, we will assume that you are not seeking permanent residency or property owner status.

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A copy of the Community Relocation Policy is enclosed for your reference. Should you have any questions concerning this matter, please contact the Community Relocation Office at (709) 729-5288 or relocation@gov.nl.ca.

Sincerely,

Andrew Wright
Manager - Community Liaison

c: Central Regional Office, Municipal Affairs
   Kevin Pollard, MHA

Enc. Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal of [redacted] from a departmental decision that [redacted] not permanent residents of Little Bay Islands, but rather non-resident property owners under the Relocation Policy. The policy requires under paragraph 1.d.(a) and (b) that [redacted] must meet certain requirements, which as to residency on Little Bay Islands are at least 183 days in each of two 12 month periods between April 2011 and April 2013. [redacted] affidavit on Little Bay Islands residence shows in the first 12 month period [redacted] in the second 12 month period [redacted] therefore does not qualify under 1.d.(a). [redacted] own a property at [redacted] Little Bay Islands, Newfoundland and Labrador [redacted]

[redacted] says in [redacted] affidavit:

[redacted]

[redacted]

[redacted]

[redacted]

[redacted] NL.” Both [redacted]

in addition to not qualifying under 1.d.(a), has to show under 1.d.(b) that [redacted] did not establish residency in another community. On the evidence before me, [redacted] has not met the (b) requirement. [redacted] to Little Bay Islands from [redacted]

On a balance of probabilities, the evidence is strong that the [redacted] have and have had for some time a permanent residence [redacted] I therefore cannot recommend to the Minister that he alter the departmental decision.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 12th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by

against a decision of the

Department of Municipal

Affairs in respect of the

Community Relocation Policy.

Honourable Robert Wells, Q.C.
Reviewer

Recommendation
In the Matter of an Appeal by
against a decision of the
Department of Municipal Affairs
in respect of the Community
Relocation Policy.

Reviewer’s Recommendation

In March of 2013, the Department of Municipal Affairs of the Government of
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Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
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Enc. Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal by [Redacted], who were found by the Department to be non-resident property owners in Little Bay Islands. [Redacted] are appealing on the basis that they as taxpaying property owners in Little Bay Islands are being discriminated against by a departmental policy, i.e. non compensation for non-permanent residents.

[Redacted] did not fill in the number of days in which they actually lived in Little Bay Islands, and they are not claiming that they have met the requirement of 183 days in each of the two 12 month periods from April 2011 to April 2013. Paragraph 1.d requires such residency for each of the two periods. Therefore, they cannot qualify under this policy.

It also appears that they have established permanent residency in another community, [Redacted] note that their home in Little Bay Islands [Redacted]... As reviewer of the departmental decision making, I am restricted by the appeal provisions in the policy to reviewing the decision as taken under the terms of the policy itself. As reviewer, I am bound by the terms of the policy as were the departmental
officials who made the original decision. It is quite clear that [redacted] have not met the terms of the policy vis-à-vis permanent residency.

It is completely outside my role and powers of reviewer to alter or ignore the policy in any way. The policy therefore stands as a policy established under the authority of the Evacuated Communities Act of 1990, which must be adhered to unless changed by Government or found by a court of competent jurisdiction to be invalid in some manner.

For the foregoing reasons, I cannot recommend to the Minister that he alter the departmental decision in respect of [redacted] residential status.

Dated at St. John's, in the Province of Newfoundland and Labrador, this [redacted] day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by [Redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Honourable Robert Wells, Q.C.
Reviewer

Recommendation
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

**Reviewer's Recommendation**

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The broad scope of the policy is set out on page 1 of the policy document and is as follows:

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The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:
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The first of these steps requires:

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The determination of residency status will determine which persons are entitled to vote if the policy requires a vote to be held. It follows that if a vote is to be held, it will involve “voting aged Permanent Residents.”

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Resident / Property Owner

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To assist government in this process, we ask that you complete and return the enclosed forms in the envelope provided by Wednesday, July 31, 2013. Please note that individuals should complete and return all forms applicable to them rather than making a joint submission. If we do not receive documentation from you by Wednesday, July 31, 2013, we will assume that you are not seeking permanent residency or property owner status.

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Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
    Kevin Pollard, MHA

Enc. Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

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appeal sets out

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Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

Hon. Robert Wells, Q.C. Reviewer
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

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Recommendation
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In March of 2013, the Department of Municipal Affairs of the Government of Newfoundland and Labrador instituted a "Community Relocation Policy" under the authority of the Evacuated Communities Act, 1990.

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Encl. Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal of [redacted] who were found by the Department to be non-resident property owners on Little Bay Islands. Their situation is that [redacted] bought [redacted] Little Bay Islands, [redacted], and [redacted]. The purpose in buying the home [redacted] which they appear to have done. The affidavit evidence which [redacted] have provided shows that in the period between April 2011 and April 2013 [redacted] spent in 2011, [redacted] in Little Bay Islands and [redacted] spent [redacted]. In the period April 2012 to April 2013, [redacted] spent [redacted] in Little Bay Islands and [redacted] spent [redacted]. Thus, the number of days specified by the policy to show permanent residence in Little Bay Islands, which is 183 days per year, has been significantly exceeded by [redacted].

The next requirement to establish permanent residency is that the individual did not establish permanent residence in another community. In that regard, the very significant evidence of permanent residency in Little bay Islands supports [redacted] uncontradicted statement of intention that Little Bay Islands was to be their permanent residence, while [redacted] because, as we know, ice conditions along the northeast coast of Newfoundland in winter and spring cause permanent residents of Little Bay Islands to seek temporary residences when they can afford to do so in places which afford more convenient access to certain essential services then do island communities in winter conditions.
In fact, winter transportation difficulties are, I suspect, one of the primary reasons why over the years a number of island communities on the north coast have chosen to relocate. It may have been a concern to the Department that in [redacted] The fact that [redacted] does not, in my view, undermine the length of time which, since buying in Little Bay Islands, they have resided in that community. Section (c) of paragraph 1.d of the policy concludes by saying that proof of (a) and (b) must be satisfactory to the Department.

There are, as we know, different standards of proof used in our society. In criminal matters, the standard is proof beyond a reasonable doubt. In civil matters, the standard is after considering the evidence, the balance of probabilities. In [redacted] case, the evidence is such that on a balance of probabilities I am satisfied that they bought a home in Little Bay Islands with the intention of making it their permanent home. Of a total of [redacted] over the specified 24 months, [redacted] lived in Little Bay Islands for [redacted] being elsewhere for only [redacted]
In this case, I have decided to recommend to the Minister that his final determination be that [redacted] be accorded permanent resident status in Little Bay Islands.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by [Redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

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Sincerely,

[Signature]

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Enc., Affidavit, Schedule A, Community Relocation Policy

P.O. Box 4700, St. John’s, NL, Canada A1B 4L6 1 1.800.558.5000 / 709.729.2015
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Having made the foregoing general comments, I now turn to the specific appeal of [redacted] who lives in [redacted] Little Bay Islands. [redacted] was found to be a non-resident property owner by the Department. [redacted] admits that [redacted] is not a permanent resident of Little Bay Islands. Nevertheless, Little Bay Islands is where [redacted] wishes to keep [redacted] homes in Little Bay Islands, so that in summer [redacted] can bring family members to visit Little Bay Islands to learn something about life as it is and was in Newfoundland. [redacted] has appealed the Department’s finding of non-resident property owner, not because [redacted] is claiming to be a permanent resident, but because [redacted] feels the relocation policy is wrong. As I have noted earlier, I must accept the policy in carrying out my appeal reviews, and therefore I must recommend to the Minister that the finding of “non-resident property owner” should not be altered in [redacted] case.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this [redacted] day of April, 2015.

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Sincerely,

Andrew Wright
Manager – Community Liaison

cce: Central Regional Office, Municipal Affairs
     Kevin Pollard, MHA

P.O. Box 7900, St. John’s, NL, Canada A1B 4J6  L364.585.5500  709.723.2819
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Having made the foregoing general comments, I now turn to the specific appeal of the home is located at Little Bay Islands and was bought by them in then lived and worked. The home was first used as a vacation home. At the time of It has been a rental property since that time up until recently. At the moment will not be using that home on a permanent basis because he has been or will be.

During time in Little Bay Islands,

<table>
<thead>
<tr>
<th>Year</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>April to December</td>
</tr>
<tr>
<td>2012</td>
<td>January to December</td>
</tr>
<tr>
<td>2013</td>
<td>to April cutoff</td>
</tr>
</tbody>
</table>
Thus the total days spent in the relevant 24 month period as provided in affidavit form was [redacted] which is well in excess of the required 183 days in each of the 12 month periods.

[redacted] days spent in Little Bay Islands are as follows:

2011 [redacted] April to December
2012 [redacted] January to December
2013 [redacted] January to April

[redacted] total days of residence in Little Bay Islands in the prescribed 24 month period totaled [redacted] again well in excess of the minimum number required.

[redacted] information is that [redacted] but it has never been used as such, because Little Bay Islands became their permanent home and [redacted]

[redacted] agree that they have [redacted] but that does not affect the status of [redacted] Little Bay Islands, as their permanent home.

[redacted] and they use that [redacted] when access to and from Little Bay Islands is restricted by weather and/or ice conditions. I am
satisfied that [redacted] is not their permanent home but a winter seasonal home only.

[redacted] described how [redacted] Little Bay Islands has been their permanent home. [redacted] residence when required.

[redacted] have submitted a large amount of documentation showing [redacted] activities and movements during the 24 month relevant periods of 2011, 2012 and 2013. That information has been supplemented by:

(a) Hydro bills
(b) Bell Aliant bills
(c) Affidavit evidence

Some of the Canada Revenue Agency tax addresses during the relevant time show a postal address of [redacted] and an equal number to [redacted] Little Bay Islands. Nevertheless, the totality of the evidence shows permanent residency in Little Bay Islands.
The standard, which I use in determining my recommendations as reviewer, is the "balance of probabilities," which is the applicable standard used in civil matters in this Province. The facts which I have outlined strongly indicate that [redacted] have established and maintained [redacted] residence in Little Bay Islands as [redacted] permanent residence. Having so concluded, my recommendation to the Minister is that [redacted] should be accepted as permanent residents of Little Bay Islands under the relocation policy.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Honourable Robert Wells, Q.C.
Reviewer

Recommendation
Section 40(1): Personal Privacy

In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

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If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:

a. Be provided with alternate public services at service levels which Government deems appropriate for the number of persons remaining in the Community.
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Engl. Affidavit, Schedule A, Community Relocation Policy
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Having made the foregoing general comments, I now turn to the specific appeal of [redacted] whose mailing address appears to be [redacted] Newfoundland and Labrador. They also have a home at [redacted] Little Bay Islands, Newfoundland and Labrador [redacted]

[redacted] did not fill in the required portion of the 24 month period from April 2011 to April 2013. Thus the Department and I as reviewer have no knowledge of how much of that period they resided on Little Bay Islands, nor did they indicate any other factual information which may indicate that they qualify under the required clauses of 1.d.(a) or (b) required under the policy. It follows clearly that not having provided the necessary information, [redacted] appear to be permanent residents of [redacted] and seasonal residents of Little Bay Islands. That being so this appeal cannot succeed, and I cannot recommend to the Minister that he alter the departmental decision that they are not permanent residents of Little Bay Islands.

