June 6, 2017

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 #: MAE/22/2017]

On May 8, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"A copy of the following briefing materials:
- Feasibility reports on potential amalgamations in Botwood-Northern Arm,
  Labrador City-Wabush
- Morrisville - Appointment of councillors
- Happy Valley - Goose Bay - Lower Churchill
- Thanksgiving Rainfall Event
- Feasibility reports on the potential municipal boundary alterations for Portugal Cove St. Philips/Paradise, Burlington, North River
- Cupids Appointment of town council"

I am pleased to inform you that a decision has been made by the Deputy Minister for Department of Municipal Affairs 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):

"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.

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."

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 Privacy Act.
Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

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

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

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

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

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

If you have any further questions, please feel free to contact me by telephone at 729-3514 or by e-mail at lisas@gov.nl.ca.

Sincerely,

Lisa Sullivan
Information management / ATIPP Analyst

Encl.
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

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

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

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

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

(2) An appeal shall be commenced under subsection (1) not later than 15 business days
(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

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

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

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
Title: Feasibility Reports to Explore the Potential Amalgamations of: Botwood and Northern Arm; and, Labrador City and Wabush

Decision/Direction Required:

- Whether:
  - (2) consistent with this practice, to provide grant funding of $25,000 to the towns of Botwood and Northern Arm; and, the towns of Labrador City and Wabush, to part-fund the cost of preparing their requested feasibility reports; (3) in accordance with section 10 of the Municipalities Act, 1999, Minister approve the publishing of notice of intents to order the preparation of feasibility reports to explore these requested potential amalgamations.

  - A $20,000 grant is provided to the towns of Botwood and Northern Arm, and, a $25,000 grant is provided to the towns of Labrador City and Wabush, to part-fund the cost to prepare their requested feasibility reports; and
  - In accordance with section 10 of the Municipalities Act, 1999, Minister approves the publishing of notice of intents to order the preparation of feasibility reports to explore these requested potential amalgamations.

Background and Current Status:

- Subsection 9(7) of the Municipalities Act, 1999, states that where a feasibility report is prepared as a result of a municipal request, the cost of preparing the feasibility report shall be a cost of the requesting municipality/ies.
- Feasibility reports are required to be prepared when considering: (1) incorporating a community as a town; (2) amalgamation of towns; (3) town annexation; (4) town boundary changes; and (5) disincorporation of a town.

Analysis:

- Consistent with the legislative requirement referenced above, Municipal Affairs has required towns to pay for feasibility reports that are exploring boundary changes/clarifications, as this has been seen as operational-in-nature, for which Municipal Affairs already provides municipal operating grants and other government transfers.
A feasibility report may be prepared internally or externally. In the past five years, regional cooperation feasibility reports have been prepared by external consultants with costs ranging from $15,000 to $45,000 per report. The preparation of regional cooperation feasibility reports by external consultants ensures independence and impartiality. It also does not put further demand on limited departmental resources.

On January 24, 2017, the Towns of Botwood and Northern Arm requested the preparation of a feasibility report to explore the potential amalgamation of these two communities. It was also requested that the feasibility report be funded by Municipal Affairs.

On February 1, 2017, the Towns of Labrador City and Wabush requested the preparation of a feasibility report to explore the potential amalgamation of these two communities. It was also requested that the feasibility report be funded by Municipal Affairs.

Both towns are requesting that Municipal Affairs fund the cost of preparing feasibility reports to explore potential amalgamations. In Botwood’s letter to the Minister, Mayor Sceviour cited challenges with identifying funds to pay for the feasibility report without cutting spending in other areas. The joint letter from Mayor Oldford of Labrador City and Mayor Vardy of Wabush did not provide any rationale for the need of Government funding.

Based on their 2017 budgets, the Debt Service Ratios of the Towns of Botwood and Northern Arm are: 15.74 per cent; and 8.63 per cent, respectively.

Based on their 2017 budgets, the Debt Service Ratios of the Towns of Labrador City and Wabush are: 5.9 per cent; and 6.6 per cent, respectively.
The Local Governance Division has $85,500 in available funds remaining in its 2016-2017 Grants and Subsidies budget. 

With limited funds and multiple requests, Municipal Affairs should strive to use the money as efficiently as possible maximizing the preparation of as many regional co-operation feasibility reports as possible. 

Creating more sustainable and viable communities aligns with Municipal Affairs' vision. Additionally, the provincial government’s Way Forward document details a commitment to advance regional collaboration through sharing of infrastructure and services.

Should the Minister agree that there is merit in exploring these potential amalgamations, notice of intents to order the preparation of feasibility reports in accordance with section 10 of the Municipalities Act, 1999 need to be issued. Subsequent Ministerial Orders would also be required when a person/s is eventually appointed to prepare the feasibility reports.

