Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: MA/32/2017]

On March 27, 2017, Municipal Affairs and Environment received your request for access to the following records:

"Briefing notes for the minister of municipal affairs, from Jan. 1, 2014, to the present."

On March 28, 2017, after seeking clarification, the request was changed to:

"For the time period January 1, 2014, to the present, the request is for briefing notes for the Minister related to capital works for the Town of Clarenville. These notes would have been presented to or reviewed by the Minister."

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

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 (the Act):

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal
   (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;
   (b) the contents of a formal research report or audit report that in the opinion of the head of the public body is incomplete and in respect of which a request or order for completion has been made by the head within 65 business days of delivery of the report; or
   (c) draft legislation or regulations."

30. (1) The head of a public body may refuse to disclose to an applicant information
   (a) that is subject to solicitor and client privilege or litigation privilege of a
(b) that would disclose legal opinions provided to a public body by a law officer of
the Crown.

34. (1) The head of a public body may refuse to disclose information to an applicant if the
disclosure could reasonably be expected to
(a) harm the conduct by the government of the province of relations between that
government and the following or their agencies:
   (i) the government of Canada or a province,
   (ii) the council of a local government body,
   (iii) the government of a foreign state,
   (iv) an international organization of states, or
   (v) the Nunatsiavut Government; or
(b) reveal information received in confidence from a government, council or organization
listed in paragraph (a) or their agencies.

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

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

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

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

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

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

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

If you have any further questions, please contact me by telephone at 729-3514 or by email at lisas@gov.nl.ca.

Sincerely,

Lisa Sullivan
ATIPP Coordinator
Title: Local Service District of George's Brook-Milton

Issue: Water supply issues between George's Brook-Milton and Clarenville

Background and Current Status:
- The George's Brook-Milton (GBM) Local Service District (LSD) has two independent water systems, one for Milton and one for George's Brook. The system in George's Brook is operating and can meet the demand being placed on it; however, the system in Milton has lost its supply source and is presently obtaining water from Clarenville through a winterized connection funded by the Department of Municipal Affairs (MA).

- The current water treatment plant in Clarenville was funded under the Canada/Newfoundland Infrastructure Program. This was funded on a 1/3 basis with each of the parties (federal/provincial/municipal) contributing approximately 1/3 of the costs of the project. The total project cost for the water treatment plant was $7,111,160.

- Clarenville is currently charging $10,000/month for this water and have written the GBM LSD stating they will turn off the water April 30, 2016, due to supply issues.

- The LSD has written the Minister of MA concerned that their water will be cut off and that they are being overcharged for the water. The Minister responded indicating that MA officials will work with them to address the water issue.

- MA officials held separate meetings with the Town of Clarenville and the GBM LSD on March 22/16 to discuss a possible extension to the April 30/16 deadline.

Analysis:
- Lily Pond is the sole source for water supply for the LSD and has been deemed unreliable for future use. If Clarenville severs the water connection to the LSD on April 30/16 or thereafter, the community of Milton will be without water until a permanent solution is engineered, constructed and commissioned.

- Clarenville has stated that the treatment plant is nearing its design capacity. They are concerned with minimal water run-off to replenish their storage capacity and may have to suspend flushing of water mains if the LSD remains connected to their system. However, according to measured flow rates from last summer the demand from GBM appears to be only 2% of the capacity at the Clarenville plant and will have a minimal effect on water supply.

- At the March 22, 2016, meeting the Clarenville Mayor, Frazer Russell, indicated that the Town would be willing to extend this deadline as long as the LSD has a plan in place to address the issue of water supply for GBM that does not involve Clarenville.
• MA officials highlighted the potential future funding opportunities for capacity upgrades if the system were to become a regional system used permanently by more than one community. MA also indicated that there could be an opportunity for cost savings to Clarenville from using current GBM Municipal Capital Works (MCW) funding to fund the required upgrade studies and preliminary engineering.

• There are other solutions for upgrading the water supply for the LSD; however, the most economical solution is a permanent supply from Clarenville. As a significant portion of the costs associated with a water treatment plant are fixed costs, adding GBM to the Clarenville system will distribute those costs over a larger number of households reducing the household burden of fixed costs for Clarenville residents by over 10%.

• Water only residents in Clarenville are billed $228/year while the LSD is currently being charged an equivalent to $600/house/year.