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Enc. Affidavit, Schedule A, Community Relocation Policy

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Having made the foregoing general comments, I now turn to the specific appeal of [redacted]. The Department considered [redacted] to be a non-resident owner of property in Little Bay Islands. There are a number of complicating issues raised in the appeal which I will attempt to explain. [redacted] was born in [redacted] so that in the present year he will be [redacted] and [redacted] has spent most of [redacted] life on Little Bay Islands and for the [redacted]
during which time [redacted] As a result of [redacted]

The only home [redacted] owns is on Little Bay Islands, but [redacted] Nevertheless, [redacted] does not consider [redacted] to be a permanent home. A permanent home is on Little Bay Islands.

[redacted] explains his situation in the following paragraph, which I will quote from [redacted] letter to the Department dated July 25, 2013:

I wish to suggest that mailing addresses for motor vehicle registration and utility (electrical and telephone) services should not be considered a strong indicator of permanent residency, especially in the case of an isolated island without even a single shop, drug-store or medical facility. Most of us on the Island use
for doctors, dentists, eye-specialists, pharmacies, groceries, hardware, minor car repairs, and many other services. It seemed convenient to me, as perhaps to others, to have

account of days spent at home in Little Bay Islands is as follows:

2011 - days
2012 - days
2013 - days to the end of April
Total days

I should note, however, that these days as presented contain periods when, because of was not actually on Little Bay Islands. He has nonetheless counted them as residency under the authority of section 1.d.ii of the Community Relocation Policy.

also qualifies under section 1.d.iii of the policy, i.e. that did not establish permanent residency in another community. I have no doubt as to truthfulness in recounting these facts and intention to have no other permanent residence but home on Little Bay Islands. Nevertheless, at may not be able to turn intention into a reality either on Little Bay Islands or another community, unless
In all of the circumstances, I believe that [REDACTED] case falls within paragraph 2 of section 3 of the policy document, i.e. “or upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria,” and that I recommend to the Minister to find that on a balance of probabilities [REDACTED] falls within section 1.d. (a) ii. of the policy and is entitled to be considered a permanent resident.

For the foregoing reasons my recommendation is that the appeal should be allowed.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

[Signature]

Hon. Robert Wells, Q.C.
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1.d. **Permanent Resident:** Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or postsecondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor's note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment;

(b) The individual did not establish permanent residency in another Community; and
(c) Proof of (a) and (b) must be satisfactory to the Department.

Work on relocation assistance cannot take place until the Department reviews a request for relocation assistance, which in the case of Little Bay Islands was dated the 29th day of April 2013. When such a request is received, the Department must under the terms of the policy follow a series of steps which may or may not result in relocation assistance.

The first of these steps requires:

(a) The Department will determine the residuary states of persons in the community (i.e. Permanent, Resident or Non-Resident Property Owner) and give written notification of the determination made in that regard.

(b) As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

The determination of residency status will determine which persons are entitled to vote if the policy requires a vote to be held. It follows that if a vote is to be held, it will involve “voting aged Permanent Residents.”

Paragraph 3 of the policy which governs appeals says:
3. APPEAL OF RESIDENCY STATUS DETERMINATION

The Department's determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

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An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department's decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

Within 15 calendar days of receiving an appeal of residency status, the Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal within 30 calendar days of being appointed. Having considered the reviewer's recommendation, the Minister will make a final determination of residency status.

I wish to make it clear to the reader, should it become an issue, that the reviewer's task and its scope is limited by the second paragraph, i.e. that the reviewer's role is to
review the work which went into the Department's decision to find that the appellant is
not a permanent resident and to examine the material provided by the appellant to
determine whether there will be a recommendation either to alter the Department's
decision or to let it stand.

It is important to note that the reviewer may make a request for additional
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recommendations to an individual appellant, I have decided that I will contact when I
believe it is warranted some of the Little Bay Islands' appellants. Contact will be by
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asked for and received an extension of my timeframe to complete. My original
timeframe was 60 calendar days which would have expired on April 12, 2015. In
recognition of winter travel difficulties I have been granted a sufficient extension.

Finally, before dealing with the substance of a particular appeal, I am reproducing
the letter sent in June 2013 to the property owners in the community:
June 21, 2013

Resident / Property Owner

Re: Permanent Residents, Non-Residents and Property Owners – Little Bay Islands

Dear Resident / Property Owner:

On April 29, 2013, the Department of Municipal Affairs received a request from Little Bay Islands for relocation financial assistance.

As per the Community Relocation Policy, the residency status of persons and property owners in Little Bay Islands must be determined. Those determined to be permanent residents and permanent residential property owners will be permitted to vote on the question of relocation.

To assist government in this process, we ask that you complete and return the enclosed forms in the envelope provided by Wednesday, July 31, 2013. Please note that individuals should complete and return all forms applicable to them rather than making a joint submission. If we do not receive documentation from you by Wednesday, July 31, 2013, we will assume that you are not seeking permanent residency or property owner status.

In the event the included self-addressed envelope provided is lost or damaged, please forward all information to:

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A1B 4J6

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Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
Kevin Pollard, MHA

Encl. Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal by [redacted] who were found by the Department to be non-resident property owners of Little Bay Islands. The available evidence from the file is that they did not provide a list of days spent on Little Bay Islands from April 2011 to April 2013. What they have said is that the keep their house on Little Bay Islands open [redacted], including the 24 month period which is required to be reported on. [redacted] if one counts from mid-May to mid-December, approximately five months or about 150 days. During that period, they spend as much time as possible on Little Bay Islands.

The [redacted] have a home in [redacted] where [redacted]

[redacted] It does not appear that they qualify on the 183 days residence provisions for each 12 month period in the required timeframe.

The real argument of the appellants is that they consider the Government policy of relocation and relocation assistance as being unfair to them and others in similar positions, who have an investment in Little Bay Islands and are municipal taxpayers but under the policy are unable to vote on the relocation issues, thus having no say in the survival or otherwise of the community.
I as reviewer have to point out that I have no mandate to alter or ignore the policy, or deal with issues of discrimination as have frequently been raised in appeal arguments. My role is set out in paragraph 3 of the policy which I have discussed earlier in these reasons.

It follows that in the present circumstances, I am unable to recommend to the Minister that he should alter the non-permanent residency finding of the Department.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Honourable Robert Wells, Q.C.
Reviewer

Recommendation
In the Matter of an Appeal by
against
a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

Reviewer's Recommendation

In March of 2013, the Department of Municipal Affairs of the Government of Newfoundland and Labrador instituted a “Community Relocation Policy” under the authority of the Evacuated Communities Act, 1990.

The broad scope of the policy is set out on page 1 of the policy document and is as follows:

The Department of Municipal Affairs will only consider relocation assistance requests that are community-initiated and community-driven. The Department will not initiate any actions to encourage relocation assistance requests from communities.

The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:
a. The Community initiates contact with the Department concerning the possibility of relocation assistance;

b. The total cost of relocation assistance plus residual essential services for Permanent Residents who may choose to remain in the Community does not exceed the cost to Government to deliver services to the Community for a twenty-year period;

c. A vote on relocation demonstrates that ninety per cent or more of the voting aged Permanent Residents wish to relocate; and

d. Ninety per cent or more of Permanent Residential Property Owners subsequently sign Government's conditional offers to purchase.

The level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:

a. Be provided with alternate public services at service levels which Government deems appropriate for the number of persons remaining in the Community.
b. Retain the option of accepting the supports available under the
Community Relocation Policy for one year subsequent to the date that the
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After all Permanent Residents have vacated a Community, the Minister of
Municipal Affairs will declare the Community to be an evacuated Community in
accordance with the *Evacuated Communities Act*.

There follows a series of definitions which are as follows:

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Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
Kevin Pollard, MHA

End, Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal of [redacted]. The Department found that they spent insufficient days in Little Bay Islands to qualify as permanent residents of the community. The Department further concluded that they are permanent residents of [redacted] Newfoundland and Labrador, where [redacted] thus found to be non-resident property owners in respect of Little Bay Islands. An examination of the file shows that [redacted] do in fact maintain their permanent residence in [redacted] and a [redacted] in Little Bay Islands.

[Redacted] argument on appeal is that as [redacted] are municipal taxpayers in Little Bay Islands, as well as [redacted] that [redacted] are members of both communities, and as such should be entitled to vote as permanent residents of Little Bay Islands.

Their argument is not in accordance with the policy governing permanent resident status. On page 4 of these reasons, I have quoted l.d. (a) and (b) of the policy which set out the qualifying requirements for permanent residence. Clause (a) requires at least 183 days residency in each of the two 12 month periods as specified. It is quite clear from the material in the file that the appellants do not meet the foregoing qualification of 183 days residency in each of the 12 month periods.

It is also clear that they do not fall under the accepted absences which qualify for absences from the community. These are listed in subsections (i), (ii) and (iii) on page 4.
of these reasons, which are educational absences, medical absences or employment absences.

It is in fact clear that the appellants have established permanent residency in [redacted]. The discrimination argument put forward in their appeal cannot succeed. Government has, and was entitled to do so, made a policy decision under the *Evacuated Communities Act*, 1990. The policy thus stands and must be adhered to, unless changed or set aside by a court of competent jurisdiction. That has not happened, and it follows that their appeal on the grounds of discrimination cannot succeed, as the policy applies equally to all property owners. Some owners have shown that they meet the criteria of Permanent Residential Property Owners, while others are unable to show that they meet the same criteria. As reviewer I must accept the policy and have no power to alter or amend it in any way.

In the circumstances of this appeal, it follows therefore that the Department’s finding of “non-resident property owners” must stand, and the appeal must therefore be dismissed.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

Hon. Robert Wells, Q.C.  
Reviewer
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

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Recommendation
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Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
Kevin Pollard, MHA

Enc., Affidavit, Schedule A, Community Relocation Policy
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Having made the foregoing general comments, I now turn to the specific appeal by Newfoundland and Labrador, who are appealing the decision of the Department of Municipal Affairs that they are non-resident property owners in Little Bay Islands. The Department did not provide any proof that they resided 183 days per year in the specified two year periods between April 2011 and April 2013. It follows that not having provided such information they have not provided the required proof that they are permanent residents of Little Bay Islands and are unable to vote in any relocation decision making.

The circumstances are that they bought their house at Little Bay Islands on 12 June 2008. At that time, there was no indication of relocation, and in fact there was an increase in the number of persons buying some homes on the Island. At that time, the application was made and a further application was made. They have now been informed that as their status in Little Bay Islands is that of “non-resident” they are not eligible for relocation assistance or voting privileges. They have a Little Bay Islands home, and as taxpaying residents believe that their voices should be heard.

As reviewer of the departmental decision, I am bound by the Relocation Policy just as the departmental officials were bound, and I have no mandate to alter the policy in any respect, so that the policy remain as it is, unless it is changed by Government, or found to be invalid by a court of competent jurisdiction.
It follows that I am unable to recommend to the Minister that he change the departmental decision because the policy has been properly applied to [redacted]. I have sympathy for the [redacted] in their situation, and I appreciate their concerns. However, no one yet knows how the situation of [redacted] will ultimately be addressed.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

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The first of these steps requires:

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(b) As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

The determination of residency status will determine which persons are entitled to vote if the policy requires a vote to be held. It follows that if a vote is to be held, it will involve “voting aged Permanent Residents.”

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Resident / Property Owner

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Dear Resident / Property Owner:

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As per the Community Relocation Policy, the residency status of persons and property owners in Little Bay Islands must be determined. Those determined to be permanent residents and permanent residential property owners will be permitted to vote on the question of relocation.