Alternatives:

(b) A $20,000 grant be provided to the towns of Botwood and Northern Arm, and, a $25,000 grant be provided to the towns of Labrador City and Wabush, to part-fund the cost to prepare their requested feasibility reports; and

(c) In accordance with section 10 of the Municipalities Act, 1999, Minister approves the publishing of notice of intents to order the preparation of feasibility reports to explore these requested potential amalgamations. (Recommended)

(b) In accordance with section 10 of the Municipalities Act, 1999, Minister approves the publishing of notice of intents to order the preparation of feasibility report to explore these requested potential amalgamations. (Not Recommended)

Prepared/Approved by: A.Wright / A.Morgans / D.Spurrell

Ministerial Approval:
March 8, 2017
Page redacted under s.29.1
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Town of Morrisville Appointment of Councillors

Issue:

• Whether to appoint two councillors to the Town of Morrisville Council.

• It is recommended that the Minister of Department of Municipal Affairs and Environment (MAE) appoint two councillors to the Town of Morrisville.

Background and Current Status:

• On February 20, 2017, Central Regional Office (CRO) was notified that the Town Morrisville’s Town Clerk/ Treasurer had passed away.

• The Town of Morrisville has a five member council with two vacancies, which they have had since 2014. The Mayor advises that there were several attempts to fill the vacancies without any success.

• The Town requires two-thirds vote to appoint a town clerk. However, with its current complement of three councillors, council cannot attain a two-thirds vote as one of the councillors has declared a conflict of interest due to his relationship with the candidate being considered for Clerk.

• Until the Clerk position is filled the Town is operationally at a standstill and is not able to pay invoices, issue tax invoices, etc.

• Council has provided the names of two residents who are willing to be appointed to council for the remaining term of office.

Analysis:

• The next municipal elections are scheduled for September, 2017.

• The Municipal Elections Act requires a by-election if there are more than 12 months before the expiration of the term of office. There are less than seven months left in the current term.

• The Municipal Elections Act allows the Minister to appoint as many councillors as are necessary to bring the council up to the number provided for in the event of unsuccessful elections/ by-elections.
• Alternatively, the Minister may authorize the two remaining councillors to perform the function of appointing the Clerk. There may be other instances, however, where a Councillor is in conflict and cannot vote. As such, MAE officials advise that it is in the best interest of the town to appoint the two individuals as requested.

Alternatives:

Option 1: Appoint the two recommended individuals to the Town Council of Morrisville. (Recommended)

Option 2: Do not appoint the two individuals to Council and authorize the two remaining councillors to perform the function of appointing the town clerk for the Town of Morrisville. (Not recommended).

Prepared/Approved by: M. Gale/ S. Hounsell/ H. Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce [pending]

March 9, 2017
Decision/Direction Note
Department of Municipal Affairs

Title: Happy Valley-Goose Bay Special Assistance Request

Decision/Direction Required:
- Seeking the decision of the Executive Committee on whether to provide a Special Assistance Grant to Happy Valley-Goose Bay for $250,000 to assist with the impact of the Lower Churchill.

Background and Current Status:
- Happy Valley-Goose Bay has approximately 7,552 residents.
- On September 1st, 2015, the Town of Happy Valley-Goose Bay (HVGB), the Minister of Municipal Affairs (MA) as well as the Minister of Labrador and Aboriginal Affairs signed an agreement that would have the MA provide HVGB with $250,000 per year for three consecutive years by April 30th.
- The funding would offset the impact of the Lower Churchill Project which is experienced primarily in HVGB due to its proximity to the worksites and its role as the transportation and service hub for the Upper Lake Melville area.
- The Department is to provide $750,000 in grant funding under Special Assistance to the Council on the following payment schedule:
  - $250,000 to be disbursed subsequent to the execution of the agreement before December 31, 2015 – Paid.
  - $250,000 to be disbursed on or before April 30, 2016 – Paid.
  - $250,000 to be disbursed on or before April 30, 2017 – Not Paid.
- Under this agreement, the Minister of Municipal Affairs is also responsible to engage the Council in a discussion on building capacity and preparing for potential social and economic opportunities in the event of the development of the Gull Island Project.
- The Town was also required to:
  - Establish baseline data on municipal infrastructure capacity and use.
  - Monitor the impact of the Project on the municipal infrastructure throughout the construction phase of the Project.
  - Engage in emergency preparedness planning relating to the Project.
  - Consider low income housing and in-migration effects relating to the Project and to address the potential economic downturn at the end of the Project.
  - Provide regular updates on the obligations through the Senior Officials Working Group on the Lower Churchill Impacts on the Town of Happy Valley-Goose Bay.