• Clarenville contends they are selling water to the LSD at a loss; however, based on MA’s calculations, Clarenville is currently producing water for $1.60/1000 Gallons and are charging the LSD over $9.30/1000 Gallons. The commercial metered water rate for water in Clarenville is $1.80/1000 Gallons.

Action Being Taken:
• MA will continue to encourage Clarenville to co-operate and identify potential economic benefits of being a regional water system.

• MA will advise the local MHA’s for both communities (Neil King-GBM and Colin Holloway – Clarenville).

Prepared/approved by: B. Penney/D. Michielsen/ Ministerial Approval: Received from Hon. Eddie Joyce

March 30, 2016
Title: Local Service District of George’s Brook-Milton

Issue: Water supply Issues between George’s Brook-Milton and Clarenville

Background and Current Status:
- The George’s Brook-Milton (GBM) Local Service District (LSD) has two independent water systems, one for Milton and one for George’s Brook. The system in George’s Brook is operating and can meet the demand being placed on it; however, the system in Milton has lost its supply source and is presently obtaining water from Clarenville through a winterized connection funded by the Department of Municipal Affairs (MA).

- The current water treatment plant in Clarenville was funded under the Canada/Newfoundland Infrastructure Program. This was funded on a 1/3 basis with each of the parties (federal/provincial/municipal) contributing approximately 1/3 of the costs of the project. The total project cost for the water treatment plant was $7,111,160.

- Clarenville is currently charging the LSD $10,000/month for this water. Clarenville had previously written the LSD stating they will turn off the water April 30, 2016, due to supply issues. Following a meeting with MA officials on March 22, 2016, Clarenville wrote to the LSD indicating that they would extend the deadline to May 31, 2016, but noted that “under no circumstances will Council extend the cut-off date beyond May 31, 2016 or reconnect the water supply in the future.”

- On May 18, Clarenville advised that they would extend the water supply to Milton for three or four months to allow the LSD time to connect to the George’s Brook supply. Clarenville advised that the extension is dependent on its receiving official confirmation from Municipal Affairs of the funding for the George’s Brook connection and a definitive date of construction/completion.

- The LSD has written the Minister of MA concerned that their water will be cut off and that they are being overcharged for the water. The Minister responded indicating that MA officials will work with them to address the water issue.

Analysis:
- Lily Pond is the sole source for water supply for the LSD and has been deemed unreliable for future use. If Clarenville severs the water connection to the LSD on May 31 or thereafter, the community of Milton will be without water until a permanent solution is engineered, constructed and commissioned.

- Clarenville has stated that the treatment plant is nearing its design capacity. They are concerned with minimal water run-off to replenish their storage capacity and may have to suspend flushing of water mains if the LSD remains connected to their system. However, according to measured flow rates from last summer the demand from GBM appears to be only 2% of the capacity at the Clarenville plant and will have a minimal effect on water supply.
• MA officials highlighted the potential future funding opportunities for capacity upgrades if the system were to become a regional system used permanently by more than one community. MA also indicated that there could be an opportunity for cost savings to Clarenville from using current GBM Municipal Capital Works (MCW) funding to fund the required upgrade studies and preliminary engineering.

• There are other solutions for upgrading the water supply for the LSD; however, the most economical solution is a permanent supply from Clarenville. As a significant portion of the costs associated with a water treatment plant are fixed costs, adding GBM to the Clarenville system will distribute those costs over a larger number of households reducing the household burden of fixed costs for Clarenville residents by over 10%.

• Water only residents in Clarenville are billed $228/year while the LSD is currently being charged an equivalent to $600/house/year.

• Clarenville contends they are selling water to the LSD at a loss; however, based on MA's calculations, Clarenville is currently producing water for $1.60/1000 Gallons and are charging the LSD over $9.30/1000 Gallons. The commercial metered water rate for water in Clarenville is $1.80/1000 Gallons.

• MA officials recommend that the Minister meet with the MHAs for both communities (Neil King - GBM and Colin Holloway - Clarenville) in an effort to resolve GBM's water concerns.

Action Being Taken:
• If agreeable, MA will arrange the meeting.

Prepared/approved by: H. Tizzard, C. Mercer
Ministerial Approval: 

May 18, 2016