To assist government in this process, we ask that you complete and return the enclosed forms in the envelope provided by Wednesday, July 31, 2013. Please note that individuals should complete and return all forms applicable to them rather than making a joint submission. If we do not receive documentation from you by Wednesday, July 31, 2013, we will assume that you are not seeking permanent residency or property owner status.

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Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
Kevin Pollard, MHA

Enc., Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal of [REDACTED] were found by the Department to be non-resident property owners. [REDACTED] have lived in their home on Little Bay Islands for [REDACTED] They are on the voters list there and pay property taxes there and nowhere else. All business correspondence of every kind shows their home address as Little Bay Islands.

[REDACTED] It is needed by them because [REDACTED] and in winter weather and ice conditions which render the ferry service problematical. Hence, [REDACTED] in Little Bay Islands. Their days in Little Bay Islands are as follows:
Thus, it is the cabin which is a temporary residence as required, while their permanent residence is on Little Bay Islands.

In all of the circumstances of this case, I am of the opinion that the [redacted] have not established a permanent residence in [redacted]. Thus on a balance of probabilities, I am satisfied that their permanent residence is in the community of Little Bay Islands. I therefore recommend to the Minister that he alter the Department’s decision and find that the appellants are permanent residents of Little Bay Islands under the terms of the relocation policy.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
In the Matter of an Appeal by
against a decision of the
Department of Municipal
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Community Relocation Policy.

Honourable Robert Wells, Q.C.
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Recommendation
In the Matter of an Appeal by [redacted] against a decision of the Department of Municipal Affairs in respect of the Community Relocation Policy.

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The broad scope of the policy is set out on page 1 of the policy document and is as follows:

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The level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:
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There follows a series of definitions which are as follows:

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Sincerely,

Andrew Wright
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c: Central Regional Office, Municipal Affairs
   Kevin Pollard, MHA

Enc. Affidavit, Schedule A, Community Relocation Policy

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6 t 1.866.558.5506 f 709.729.2919
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

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Having made the foregoing general comments, I now turn to the specific appeal of [redacted] who were found by the Department to be non-resident property owners on Little Bay Islands. The circumstances are that [redacted] also have a home in [redacted] where they reside for much of the year. In their affidavit, they did not specify how many days they spent on Little Bay Islands in the period April 2011 to April 2013. What they have said is that their home on Little Bay Islands, which was at one time [redacted] is opened by them every year [redacted]. Their appeal states clearly that they are taxpayers, that [redacted]. They also raise the issue of discrimination inherent in the governmental Policy on Relocation of Communities.

I must make the point that I as reviewer have no mandate to alter or ignore the policy. My role is to ascertain from the facts presented whether I recommend that the Minister abide by or reverse the Department’s decision.

[redacted] have not demonstrated the 183 days per 12 month period over 24 months as required.

Non-resident property owner is defined in the policy with the accompanying proviso that non-resident property owners will normally include persons who maintain personal homes in the community, i.e. in this case Little Bay Islands.
Section 40(1): Personal Privacy

On a balance of probabilities, I have considered that there is reason to believe that though property owing taxpayers, are nevertheless seasonal residents and that their permanent home has been established For the reasons, I cannot recommend the Minister alter the Department’s decision.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

[Signature]
Hon. Robert Wells, Q.C.
Reviewer
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Sincerely,

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End, Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

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Having made the foregoing general comments, I now turn to the specific appeal by [blurred name] who was found by the Department not to be a permanent resident of Little Bay Islands. Thus, under that decision, becomes a non-resident property owner with [blurred name] permanent home being in [blurred name].

Permanent residency must be based on two essential requirements under 1.d. of the policy. Clause (a) requires residency in the community for at least 183 days in each of two 12 month periods, beginning in the case of Little Bay Islands in April 2011 and ending 24 months later in April 2013.

In [blurred name] case, [blurred name] affidavit shows that from April 2011 [blurred name] resided in Little Bay Islands for [blurred name] days. Thus, over the 24 month period [blurred name] resided in Little Bay Islands for [blurred name] days, which is in excess of the 183 days in each 12 month period, i.e. [blurred name] days in the first 12 month period and in the second 12 month period [blurred name] days. [blurred name] has thus met the requirement under clause (a) of 1.d.

The question then becomes the issue under clause (b) of the policy, i.e. did [blurred name] establish a permanent residency in [blurred name] where [blurred name] has another home. [blurred name]
It appears that the reason that [redacted] spent so many days living on Little Bay Islands was because [redacted] The difficult question here arises from clause 1.d(b) which says in respect of permanent residency on Little Bay Islands:

(b) The individual did not establish permanent residency in another Community.

In all of the circumstances, I find on a balance of probabilities that [redacted] This being so, I cannot recommend that the Minister alter the departmental decision that [redacted] is not a permanent resident under the terms of the Relocation Policy.

Dated at St. John’s, in the Province of Newfoundland and Labrador, this [redacted] day of April 2015.

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(b) The individual did not establish permanent residency in another Community; and
(c) Proof of (a) and (b) must be satisfactory to the Department.

Work on relocation assistance cannot take place until the Department reviews a request for relocation assistance, which in the case of Little Bay Islands was dated the 29th day of April 2013. When such a request is received, the Department must under the terms of the policy follow a series of steps which may or may not result in relocation assistance.

The first of these steps requires:

(a) The Department will determine the residuary states of persons in the community (i.e. Permanent, Resident or Non-Resident Property Owner) and give written notification of the determination made in that regard.

(b) As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

The determination of residency status will determine which persons are entitled to vote if the policy requires a vote to be held. It follows that if a vote is to be held, it will involve “voting aged Permanent Residents.”

Paragraph 3 of the policy which governs appeals says:
3. APPEAL OF RESIDENCY STATUS DETERMINATION

The Department's determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department's determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based upon either the interpretation of facts by the Department related to residency or upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria.

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department's decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

Within 15 calendar days of receiving an appeal of residency status, the Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal within 30 calendar days of being appointed. Having considered the reviewer's recommendation, the Minister will make a final determination of residency status.

I wish to make it clear to the reader, should it become an issue, that the reviewer's task and its scope is limited by the second paragraph, i.e. that the reviewer's role is to
review the work which went into the Department’s decision to find that the appellant is not a permanent resident and to examine the material provided by the appellant to determine whether there will be a recommendation either to alter the Department’s decision or to let it stand.

It is important to note that the reviewer may make a request for additional information but is not required to do so. Because of the importance of such recommendations to an individual appellant, I have decided that I will contact when I believe it is warranted some of the Little Bay Islands’ appellants. Contact will be by telephone, letter or face to face meetings depending on the circumstances.

Because of the number of appeals received and difficulties of winter travel, I have asked for and received an extension of my timeframe to complete. My original timeframe was 60 calendar days which would have expired on April 12, 2015. In recognition of winter travel difficulties I have been granted a sufficient extension.

Finally, before dealing with the substance of a particular appeal, I am reproducing the letter sent in June 2013 to the property owners in the community:
June 21, 2013

Resident / Property Owner

Re: Permanent Residents, Non-Residents and Property Owners – Little Bay Islands

Dear Resident / Property Owner:

On April 29, 2013, the Department of Municipal Affairs received a request from Little Bay Islands for relocation financial assistance.

As per the Community Relocation Policy, the residency status of persons and property owners in Little Bay Islands must be determined. Those determined to be permanent residents and permanent residential property owners will be permitted to vote on the question of relocation.

To assist government in this process, we ask that you complete and return the enclosed forms in the envelope provided by Wednesday, July 31, 2013. Please note that individuals should complete and return all forms applicable to them rather than making a joint submission. If we do not receive documentation from you by Wednesday, July 31, 2013, we will assume that you are not seeking permanent residency or property owner status.

In the event the included self-addressed envelope provided is lost or damaged, please forward all information to:

Community Relocation Office
Department of Municipal Affairs
Government of NL
Confederation Building
4th Floor, West Block
St. John’s, NL
A1B 4J6

A copy of the Community Relocation Policy is enclosed for your reference. Should you have any questions concerning this matter, please contact the Community Relocation Office at (709) 729-5288 or relocation@gov.nl.ca.

Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Central Regional Office, Municipal Affairs
Kevin Pollard, MHA

Enc., Affidavit, Schedule A, Community Relocation Policy
It is important for the appellants and in fact all readers of this recommendation to understand that the role of the reviewer is concerned only with the issue of whether a particular appellant is or is not, a permanent resident of the community of Little Bay Islands. In that connection, it is noteworthy that an appellant will in all cases have a residence in Little Bay Islands, but may also have a residence or residences elsewhere. The question then becomes, is the permanent residence on Little Bay Islands, or is the permanent residence elsewhere.

It is also important for the reader and appellants to understand that the reviewer has no mandate to recommend or discuss the policies adopted by Government. I mention this because a number of appellants have expressed in their appeal materials, criticism of or disagreement with, the relocation policies. I will not be commenting on such matters, because I am as reviewer bound to accept and be governed by the policies mandated by the Government of Newfoundland and Labrador through the Department of Municipal Affairs.
Having made the foregoing general comments, I now turn to the specific appeal of [redacted] who were found by the Department to be non-resident property owners on Little Bay Islands.

The first of the criteria, which persons declaring themselves to be permanent residents must meet, is the requirement that they have spent 183 days per 12 month periods from April 2011 to April 2013. [redacted] have shown that they bought [redacted] in Little Bay Islands. However, [redacted] found that [redacted] spending as much as six to seven months per year as residents of Little Bay Islands and that it had become their permanent residence.

At one time, they owned a home in [redacted] but it was sold when [redacted] According to the appellants, they do not have any home in Newfoundland and Labrador besides the Little Bay Islands home, [redacted]

As to time spent away from Little Bay Islands, [redacted]
Such visits are mainly to [redacted] and some of [redacted].

As to days shown in their affidavits to have been spent on Little Bay Islands, they show from April 2011 – [redacted] days, in 2012 – [redacted] days and to April 2013 – [redacted] days. These figures show total days over the 24 month period to be [redacted] days, well within the prescribed necessary number in the policy.

To the question of whether they have established permanent residency in another community, the answer is no. [redacted]

On the matter of addresses with respect to driver’s licenses and/or other records, I do not consider these factors to be determinative in the way that property ownership and residential time spent in a community are determinative.

Taking the entire circumstances of this appeal into consideration, I am of the opinion on a balance of probabilities that the [redacted] shown that their permanent residence in the period required has been and remains Little Bay Islands.
For the reasons given, I recommend to the Minister that he alter the status of the appellants to that of permanent residents of Little Bay Islands.

Dated at St. John's, in the Province of Newfoundland and Labrador, this 17th day of April, 2015.

Hon. Robert Wells, Q.C.
Reviewer
Information Note
Department of Municipal and Intergovernmental Affairs

Title: Potential Relocation of Little Bay Islands

Issue: Communication of the decision regarding the relocation of Little Bay Islands.