Analysis:
- The Town is requesting $250,000 to assist with the impact of the Lower Churchill.
- The Town has a current Debt Servicing Ratio (DSR) of 8.16%.
- See Appendix A for a financial profile of Happy Valley-Goose Bay.
Alternatives:
• Approve $250,000 to assist with the Impact of the Lower Churchill. [RECOMMENDED]
• Reject this request.

Prepared/Approved by: S. Bradley / P. Tucker / H. Tizzard
Ministerial Approval: (Pending)

March 21, 2017
### Appendix A

<table>
<thead>
<tr>
<th>Town Name</th>
<th>Happy Valley-Goose Bay</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Status</strong></td>
<td>Municipality</td>
</tr>
<tr>
<td><strong>Region</strong></td>
<td>Labrador</td>
</tr>
<tr>
<td><strong>District(s)</strong></td>
<td>Lake Melville</td>
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</table>

### Project Costs

<table>
<thead>
<tr>
<th></th>
<th>Requested</th>
<th>Ratio</th>
<th>Prov. Portion</th>
</tr>
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<tbody>
<tr>
<td><strong>Total</strong></td>
<td>$250,000.00</td>
<td>100/0</td>
<td>$250,000.00</td>
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### Municipal Finance Programs

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<tr>
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<th></th>
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<tbody>
<tr>
<td>Municipal Operating</td>
<td>$140,859</td>
<td>$140,859</td>
<td>$140,859</td>
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<tr>
<td>Special Assistance</td>
<td>$250,000</td>
<td>$0</td>
<td>N/A</td>
</tr>
<tr>
<td>Provincial Gas Tax</td>
<td>$0</td>
<td>$35,491</td>
<td>$53,236</td>
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<tr>
<td><strong>Total</strong></td>
<td>$390,859</td>
<td>$176,350</td>
<td>$194,095</td>
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### Financial Position

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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Servicing Ratio</td>
<td>7.07%</td>
<td>6.50%</td>
<td>6.99%</td>
<td>2.69%</td>
<td>8.16%</td>
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<tr>
<td>Long-term Debt</td>
<td>$4,866,195</td>
<td>$4,154,200</td>
<td>$3,540,021</td>
<td>$3,044,270</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Cash on Hand</td>
<td>($130,804)</td>
<td>($4,733,081)</td>
<td>($401,708)</td>
<td>($1,028,199)</td>
<td>N/A</td>
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### Census Demographics

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2006</th>
<th>2011</th>
<th>2016</th>
<th>Change</th>
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</thead>
<tbody>
<tr>
<td>Population</td>
<td>7,969</td>
<td>7,572</td>
<td>7,552</td>
<td>N/A</td>
<td>-5.2%</td>
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<tr>
<td>Households</td>
<td>2,843</td>
<td>2,726</td>
<td>2,745</td>
<td>N/A</td>
<td>-3.4%</td>
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### Clean Water & Wastewater Fund

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clean Water &amp; Wastewater Fund</td>
<td>N/A</td>
</tr>
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</table>
CAPACITY AGREEMENT

This Agreement made this 1st day of September, 2015

BETWEEN HER MAJESTY THE QUEEN IN RIGHT OF NEWFOUNDLAND AND LABRADOR, as represented by the Minister of Municipal and Intergovernmental Affairs and the Minister of Labrador and Aboriginal Affairs

OF THE FIRST PART,

AND THE TOWN OF HAPPY VALLEY-GOOSE BAY (hereinafter referred to as the “Council”)

OF THE SECOND PART

WHEREAS the impact of the Lower Churchill Project (“Project”) is experienced primarily in the municipality of Happy Valley-Goose Bay (“Town”) due to its proximity to the worksites and its role as the transportation and service hub for the Upper Lake Melville area;

AND WHEREAS The 2011 Report of the Joint Review Panel - Lower Churchill Hydroelectric Generation Project included the recommendation that a capacity agreement be developed with the Council to provide financial resources to increase the capacity of the Town to address additional administrative demands on the Town relating to the impact of the Project on municipal infrastructure;

AND WHEREAS the Government of Newfoundland and Labrador (the “Province”) has provided recent funding commitments and financial support to the Town, including but not limited to funding approval of Five Million Dollars under the Multi-Year Capital Program for 2014-17 and approval to cost share the purchase of a fire pumper under Fire Protection Infrastructure Program Project No. FES-NL140001;