Background and Current Status:
- The Town of Little Bay Islands (Town) is located in the Baie Verte-Green Bay District.
- As per the Community Relocation Policy (Policy), the Department will only consider relocation financial assistance requests that are community-initiated and community-driven.
- The Town applied for relocation assistance in April 2013, after increased financial assistance was announced in Budget 2013.
- The Town’s Expression of Interest (EoI) vote showed that 89.65% were in favour of requesting relocation financial assistance. In the absence of direction in the Policy on this matter, it was determined that this level of community support justified Government utilizing its resources to further explore potential relocation. Consideration was also given to the possibility that some individuals may have voted in the EoI that may not be eligible as per the Policy, and vice versa.
- In August 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. As per the Policy, permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate.
- As per the Policy, a vote on relocation will occur by the voting-aged permanent residents if it is determined that the total cost of relocation assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost to Government to deliver services to the community for a twenty-year period.
- If at least 90% support is demonstrated by the voting-aged permanent residents and Government approves the relocation, then a further vote on relocation occurs by the permanent residential property owners, where again at least 90% support is required to be demonstrated when conditional offers to purchase are signed.
- On October 2, 2015, the Cost Benefit Analysis (CBA) for the Town was approved which indicated that the currently known cost to government to relocate was $14,570,900 and the NPV estimated savings/benefit was $17,629,089 resulting in $3,058,189 in overall savings/benefit to the Province.
- As a result of the Town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.
• It was requested that all ballots were completed and returned by November 9\textsuperscript{th}, 2015. However, by November 4, all completed ballots were received.
• Following a number of vote re-counts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition resulting in 89.47 per cent support for relocation.
• The Policy states that if the vote does not confirm that at least 90\% of the eligible voters want to relocate, Government’s consideration of the relocation request will stop.
• The Policy also states that the Department of Municipal and Intergovernmental Affairs (MIGA) will only release the aggregate results of the vote and will not release the specifics of how any identifiable individual voted.

Analysis:
• The community vote did not yield the required 90 per cent minimal support as per the Policy. Therefore, government should cease its consideration of their request.
• Following notification to the Town that they are no longer being considered for relocation financial assistance, it is anticipated that a number of questions and/or concerns will be identified, such as:
  • Could MIGA round up to 90 per cent as they did in the EoI vote?;
  • Could the community re-vote to give opportunity to eligible voters to reconsider due to closeness of initial vote rather than having to re-apply and start-over?
  • Could certain permanent resident determinations be questioned in light of known concerns and new information that certain individuals were wrongly determined to be permanent residents?
• If the Town council and/or residents express their dissatisfaction with the result and decision, it should be communicated that consideration of all matters related to this file will be deferred until a new Government is in place. This is in accordance with the guidelines on the conduct of government and public servants during an election.

Next Steps:
• On November 9\textsuperscript{th}, 2015, the Department will notify the Town that they did not achieve at least 90 per cent support for relocation as required under the Policy. As such, Government’s consideration of the Little Bay Islands relocation request will stop.
• It will be communicated that out of a total of 95 ballots, 85 ballots supported relocation, while 10 ballots opposed relocation.

Prepared/Approved by: A.Wright / A.Morgans
Ministerial approval:

Date: November 5, 2015
Little Bay Islands Town Council  
P.O. Box 64  
Little Bay Islands, NL  
A0J 1K0  
lbitowncouncil@eastlink.ca

Dear Mayor Weir and Council:

As you are aware, in November 2015, ballots were received from residents of Little Bay Islands indicating 89.47 per cent support for relocation.

As you are also aware, government’s Community Relocation Policy requires that ninety per cent or more of the voting aged permanent residents must vote to relocate for the relocation process to proceed. As a result, the process for relocation for Little Bay Islands will not be proceeding any further.

I wish to note that the Department of Municipal Affairs will be undertaking a review of the Community Relocation Policy in the coming months. Once the review is finalized, should Little Bay Islands still have an interest in relocation, it may apply under the revised policy.

Should you have any questions relating to the above, please contact Andrew Wright, Manager, Community Liaison at 729-7143 or andrewwright@gov.nl.ca.

Sincerely,

EDDIE JOYCE

cc MHA Brian Warr, Baie Verte – Green Bay  
Local Governance Division, Department of Municipal Affairs
Information Note
Department of Municipal Affairs

Title: Potential Relocation of Little Bay Islands

Issue: The Department of Municipal Affairs will communicate to the residents of Little Bay Islands that it did not achieve the required 90 per cent support for relocation and therefore, as per the Policy, government’s consideration of the relocation will cease.

Background and Current Status:
- The Town of Little Bay Islands (Town) is located in the Baie Verte-Green Bay District. The Town applied for relocation assistance in April 2013, after increased financial assistance was announced in Budget 2013.

- The Town’s Expression of Interest (Eoi) vote showed that 89.65 per cent were in favour of requesting relocation financial assistance. In the absence of direction in the Community Relocation Policy (Policy) on this matter, it was determined that this level of community support justified government utilizing its resources to further explore potential relocation.

- In August 2013, the Department of Municipal Affairs (MA) received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. Information gathered as part of this process included information on (where applicable): number of days spent in the community; property ownership; business-related documentation; income tax returns; driver license; utility bills; birth certificate; marriage license; and letter from a doctor, school or employer in support of an exemption.

- As per the Policy, voting-aged permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate if it is determined that the total cost of relocation financial assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost savings to government to deliver services to the community for a twenty-year period.

- MA officials originally determined that there were 84 voting-aged permanent residents of the Town. However, after property owners/individuals were notified of the result, 18 appeals by property owners/individuals deemed by MA to be non-permanent residents were received. The independent reviewer appointed by the department, the Honourable Robert Wells, reviewed the appeals and recommended 7 of the appeals should be overturned, which consisted of 11 voting-aged permanent residents.

- On October 2, 2015, the Cost Benefit Analysis (CBA) for the Town was approved which indicated that the currently known cost to government to relocate was $14,570,900 and the Net Present Value estimated savings was $17,629,089 resulting in $3,058,189 in overall savings/benefit to the province.
• As a result of the Town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.

• By November 4, 2015, all completed ballots were received. Following a number of vote recounts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition, resulting in 89.47 per cent support for relocation.

• The Policy states that if the vote does not confirm that at least 90 per cent of the eligible voters want to relocate, government’s consideration of the relocation request will stop.

• The result of the vote was communicated to the Town on November 12, 2015. The Town was advised that there would be no further action on their relocation request until after the provincial election.

• On January 11, 2016, Minister Joyce and officials of the department met with MHA Brian Warr. MHA Warr noted the impact on members of the community as they wait for a decision.

Analysis:
• The Policy states that if the vote does not confirm that at least 90 per cent of the eligible voters want to relocate, government’s consideration of the relocation will stop. The Policy is silent on the appropriateness of using rounding for determining the community’s vote.

• Based on the results of the vote, an additional “yes” vote would be required to achieve 90 per cent.

• Once government announces that it will not be proceeding with the relocation, it may receive criticism from those who wish to relocate.

• Some permanent and non-permanent residents of the Town have questioned MA’s determination of “permanent residents” noting that they feel the number has been overestimated. These concerns have been raised in the media. This issue stems from the definition of a permanent resident in the Policy which allows a person to be absent from the community for nearly half a year. Furthermore, certain Policy exemptions related to work and medical reasons have also resulted in people being deemed permanent residents when they spend time elsewhere.

• The policy provides for an appeal of residency determinations and indeed many of these appeals were heard by an independent third party in accordance with the policy. Beyond, this process, the current Policy does not address a further appeal process for the Town or individuals. As a result, any deviation from the Policy relating to residency at this time will likely result in a request for judicial review.
Next Steps:

- The Department will notify the Town that they did not achieve at least 90 per cent support for relocation as required under the Policy. As such, Government’s consideration of the Little Bay Islands relocation request will stop. Minister Joyce has indicated that he will call the Mayor prior to sending official correspondence.

- The Department will also communicate that it is undertaking a review of the Community Relocation Policy and following the completion of that review, should Little Bay Islands choose to apply under the revised policy, it may do so. This review will consider lessons learned during the Little Bay Islands relocation process as well as other active relocation files.

Prepared/Approved by: H. Tizzard

Ministerial approval:

Date: January 11, 2016
Andy Morgans  
Director of Local Governance  
Department of Municipal and Intergovernmental Affairs  
4th Floor (West Block), Confederation Building  
P.O. Box 8700  
St. John's, NL, A1B 4J6

andymorgans@gov.nl.ca  
Tel: 709-729-5539  
Fax: 709-729-4475

From: Tizzard, Heather  
Sent: Tuesday, November 10, 2015 9:07 AM  
To: Morgans, Andy; Guest, Kevin J; Wright, Andrew  
Subject: RE: For review:

I think the idea is to acknowledge the ambiguity with respect to next steps given the result of the vote (and whether it is appropriate to round up or not) and that given we are in the writ period no such decisions will be made.

I just tweaked a little:

The Department of Municipal and Intergovernmental Affairs has received the ballots from voting aged permanent residents of Little Bay Islands; 85 voted yes to relocate and 10 voted no. Due to the result of this vote (89.47 percent) in relation to the policy threshold of 90 percent support required for relocation, next steps will be considered after the provincial election.

From: Morgans, Andy  
Sent: Tuesday, November 10, 2015 8:40 AM  
To: Guest, Kevin J; Tizard, Heather; Wright, Andrew  
Subject: RE: For review:

I felt the original wording indicated our uncertainty with how to interpret our policy in light of their vote so propose the following instead:

The Department of Municipal and Intergovernmental Affairs has received the ballots from voting aged permanent residents of Little Bay Islands; 85 voted yes to relocate and 10 voted no. Due to the restrictions of the writ period, next steps will be communicated to the Town after the provincial election.

Andy Morgans  
Director of Local Governance  
Department of Municipal and Intergovernmental Affairs  
4th Floor (West Block), Confederation Building
From: Guest, Kevin J  
Sent: Tuesday, November 10, 2015 8:23 AM  
To: Tizzard, Heather; Morgans, Andy; Wright, Andrew  
Subject: For review:

The Department of Municipal and Intergovernmental Affairs has received the ballots from voting aged permanent residents of Little Bay Islands; 85 voted yes to relocate and 10 voted no. Given this percentage (89.47 per cent) and that the department’s policy states 90 per cent and we are currently in a writ period, the department will wait until after the provincial election before a decision is made on next steps for the file.

Kevin Guest  
Director of Communications

Department of Municipal and Intergovernmental Affairs  
Government of Newfoundland and Labrador  
e: kevinjguest@gov.nl.ca  
http://www.miga.gov.nl.ca | @MA_GovNL
Hi All,  

Section 30(1)(b)

-----Original Message-----
From: Morgans, Andy
Sent: Thursday, November 05, 2015 12:33 PM
To: Chippett, Jamie
Cc: Tizzard, Heather; O'Shea, Isobel
Subject: HP TRIM DOCUMENT : DOC/2015/05159 : Notes - Information - Information Note LBI Relocation Vote Result November 2015

Jamie

Heather directed that I send the updated information note on the LBI relocation vote result to you for your review.

Any questions pls ask.

Thks

------< HP TRIM Record Information >------

Record Number: DOC/2015/05159
Title: Notes - Information - Information Note LBI Relocation Vote Result November 2015
Title: Potential Relocation of Little Bay Islands

Issue: Communication of the Little Bay Islands relocation vote.

Background and Current Status:
- The Town of Little Bay Islands (Town) is located in the Baie Verte-Green Bay District.
- As per the Community Relocation Policy (Policy), the Department will only consider relocation financial assistance requests that are community-initiated and community-driven.
- The Town applied for relocation assistance in April 2013, after increased financial assistance was announced in Budget 2013.
- The Town’s Expression of Interest (EoI) vote showed that 89.65% were in favour of requesting relocation financial assistance. In the absence of direction in the Policy on this matter, it was determined that this level of community support justified Government utilizing its resources to further explore potential relocation. Consideration was also given to the possibility that some individuals may have voted in the EoI that may not be eligible as per the Policy, and vice versa.
- In August 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. As per the Policy, permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate.
- As per the Policy, a vote on relocation will occur by the voting-aged permanent residents if it is determined that the total cost of relocation assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost to Government to deliver services to the community for a twenty-year period.
- If at least 90% support is demonstrated by the voting-aged permanent residents and Government approves the relocation, then a further vote on relocation occurs by the permanent residential property owners, where again at least 90% support is required to be demonstrated when conditional offers to purchase are signed.
- On October 2, 2015, the Cost Benefit Analysis (CBA) for the Town was approved which indicated that the currently known cost to government to relocate was $14,570,900 and the NPV estimated savings/benefit was $17,629,089 resulting in $3,058,189 in overall savings/benefit to the Province.
- As a result of the Town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.
- It was requested that all ballots were completed and returned by November 9th, 2015. However, by November 4th, all completed ballots were received.
• Following a number of vote re-counts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition resulting in 89.47 per cent support for relocation.
• The Policy states that if the vote does not confirm that at least 90% of the eligible voters want to relocate, Government’s consideration of the relocation request will stop.
• The Policy also states that the Department of Municipal and Intergovernmental Affairs (MIGA) will only release the aggregate results of the vote and will not release the specifics of how any identifiable individual voted.

Analysis:
• The community vote did not yield the required 90 per cent minimal support as per the Policy. Therefore, consistent with the Policy, Government’s consideration of the request will stop. Should cease its consideration of their request.
• Following notification to the Town that they are no longer being considered for relocation financial assistance, it is anticipated that a number of questions and/or concerns will be identified, such as:
  o Could MIGA round up to 90 per cent as they did in the Eoi vote?
  o Could the community re-vote to give opportunity to eligible voters to reconsider due to closeness of initial vote rather than having to re-apply and start-over?
  o Could certain permanent resident determinations be questioned in light of known concerns and new information that certain individuals were wrongly determined to be permanent residents?
• If the Town council and/or residents express their dissatisfaction with the result and decision, it should be communicated that consideration of all matters related to this file will be deferred until a new Government is in place. This is in accordance with the parliamentary convention known as the caretaker convention and the approach recommended in Cabinet Secretariat’s Fall 2015 Guidelines on the Conduct of Government and Public Servants During an Election.

Next Steps:
• On November 9th, 2015, the Department will notify the Town that they did not achieve at least 90 per cent support for relocation as required under the Policy. As such, Government’s consideration of the Little Bay Islands relocation request will stop.
• It will be communicated that out of a total of 95 ballots, 85 ballots supported relocation, while 10 ballots opposed relocation.

Prepared/Approved by: A. Wright / A. Morgans
Ministerial approval:

Date: November 5, 2015
Meeting Note
Department of Municipal Affairs
Town of Little Bay Islands
January 11, 2016 at 11 a.m.
Executive Boardroom, 4th Floor, West Block

Attendees: Minister Eddie Joyce, Parliamentary Secretary Graham Letto, MHA Brian Warr, Mr. Jamie Chippett, Deputy Minister, and Ms. Heather Tizzard, Assistant Deputy Minister of Municipal Support.

Purpose of Meeting: The meeting has been requested by MHA Warr to discuss the relocation of the Town of Little Bay Islands. Information on this item is outlined below. Some additional background is also provided on the town, specifically related to the programs offered through the Department of Municipal Affairs (MA).

Background:
- The Town of Little Bay Islands (the town) is located in the Baie Verte – Green Bay district. The town’s mayor is Debbie Weir.
- The Central Regional Office advises the debt service ratio for the town was 17.02 per cent, as per their 2015 Budget.
- The town’s Municipal Operating Grant is $29,023.
- In 2014-15, the town received $25,226 in Community Enhancement Employment Program (CEEP) funding. The town did not apply for CEEP funding in 2015-16.
- The town has not received Special Assistance or Municipal Capital Works funding in recent years.
- The town is anticipated to receive an estimated $36,097 over three fiscal years through the Community Sustainability Partnership (CSP), based on the most recent available data as outlined in the following table:

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>2015-16</th>
<th>2016-17</th>
<th>2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Rebate of Provincial Portion of Harmonized Sales Tax (HST) (25% as of Jan. 1, 2016 / 57.14% as of Jan. 1, 2017)</td>
<td>$368</td>
<td>$1,947</td>
<td>$3,368</td>
</tr>
<tr>
<td>Sharing of Provincial Gas Tax Revenue (GTR) (0.5¢ / 0.75¢ / 1¢)</td>
<td>$6,759</td>
<td>$10,138</td>
<td>$13,517</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,127</strong></td>
<td><strong>$12,085</strong></td>
<td><strong>$16,885</strong></td>
</tr>
</tbody>
</table>

1 Actual rebates of the Provincial portion of the HST will depend on HST-eligible expenditures in a given year. Implementation details are still being finalized, but it is expected that local governments will apply to the Canada Revenue Agency, who will issue the rebate directly to them, as is done with the current rebate of the Federal portion of the HST.

2 GTR allocations are based on 50% of the annual revenue total divided equally among all municipalities, with the remaining 50% allocated on a per capita basis, using latest Census population figures. Total funding amount will be based on annual provincial gasoline tax revenues (not including propane, aviation and other fuel types), subject to fluctuations in actual revenue collected, and the release of Census 2016 figures (expected in 2016-17).
Agenda item #1: Relocation

- The town applied for relocation assistance in April 2013 and demonstrated adequate residents’ support at the time through their initial expression of interest vote for relocation (89.65 per cent in support of relocation). This level of support justified government utilizing its resources to further explore potential relocation.

- Originally, department officials determined there were 84 voting-aged permanent residents of the town. However, after property owners/individuals were notified, 18 appeals of permanent resident status were received. The independent reviewer, the Honourable Robert Wells, recommended seven of the appeals be overturned, which consisted of 11 voting-aged permanent residents. MA accepted all recommendations of the reviewer. This changed the final number of eligible voters to 95.

- In October 2015, the cost benefit analysis (CBA) for the town indicated the currently known cost to government to relocate was $14,570,900, and the net present value estimated savings was $17,629,089, resulting in $3,058,189 in overall savings to the Province over a 20 year period. As a result of the town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their ballots.

- A total of 95 voting-aged permanent residents voted on the relocation. The result of the vote was **89.47 per cent in support of relocation** (85 ballots in support of relocation, and 10 ballots in opposition). The result of the vote was communicated to the town on November 12, 2015.

**Analysis:**

- The Community Relocation Policy states that if the vote does not confirm that at least 90 per cent of the eligible voters want to relocate, government’s consideration of the relocation request will stop. The policy is silent on the appropriateness of using rounding for determining the community’s vote.

- Some permanent and non-permanent residents feel the number of permanent residents has been over-estimated, which has been raised in the media. This issue stems from the policy definition of permanent resident, allowing a person to be absent from the community for
nearly half a year. Furthermore, there are certain policy exemptions due to work and/or medical reasons.

• Should government continue to consider the town’s request for relocation financial assistance, the payout to eligible recipients will be approximately $14.57M. There is no dedicated budget for relocation, and the funding would likely be required during fiscal year 2016-17.

Potential Speaking Points:
• The Minister may wish to thank MHA Warr for discussing this matter, and recognize that the residents of Little Bay Islands are anxiously awaiting government’s decision on the relocation process.

• The Minister may wish to note that while government has been flexible with the policy in certain areas (i.e. extension for the appeal reviewer to submit his recommendations due to the high number of appeals received and also flexibility with the reduced financial assistance for Nipper’s Harbour), at this time, government is not considering flexibility with the 90 per cent support required for relocation.

• In accordance with the policy, the Minister may wish to suggest that he inform the town that their relocation request is no longer being considered by government due to the town not achieving the required 90 per cent support for relocation.

Proposed Action:
• It is proposed that government cease further consideration of the town’s relocation request and inform the town that their relocation request is no longer being considered due to the town not achieving the required 90 per cent support.

Prepared by/ approved by: C. Orsborn/ H. Tizzard/ J. Chippett (Pending)
January 6, 2016
Can you have a look at this one and see if you'd like to add anything from comms perspective before I transmit?

Thanks

Jamie

Your message is ready to be sent with the following file or link attachments:

Notes - Information - Information Note LBI Relocation Vote Result November 6 2015.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
Title: Potential Relocation of Little Bay Islands

Issue: Communication of the Little Bay Islands relocation vote.

Background and Current Status:
- The Town of Little Bay Islands (Town) is located in the Baie Verte-Green Bay District.
- As per the Community Relocation Policy (Policy), the Department will only consider relocation financial assistance requests that are community-initiated and community-driven.
- The Town applied for relocation assistance in April 2013, after increased financial assistance was announced in Budget 2013.
- The Town’s Expression of Interest (EoI) vote showed that 89.65% were in favour of requesting relocation financial assistance. In the absence of direction in the Policy on this matter, it was determined that this level of community support justified Government utilizing its resources to further explore potential relocation. Consideration was also given to the possibility that some individuals may have voted in the EoI that may not be eligible as per the Policy, and vice versa.
- In August 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. As per the Policy, permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate.
- As per the Policy, a vote on relocation will occur by the voting-aged permanent residents if it is determined that the total cost of relocation assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost to Government to deliver services to the community for a twenty-year period.
- If at least 90% support is demonstrated by the voting-aged permanent residents and Government approves the relocation, then a further vote on relocation occurs by the permanent residential property owners, where again at least 90% support is required to be demonstrated when conditional offers to purchase are signed.
- On October 2, 2015, the Cost Benefit Analysis (CBA) for the Town was approved which indicated that the currently known cost to government to relocate was $14,570,900 and the NPV estimated savings/benefit was $17,629,089 resulting in $3,058,189 in overall savings/benefit to the Province.
- As a result of the Town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.
- It was requested that all ballots were completed and returned by November 9th, 2015. However, by November 4th, all completed ballots were received.
• Following a number of vote re-counts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition resulting in 89.47 per cent support for relocation.

• The Policy states that if the vote does not confirm that at least 90% of the eligible voters want to relocate, Government’s consideration of the relocation request will stop.

• The Policy also states that the Department of Municipal and Intergovernmental Affairs (MIGA) will only release the aggregate results of the vote and will not release the specifics of how any identifiable individual voted.

Analysis:

• The community vote did not yield the required 90 per cent minimal support as per the Policy. Therefore, consistent with the Policy, Government’s consideration of the request will stop.

• Following notification to the Town that they are no longer being considered for relocation financial assistance, it is anticipated that a number of questions and/or concerns could be identified, such as:
  o Could MIGA round up to 90 per cent as they did in the EoI vote?
  o Could the community re-vote to give opportunity to eligible voters to reconsider due to closeness of initial vote rather than having to re-apply and start-over?
  o Questions about permanent resident determinations and how the determinations could have impacted the results?

• If the Town council and/or residents express their dissatisfaction with the result and decision, it should be communicated that consideration of all matters related to this file will be deferred until after the election. This is in accordance with the parliamentary convention known as the caretaker convention and the approach recommended in Cabinet Secretariat’s Fall 2015 Guidelines on the Conduct of Government and Public Servants During an Election.

Next Steps:

• On November 9th, 2015, the Department will notify the Town that they did not achieve at least 90 per cent support for relocation as required under the Policy. As such, Government’s consideration of the Little Bay Islands relocation request will stop.

• It will be communicated that out of a total of 95 ballots, 85 ballots supported relocation, while 10 ballots opposed relocation.

Prepared/Approved by: A.Wright / A.Morgans / J. Chippett
Ministerial approval:
Date: November 5, 2015
FW: Emailing: Notes - Information - Information Note LBI Relocation Vote Result November 6 2015.doc

FVI and in case you are asked for info on it.

Jamie

-----Original Message-----
From: Chippett, Jamie
Sent: Friday, November 06, 2015 12:51 PM
To: Hutchings, Keith
Subject: Emailing: Notes - Information - Information Note LBI Relocation Vote Result November 6 2015.doc

This is the BN on LBI relocation results and analysis. With your permission, I will have CS advance to the Premier’s Office. I have provided them with a draft in event Premier is looking for additional detail.

Jamie

Your message is ready to be sent with the following file or link attachments:

Notes - Information - Information Note LBI Relocation Vote Result November 6 2015.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
Information Note
Department of Municipal and Intergovernmental Affairs

Title: Potential Relocation of Little Bay Islands

Issue: Communication of the Little Bay Islands relocation vote.

Background and Current Status:
- The Town of Little Bay Islands (Town) is located in the Baie Verte-Green Bay District.
- As per the Community Relocation Policy (Policy), the Department will only consider relocation financial assistance requests that are community-initiated and community-driven.
- The Town applied for relocation assistance in April 2013, after increased financial assistance was announced in Budget 2013.
- The Town’s Expression of Interest (EoI) vote showed that 89.65% were in favour of requesting relocation financial assistance. In the absence of direction in the Policy on this matter, it was determined that this level of community support justified Government utilizing its resources to further explore potential relocation. Consideration was also given to the possibility that some individuals may have voted in the EoI that may not be eligible as per the Policy, and vice versa.
- In August 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. As per the Policy, permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate.
- As per the Policy, a vote on relocation will occur by the voting-aged permanent residents if it is determined that the total cost of relocation assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost to Government to deliver services to the community for a twenty-year period.
- If at least 90% support is demonstrated by the voting-aged permanent residents and Government approves the relocation, then a further vote on relocation occurs by the permanent residential property owners, where again at least 90% support is required to be demonstrated when conditional offers to purchase are signed.
- On October 2, 2015, the Cost Benefit Analysis (CBA) for the Town was approved which indicated that the currently known cost to government to relocate was $14,570,900 and the NPV estimated savings/benefit was $17,629,089 resulting in $3,058,189 in overall savings/benefit to the Province.
- As a result of the Town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.
- It was requested that all ballots were completed and returned by November 9th, 2015. However, by November 4th, all completed ballots were received.
- Following a number of vote re-counts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition resulting in 89.47 per cent support for relocation.
- The Policy states that if the vote does not confirm that at least 90% of the eligible voters want to relocate, Government’s consideration of the relocation request will stop.
• The Policy also states that the Department of Municipal and Intergovernmental Affairs (MIGA) will only release the aggregate results of the vote and will not release the specifics of how any identifiable individual voted.

Analysis:
• The community vote did not yield the required 90 per cent minimal support as per the Policy. Therefore, consistent with the Policy, Government’s consideration of the request will stop.
• Once the public is aware of the results it is anticipated that a number of questions and/or concerns could be identified, such as:
  o Could MIGA round up to 90 per cent as they did in the EoI vote?
  o Could the community re-vote to give opportunity to eligible voters to reconsider due to closeness of initial vote rather than having to re-apply and start-over?
  o Questions about permanent resident determinations and how the determinations could have impacted the results?
• Given that the deadline for ballots will occur during the writ period, it is expected that this may become a significant issue during that time. The Department will consult with the Cabinet Secretariat and Communications Branch if requests for the results are received and how such requests should be addressed.
• If the Town council and/or residents express their dissatisfaction with the result and decision, it should be communicated that consideration of all matters related to this file will be deferred until after the election. This is in accordance with the parliamentary convention known as the caretaker convention and the approach recommended in Cabinet Secretariat’s Fall 2015 Guidelines on the Conduct of Government and Public Servants During an Election.

Next Steps:
• The Department will consult with Communications Branch and Cabinet Secretariat in advance of any notification to the Town or statements in response to requests for the results.
• If communication of the results occurs after consultation noted above, the Department will notify the Town and requestors that they did not achieve at least 90 per cent support for relocation as required under the Policy and that out of a total of 95 ballots, 85 ballots supported relocation, while 10 ballots opposed relocation.

Prepared/Approved by: A.Wright / A.Morgans / J. Chippett
Ministerial approval:
Date: November 5, 2015
Winters, Scott

From: Chippett, Jamie
Sent: Friday, November 06, 2015 12:51 PM
To: Hutchings, Keith
Subject: Emailing: Notes - Information - Information Note LBI Relocation Vote Result November 6 2015.doc
Attachments: Notes - Information - Information Note LBI Relocation Vote Result November 6 2015.doc

This is the BN on LBI relocation results and analysis. With your permission, I will have CS advance to the Premier's Office. I have provided them with a draft in event Premier is looking for additional detail.

Jamie
Your message is ready to be sent with the following file or link attachments:

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Information Note
Department of Municipal and Intergovernmental Affairs

Title: Little Bay Islands Relocation Process

Issue: To provide an overview and current status of the Little Bay Islands relocation process.

Background and Current Status:
- The Community Relocation Policy (policy) was developed in 2009 to provide relocation financial assistance to qualifying communities. The policy was revised in 2013 to increase the maximum eligible assistance from $100,000 to $270,000 and to remove the ability for commercial property owners to vote.

- The Department of Municipal and Intergovernmental Affairs (MIGA) will only consider relocation assistance requests that are community-initiated and community-driven and that meet all of the following criteria:
  - The total cost of relocation assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost to government to deliver services to the community for a 20-year period;
  - A vote on relocation demonstrates that 90 percent or more of the voting aged permanent residents wish to relocate; and
  - 90 percent or more of the permanent residential property owners subsequently sign government’s conditional offers to purchase.

- The amount of financial assistance payable to permanent residential property owners is determined by the number of permanent residents living in the household:

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<th>Number of Permanent Residential Property Owners and their Minor Dependents per Household</th>
<th>Total Household Relocation Assistance</th>
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<td>$260,000</td>
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<td>3 or more</td>
<td>$270,000</td>
</tr>
</tbody>
</table>

- The amount of financial assistance payable to each permanent resident of voting age who is not a permanent residential property owner is $10,000.

- MIGA currently has five active relocation files in various stages of progress: Round Harbour (applied under the 2009 policy); Snook’s Arm; William’s Harbour; Nipper’s Harbour; and Little Bay Islands. Votes have already occurred in Round Harbour (100 per cent in favour of relocation) and William’s Harbour (96 per cent in favour of relocation). While a judicial review, which may impact the overall relocation result for William’s Harbour is in progress (Applications in early 2016; no hearing date set) this has been communicated to the community.
- The Town of Little Bay Islands (town) applied for relocation assistance in April 2013.

- Once a community expresses interest in relocation, MIGA officials work with the community to determine if there is sufficient community support to warrant government expending resources on the relocation process. This may be done through an “expression of interest” vote or a petition showing a sufficient level of support. This level of support should be close to, but does not have to be exactly 90 per cent as with the formal relocation vote as there may be fluctuations in those who can finally formally vote when the final permanent residency determinations are made.

- The town’s expression of interest vote showed that 89.65% were in favour of requesting relocation financial assistance. It was determined that this level of community support warranted government exploring potential relocation.

- In August 2013, MIGA received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. Information gathered as part of this process included information on (where applicable): number of days spent in the community; property ownership; business-related documentation; income tax returns; driver’s license; utility bills; birth certificate; marriage license; and letter from a doctor, school or employer in support of an exemption.

- Permanent residency is established if, in each of the two 12-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:
  (a) The individual resided in the Community for at least 183 days in each of the two 12-month periods (with absences for various reasons accepted as residency: education, medical reasons substantiated by Doctor’s note, employment outside community but returning in periods on non-employment);
  (b) The individual did not establish permanent residency in another Community; and
  (c) Proof of (a) and (b) must be satisfactory to the Department.

- On October 2, 2015, the cost benefit analysis (CBA) for the town indicated that the currently known cost to government to relocate is $14,570,900 and the Net Present Value estimated savings is $17,629,089 resulting in $3,058,189 in overall savings to the Province. The CBA is conducted by MIGA officials in consultation with the Department of Finance and other departments that may provide services to that community. In this case, this included the Departments of Transportation and Works (ferry service) and Education and Early Childhood Development (school), as well as NL Hydro (diesel power generation), among others.

- As a result of the town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.

- By November 4, 2015, all completed ballots were received. Following a number of vote recounts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition, resulting in 89.47 per cent support for relocation.
• The result of the vote was communicated to the town on November 12, 2015. A MIGA official verbally advised the town that there would be no further action on the relocation request until the provincial election concluded. MIGA also released this information to the media in response to queries about the results and indicated that next steps will be determined following the provincial election.

Analysis:
• Departmental officials originally determined there were 84 voting-aged permanent residents of the town. After property owners/individuals were notified of the result, 18 appeals (some related to more than one voting aged permanent residents) were received from property owners/individuals deemed by the department to be non-permanent residents. The independent reviewer appointed by the department, the Honourable Robert Wells, reviewed the appeals and recommended seven of the appeals should be overturned, which consisted of 11 voting-aged permanent residents. MIGA accepted all recommendations of the reviewer.

• Given that not all voting-aged permanent residents are property owners, the town may not meet the 90 percent minimal threshold for conditional offers to purchase.

• MIGA advises that there is a vocal group of non-permanent/seasonal property owners of the town (who have named themselves “Friends of Little Bay Islands”) who oppose relocation and will likely argue strict interpretation of the policy with respect to the percentage of votes required. If the relocation process proceeds, they may be critical of components of the CBA.

• Additionally, some permanent and non-permanent residents of the town have questioned MIGA’s determination of “permanent residents”, noting that they feel the number has been over-estimated and based on false information. These concerns have been raised in the media.

• Given the strong views expressed in the past by those for and against, it is likely that the somewhat limited reaction to date is a result of the ongoing provincial election and the indication that next steps will not be decided until after this period.

• If approved, the relocation of the town will cost $14.6M. There is no dedicated budget for relocation funding.

Action Being Taken:
• Following the election, MIGA will seek ministerial direction on whether to proceed to Cabinet with the relocation request given the vote result. Communications considerations will be a part of this briefing.

• If it is decided a result of 89.47 percent warrants proceeding, the next steps involve: confirming number of commercial properties; assessing their value; and formally seeking Cabinet approval of the relocation and associated funds.

Prepared/approved by: A. Morgans/ H. Tizzard/J. Chippett, DM  
November 23, 2015
Caroline,

Can you have a read as a new set of eyes for typos and anything I haven’t articulated properly? I haven’t had enough caffeine yet.

If all good can you have this TRIMed and ask someone in IGAS to upload it to TRIM.

Jamie

Your message is ready to be sent with the following file or link attachments:

DOC 2015 05259 Information Note LBI Relocation November 2015 (revNov23).doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
Jamie,

Please see attached note on LBI relocation.

Sherry, can you please put this updated one in TRIM?

Thanks,

Caroline
Information Note
Department of Municipal and Intergovernmental Affairs

Title: Little Bay Islands

Issue: To provide an overview and current status of the Little Bay Islands relocation process.

Background and Current Status:
- The Town of Little Bay Islands (town) is located in the Baie Verte-Green Bay District. The town applied for relocation assistance in April 2013. The town is eligible for the financial assistance which was announced in Budget 2013.

- The town’s expression of interest vote showed that 89.65% were in favour of requesting relocation financial assistance. In the absence of direction in the Community Relocation Policy (policy) on this matter, it was determined that this level of community support warranted government exploring potential relocation.

- In August 2013, the Department of Municipal and Intergovernmental Affairs (MIGA) received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. Information gathered as part of this process included information on (where applicable): number of days spent in the community; property ownership; business-related documentation; income tax returns; driver’s license; utility bills; birth certificate; marriage license; and letter from a doctor, school or employer in support of an exemption.

- As per the policy, voting-aged permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate if it is determined that the total cost of relocation financial assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost savings to government to deliver services to the community for a twenty-year period.

- On October 2, 2015, the cost benefit analysis (CBA) for the town was approved which indicated that the currently known cost to government to relocate was $14,570,900 and the Net Present Value estimated savings/benefit was $17,629,089 resulting in $3,058,189 in overall savings/benefit to the Province.

- As a result of the town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.

- By November 4, 2015, all completed ballots were received. Following a number of vote recounts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition, resulting in 89.47 per cent support for relocation. The
policy requires at least 90% of eligible voters to vote in favour of relocation in order for government to proceed.

- The result of the vote was communicated to the town on November 12, 2015. A MIGA official verbally advised the town that there would be no further action on the relocation request until the provincial election concluded. This information was also released to the media.

Analysis:
- Departmental officials originally determined that there were 84 voting-aged permanent residents of the town. After property owners/individuals were notified of the result, 18 appeals were received from property owners/individuals deemed by the department to be non-permanent residents. The independent reviewer appointed by the department, the Honourable Robert Wells, reviewed the appeals and recommended seven of the appeals should be overturned, which consisted of 11 voting-aged permanent residents.

- If direction is received to proceed with the relocation request, the policy also requires that at least 90 percent of permanent residential property owners sign conditional offers to convey their properties to government. Given that not all voting-aged permanent residents are property owners, the town may not meet the 90 percent minimal threshold for conveyances.

- MIGA advises that there is a vocal group of non-permanent/seasonal property owners of the town (who have named themselves “Friends of Little Bay Islands”) who oppose relocation and will likely argue strict interpretation of the policy with respect to the percentage of votes required. If the relocation process proceeds, they may be critical of components of the CBA.

- Additionally, some permanent and non-permanent residents of the town have questioned MIGA’s determination of “permanent residents”, noting that they feel the number has been over-estimated. These concerns have been raised in the media.

Action Being Taken:
- Following the election, MIGA will seek direction on whether to proceed with the relocation process for the town given the vote result. If it is decided that a result of 89.47 percent warrants proceeding with the relocation, the next steps in the process involve: confirming the number of commercial properties in the community; assessing the value of the commercial properties; and formally seeking government approval of the relocation and the provision of funds for relocation.

Prepared/approved by: A. Morgans/ H. Tizzard
November 18, 2015
Jamie,

Please see attached updated note for your review.

Please see Heather’s responses to your questions in red below.

Sherry, can you please put this in TRIM?

Thanks,

Caroline

Caroline Orsborn, B.A., M.E.R. | Program & Policy Development Specialist
Policy & Strategic Planning Division
Department of Municipal and Intergovernmental Affairs
Government of Newfoundland and Labrador
4th Floor Confederation Building, West Block
P.O. Box 8700
St. John’s, NL, A1B 4J6
t: 709.729.0080 | f: 709.729.4475 | e: carolineorsborn@gov.nl.ca

From: Chippett, Jamie
Sent: Thursday, November 19, 2015 10:40 PM
To: Orsborn, Caroline
Cc: Auchinleck, Sherry L.; Kelly, Tara; Spurrell, Dana
Subject: Re: BN for review

Thanks for this.

Given the audience for this note I believe we should add a couple of bullets saying when the relocation policy was brought into effect and what main parameters are at beginning of note. Should follow with reference to 2013 budget and detail the relocation funding.

Similarly we should state any relocations already pursued in the policy and any in progress. Again just an awareness bullet.

Then kick into LBI
We mention seeking direction in a couple of places. Remind me if policy says Cabinet will approve the policy. If yes should state we'll be bringing this to Cabinet. Cabinet must approve the relocation as well as the financial assistance to be provided. The minister has to decide whether to bring it to Cabinet.

Section 29(1)(a)

May wish to add a bullet in analysis re what payout would be and fact there is no budget for it.

Please edit accordingly and I will review hard copy tomorrow afternoon. PIs send a revised electronic copy if ready before then.

Thanks
Jamie

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Orsborn, Caroline
Sent: Thursday, November 19, 2015 12:04 PM
To: Chippett, Jamie
Cc: Auchinleck, Sherry L.; Kelly, Tara; Spurrell, Dana
Subject: BN for review

Jamie,

Please see attached note on LBI relocation.

Sherry, can you please put this updated one in TRIM?

Thanks,

Caroline
Title: Little Bay Islands

Issue: To provide an overview and current status of the Little Bay Islands relocation process.

Background and Current Status:
- The Community Relocation Policy (policy) was developed in 2009 to provide relocation financial assistance to qualifying communities. The policy was revised in 2013 to increase the maximum eligible assistance from $100,000 to $270,000 and to remove the ability for commercial property owners to vote.

- The Department of Municipal and Intergovernmental Affairs (MIGA) will only consider relocation assistance requests that are community-initiated and community-driven and that meet all of the following criteria:
  - The total cost of relocation assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost to government to deliver services to the community for a 20-year period;
  - A vote on relocation demonstrates that 90 percent or more of the voting aged permanent residents wish to relocate; and
  - 90 percent or more of the permanent residential property owners subsequently sign government’s conditional offers to purchase.

- The amount of financial assistance payable to permanent residential property owners is determined by the number of permanent residents living in the household, in accordance with the following table:

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- The amount of financial assistance payable to each permanent resident of voting age who is not a permanent residential property owner is $10,000.

- MIGA currently has five active relocation files in various stages of progress: Round Harbour (applied under the 2009 policy); Snook’s Arm; William’s Harbour; Nipper’s Harbour; and Little Bay Islands.

- The Town of Little Bay Islands (town), which is located in the Baie Verte-Green Bay District, applied for relocation assistance in April 2013.
• The town’s expression of interest vote showed that 89.65% were in favour of requesting relocation financial assistance. In the absence of direction in the policy on this matter, it was determined that this level of community support warranted government exploring potential relocation.

• In August 2013, MIGA received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. Information gathered as part of this process included information on (where applicable): number of days spent in the community; property ownership; business-related documentation; income tax returns; driver’s license; utility bills; birth certificate; marriage license; and letter from a doctor, school or employer in support of an exemption.

• On October 2, 2015, the cost benefit analysis (CBA) for the town was approved which indicated that the currently known cost to government to relocate is $14,570,900 and the Net Present Value estimated savings/benefit is $17,629,089 resulting in $3,058,189 in overall savings/benefit to the Province.

• As a result of the town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.

• By November 4, 2015, all completed ballots were received. Following a number of vote recounts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition, resulting in 89.47 per cent support for relocation.

• The result of the vote was communicated to the town on November 12, 2015. A MIGA official verbally advised the town that there would be no further action on the relocation request until the provincial election concluded. This information was also released to the media.

Analysis:
• Departmental officials originally determined that there were 84 voting-aged permanent residents of the town. After property owners/individuals were notified of the result, 18 appeals were received from property owners/individuals deemed by the department to be non-permanent residents. The independent reviewer appointed by the department, the Honourable Robert Wells, reviewed the appeals and recommended seven of the appeals should be overturned, which consisted of 11 voting-aged permanent residents.

• Given that not all voting-aged permanent residents are property owners, the town may not meet the 90 percent minimal threshold for conveyances.

• MIGA advises that there is a vocal group of non-permanentseasonal property owners of the town (who have named themselves “Friends of Little Bay Islands”) who oppose relocation and will likely argue strict interpretation of the policy with respect to the percentage of votes required. If the relocation process proceeds, they may be critical of components of the CBA.
• Additionally, some permanent and non-permanent residents of the town have questioned MIGA’s determination of “permanent residents”, noting that they feel the number has been over-estimated. These concerns have been raised in the media.

• If approved, the relocation of the town will cost $14.6M. There is no dedicated budget for relocation funding.

**Action Being Taken:**
• Following the election, MIGA will seek ministerial direction on whether to proceed to Cabinet with the relocation request given the vote result. If it is decided that a result of 89.47 percent warrants proceeding with the relocation, the next steps in the process involve: confirming the number of commercial properties in the community; assessing the value of the commercial properties; and formally seeking Cabinet approval of the relocation and the provision of funds for relocation.

*Prepared/approved by: A. Morgans/ H. Tizzard
November 20, 2015*
Decision Note
Department of Municipal Affairs

Title: Potential Relocation of Little Bay Islands

Decision Required:
- Whether to cease further consideration of the Town of Little Bay Islands’ relocation request.

- It is recommended that government cease further consideration of the Town’s relocation request and inform the Town that their relocation request is no longer being considered due to the vote not achieving the required 90 per cent support.

Background and Current Status:
- The Town of Little Bay Islands (Town) is located in the Baie Verte-Green Bay District. The Town applied for relocation assistance in April 2013, after increased financial assistance was announced in Budget 2013.

- The Town’s Expression of Interest (EoI) vote showed that 89.65 per cent were in favour of requesting relocation financial assistance. In the absence of direction in the Community Relocation Policy (Policy) on this matter, it was determined that this level of community support justified government utilizing its resources to further explore potential relocation.

- In August 2013, the Department of Municipal Affairs (MA) received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. Information gathered as part of this process included information on (where applicable): number of days spent in the community; property ownership; business-related documentation; income tax returns; driver license; utility bills; birth certificate; marriage license; and letter from a doctor, school or employer in support of an exemption.

- As per the Policy, voting-aged permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate if it is determined that the total cost of relocation financial assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost savings to government to deliver services to the community for a twenty-year period.

- MA officials originally determined that there were 84 voting-aged permanent residents of the Town. However, after property owners/individuals were notified of the result, 18 appeals by property owners/individuals deemed by MA to be non-permanent residents were received. The independent reviewer appointed by the department, the Honourable Robert Wells, reviewed the appeals and recommended 7 of the appeals should be overturned, which consisted of 11 voting-aged permanent residents.
• On October 2, 2015, the Cost Benefit Analysis (CBA) for the Town was approved which indicated that the currently known cost to government to relocate was $14,570,900 and the Net Present Value estimated savings was $17,629,089 resulting in $3,058,189 in overall savings/benefit to the province.

• As a result of the Town passing their CBA, on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.

• By November 4, 2015, all completed ballots were received. Following a number of vote recounts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition, resulting in 89.47 per cent support for relocation.

• The Policy states that if the vote does not confirm that at least 90 per cent of the eligible voters want to relocate, government’s consideration of the relocation request will stop.

• The result of the vote was communicated to the Town on November 12, 2015. The Town was advised that there would be no further action on their relocation request until after the provincial election.

Analysis: Section 29(1)(a)

• The Policy states that if the vote does not confirm that at least 90 per cent of the eligible voters want to relocate, government’s consideration of the relocation request will stop.
Some permanent and non-permanent residents of the Town have questioned MIGA’s determination of “permanent residents” noting that they feel the number has been overestimated. These concerns have been raised in the media. This issue stems from the definition of a permanent resident in the Policy which allows a person to be absent from the community for nearly half a year. Furthermore, certain Policy exemptions related to work and medical reasons have also resulted in people being deemed permanent residents when they spend time elsewhere.

In this regard, MIGA notes that the original EoI vote submitted by the Town Council in 2013 included 87 people who were determined by the Town to be eligible to vote. Additionally, during the formal residency determination stage under the Policy, MIGA determined there were 84 voting aged-permanent residents. However, that number increased to 95 following the appeal process.
• Should government continue to consider the Town for relocation financial assistance, the payout to eligible recipients will be approximately $14.5M. This money would likely be required during Fiscal 2016-17 presuming there are no protracted delays.

Alternatives: Section 29(1)(a)
Thank you.

-----Original Message-----
From: O'Shea, Isobel
Sent: Tuesday, January 12, 2016 2:04 PM
To: Tizzard, Heather

Section 30(1)(a)

Best
Isobel

-----Original Message-----
From: Tizzard, Heather
Sent: Tuesday, January 12, 2016 2:00 PM
To: O'Shea, Isobel

Section 30(1)(a)

Thanks,
Heather

-----< HP TRIM Record Information >-----

Record Number: BN/2016/0006
Title: Information Note Communication of LBI Relocation Decision January 2016
Title: Potential Relocation of Little Bay Islands

Issue: The Department of Municipal Affairs will communicate to the residents of Little Bay Islands that it did not achieve the required 90 per cent support for relocation and therefore, as per the Policy, government’s consideration of the relocation will cease.

Background and Current Status:
- The Town of Little Bay Islands (Town) is located in the Baie Verte-Green Bay District. The Town applied for relocation assistance in April 2013, after increased financial assistance was announced in Budget 2013.

- The Town’s Expression of Interest (EoI) vote showed that 89.65 per cent were in favour of requesting relocation financial assistance. In the absence of direction in the Community Relocation Policy (Policy) on this matter, it was determined that this level of community support justified government utilizing its resources to further explore potential relocation.

- In August 2013, the Department of Municipal Affairs (MA) received affidavits and supplementary information from residents and property owners in order to determine their residency and property ownership status. Information gathered as part of this process included information on (where applicable): number of days spent in the community; property ownership; business-related documentation; income tax returns; driver license; utility bills; birth certificate; marriage license; and letter from a doctor, school or employer in support of an exemption.

- As per the Policy, voting-aged permanent residents have a right to vote on the question of relocation and to receive financial assistance to relocate if it is determined that the total cost of relocation financial assistance plus residual essential services for permanent residents who may choose to remain in the community does not exceed the cost savings to government to deliver services to the community for a twenty-year period.

- MA officials originally determined that there were 84 voting-aged permanent residents of the Town. However, after property owners/individuals were notified of the result, 18 appeals by property owners/individuals deemed by MA to be non-permanent residents were received. The independent reviewer appointed by the department, the Honourable Robert Wells, reviewed the appeals and recommended 7 of the appeals should be overturned, which consisted of 11 voting-aged permanent residents.

- On October 2, 2015, the Cost Benefit Analysis (CBA) for the Town was approved which indicated that the currently known cost to government to relocate was $14,570,900 and the Net Present Value estimated savings was $17,629,089 resulting in $3,058,189 in overall savings/benefit to the province.
• As a result of the Town passing their CBA on October 9, 2015, voting-aged permanent residents were mailed their individual ballots to vote on the question of relocation. A total of 95 ballots were sent to 95 voting-aged permanent residents.

• By November 4, 2015, all completed ballots were received. Following a number of vote recounts and validation checks, 85 ballots were counted in support of relocation, while 10 ballots were counted in opposition, resulting in 89.47 per cent support for relocation.

• The Policy states that if the vote does not confirm that at least 90 per cent of the eligible voters want to relocate, government’s consideration of the relocation request will stop.

• The result of the vote was communicated to the Town on November 12, 2015. The Town was advised that there would be no further action on their relocation request until after the provincial election.

• On January 11, 2016, Minister Joyce and officials of the department met with MHA Brian Warr. MHA Warr noted the impact on members of the community as they wait for a decision.

Analysis:
• The Policy states that if the vote does not confirm that at least 90 per cent of the eligible voters want to relocate, government’s consideration of the relocation will stop. The Policy is silent on the appropriateness of using rounding for determining the community’s vote.

• Based on the results of the vote, an additional “yes” vote would be required to achieve 90 per cent. The current relocation policy does not contemplate rounding.

• Once government announces that it will not be proceeding with the relocation, it may receive criticism from those who wish to relocate.

• Some permanent and non-permanent residents of the Town have questioned MA’s determination of “permanent residents” noting that they feel the number has been over-estimated. These concerns have been raised in the media. This issue stems from the definition of a permanent resident in the Policy which allows a person to be absent from the community for nearly half a year. Furthermore, certain Policy exemptions related to work and medical reasons have also resulted in people being deemed permanent residents when they spend time elsewhere.

• The current Policy does not address a further appeal process for the Town or individuals. As a result, any deviation from the Policy relating to residency at this time will likely result in a request for judicial review.

Next Steps:
• The Department will notify the Town that they did not achieve at least 90 per cent support for relocation as required under the Policy. As such, Government’s consideration of the Little Bay Islands relocation request will stop.
• The Department will also communicate that it is undertaking a review of the Community Relocation Policy and following the completion of that review, should Little Bay Islands choose to apply under the revised policy, it may do so.

Prepared/Approved by: H. Tizzard
Ministerial approval:
Date: January 11, 2016
Agree. I already reworded. Haven't had a chance to send back the version yet but I will.

Sent from my BlackBerry 10 smartphone on the Bell network.

----- Original Message -----
From: Chippett, Jamie
Sent: Thursday, November 05, 2015 5:53 PM
To: Tizzard, Heather; O’Shea, Isobel; Morgans, Andy
Subject: Re: HP TRIM DOCUMENT : DOC/2015/05159 : Notes - Information - Information Note LBI Relocation Vote Result November 2015

Section 29(1)(a)

Thanks Isobel. We will ensure that you are kept in loop all along the way.

----- Original Message -----
From: Chippett, Jamie
Sent: Thursday, November 05, 2015 2:42 PM
To: O’Shea, Isobel; Morgans, Andy
Cc: Tizzard, Heather

------Original Message------
From: O’Shea, Isobel
Sent: Thursday, November 05, 2015 12:47 PM
To: Morgans, Andy; Chippett, Jamie
Cc: Tizzard, Heather
Best,

Isabel

-----Original Message-----
From: Morgans, Andy
Sent: Thursday, November 05, 2015 12:33 PM
To: Chippett, Jamie
Cc: Tizzard, Heather; O'Shea, Isabel
Subject: HP TRIM DOCUMENT : DOC/2015/05159 : Notes - Information - Information Note LBI Relocation Vote Result November 2015

Jamie

Heather directed that I send the updated information note on the LBI relocation vote result to you for your review.

Any questions pls ask.

Thks

------< HP TRIM Record Information >------

Record Number : DOC/2015/05159
Title : Notes - Information - Information Note LBI Relocation Vote Result November 2015
Andrew Wright has received many comments over the phone from residents / non-residents on how they were surprised with some of the residency determinations. This was certainly a theme we heard from the Town Council when Heather and I recently held a conference call with them.

-----Original Message-----
From: Chippett, Jamie
Sent: Thursday, November 05, 2015 2:58 PM
To: O'Shea, Isobel
Cc: Tizzard, Heather; Morgans, Andy

-----Original Message-----
From: O'Shea, Isobel
Sent: Thursday, November 05, 2015 2:46 PM
To: Chippett, Jamie
Cc: Tizzard, Heather; Morgans, Andy

Hi Jamie,
Best,
Isobel

-----Original Message-----
From: Chippett, Jamie
Sent: Thursday, November 05, 2015 2:43 PM
To: O'Shea, Isobel; Morgans, Andy
Cc: Tizzard, Heather
Subject: RE: HP TRIM DOCUMENT : DOC/2015/05159 : Notes - Information - Information Note LBI Relocation Vote Result
November 2015

Thanks Isobel. We will ensure that you are kept in loop all along the way.

Thanks,
Jamie

-----Original Message-----
From: O'Shea, Isobel
Sent: Thursday, November 05, 2015 12:47 PM
To: Morgans, Andy; Chippett, Jamie
Cc: Tizzard, Heather
Subject: RE: HP TRIM DOCUMENT : DOC/2015/05159 : Notes - Information - Information Note LBI Relocation Vote Result
November 2015

Best,
Isobel

-----Original Message-----
From: Morgans, Andy
Jamie

Heather directed that I send the updated information note on the LBI relocation vote result to you for your review.

Any questions pls ask.

Thks

-----< HP TRIM Record Information >-----

Record Number: DOC/2015/05159
Title: Notes - Information - Information Note LBI Relocation Vote Result November 2015
O'Shea, Isobel

From: O'Shea, Isobel
Sent: Thursday, November 05, 2015 12:26 PM
To: Morgans, Andy

Thanks just wanted to check in on this

-----Original Message-----
From: Morgans, Andy
Sent: Thursday, November 05, 2015 11:51 AM
To: Wright, Andrew; O'Shea, Isobel
Cc: Tizzard, Heather

FYI - I will be sending a revised note shortly for your review.

Andy Morgans
Director of Local Governance
Department of Municipal and Intergovernmental Affairs 4th Floor (West Block), Confederation Building P.O. Box 8700 St. John's, NL, A1B 4J6

andymorgans@gov.nl.ca
Tel: 709-729-5539
Fax: 709-729-4475

-----Original Message-----
From: Wright, Andrew
Sent: Thursday, November 05, 2015 11:50 AM
To: O'Shea, Isobel
Cc: Tizzard, Heather; Morgans, Andy

It was just the word doc. Section 30(1)(a)

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca
-----Original Message-----
From: O'Shea, Isobel
Sent: Thursday, November 05, 2015 11:47 AM
To: Wright, Andrew
Cc: Tizzard, Heather
Importance: High

Hi Andrew, I could only open the Word document you attached - trust there wasn't anything to review in the additional document.

Thanks
Isobel

-----Original Message-----
From: Wright, Andrew
Sent: Thursday, November 05, 2015 10:34 AM
To: O'Shea, Isobel

Isobel - please review - call with any questions

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca

-----Original Message-----
From: Wright, Andrew
Sent: Thursday, November 05, 2015 10:33 AM
To: Tizzard, Heather; Morgans, Andy
Subject: HP TRIM DOCUMENT : DOC/2015/05159 : Notes - Information - Information Note LBI Relocation Vote Result November 2015

Might be slight edits required on this - given urgency thought it best to send for content

------< HP TRIM Record Information >------

Record Number : DOC/2015/05159
Title : Notes - Information - Information Note LBI Relocation Vote Result November 2015