AND WHEREAS the Province provides financial aid to support municipalities and related organizations for: emergencies related to health and/or of a life safety nature; assistance to municipalities experiencing financial difficulties; general assistance to municipalities beyond the municipal budgetary process and special projects or initiatives involving municipalities, local service district committees or other entities (the “Special Assistance Fund”);
AND WHEREAS the parties have agreed to enter into a capacity agreement in accordance with the terms outlined herein (the "Agreement"), and have agreed that the funds provided under the Agreement will enable the Town to address the additional administrative demands related to the Project, including the obligations of the Council outlined herein;

AND WHEREAS the Minister of Municipal and Intergovernmental Affairs (the "Minister") has been authorized to negotiate the Agreement on behalf of the Province of Newfoundland and Labrador;

AND WHEREAS the Mayor and Clerk of the Council have been authorized by a Resolution in the Minutes of Council dated the ___ day of August, 2015 (copy of which is attached hereto as Appendix "A") to enter into this Agreement on behalf of the Council;

THIS AGREEMENT WITNESSETH that for and in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, and the sum of One Dollar ($1.00) now paid by each party hereto, one to the other, (the receipt and sufficiency of which are hereby acknowledged by the parties hereto), the parties hereby agree as follows:

1.0 OBLIGATIONS OF THE MINISTER:

1.1 To provide Seven Hundred Fifty Thousand Dollars ($750,000) in grant funding under the Special Assistance Fund to the Council on the following payment schedule:
   a) Two Hundred Fifty Thousand Dollars ($250,000) to be disbursed subsequent to the execution of the Agreement by the Parties and before December 31, 2015;
   b) Two Hundred Fifty Thousand Dollars ($250,000) to be disbursed on or before April 30, 2016; and,
   c) Two Hundred Fifty Thousand Dollars ($250,000) to be disbursed on or before April 30, 2017.

1.2 To engage the Council in a discussion on building capacity and preparing for potential social and economic opportunities in the event of the development of the Gull Island Project.

2.0 OBLIGATIONS OF THE COUNCIL:

2.1 To establish baseline data on municipal infrastructure capacity and use.

2.2 To monitor the impact of the Project on the municipal infrastructure throughout the construction phase of the Project.

2.3 To engage in emergency preparedness planning relating to the Project.

2.4 To consider low income housing and in-migration effects relating to the Project and to address the potential economic downturn at the end of the Project.

2.5 To provide regular updates on the obligations in articles 2.1-2.4 herein through the Senior...

3.0 **THE PARTIES FURTHER AGREE:**

3.1 To a public announcement of the capacity funding by the Province and the Council.

3.2 All amounts payable in accordance with this Agreement are subject to there being an appropriation for the amount for the fiscal year in which payment under this Agreement is due.

3.3 The effective date of this Agreement shall be the date on the first page of this Agreement.

3.4 This Agreement is deemed to be concluded on March 31, 2018 and shall not be subject to extension or renewal.

3.5 This Agreement, including Appendix “A,” constitutes the entire Agreement between the parties with respect to the matters dealt with herein. This Agreement may not be amended or modified in any respect except by written instrument signed by the parties hereto.

3.6 This Agreement shall be governed by and interpreted in accordance with the laws of the Province of Newfoundland and Labrador.

3.7 Time shall be of the essence with respect to all matters in this Agreement.

3.8 This Agreement is executed in duplicate originals and each duplicate shall be deemed an original copy for all purposes.

3.9 This Agreement shall ensure to the benefit of and be binding upon the parties and their respective successors and assigns.

3.10 Any provision of this Agreement which is prohibited or unenforceable will be effective only to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.

3.11 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.
This Agreement has been executed on behalf of the Province by the Minister responsible for the Department of Municipal and Intergovernmental Affairs and the Minister responsible for the Department of Labrador and Aboriginal Affairs and by the Mayor and Clerk of the Town of Happy Valley-Goose Bay, the day and year first before written.

**SIGNED AND SEALED** by the Minister of Municipal and Intergovernmental Affairs and the Minister of Labrador and Aboriginal Affairs and the Seals of their respective Departments were hereunto affixed in the presence of:

WITNESS

MINISTER OF MUNICIPAL AND INTERGOVERNMENTAL AFFAIRS

MINISTER OF LABRADOR AND ABORIGINAL AFFAIRS

SIGNED AND SEALED by the Mayor and Clerk of the Town Happy Valley-Goose Bay and the Seal of the Town of Happy Valley-Goose Bay was hereunto affixed in the presence of:

WITNESS

WITNESS

MAYOR

CLERK
Appendix "A"
3. ADOPTION OF THE MINUTES OF THE 37th MEETING

It was moved by Councillor Compton Hobbs seconded by Councillor Chubbs to approve the adoption of the minutes of the 37th meeting of the Town Council of the Town of Happy Valley-Goose Bay. Motion carried unanimously.


It was moved by Councillor Chubbs and seconded by Councillor Pomeroy to approve the adoption of the minutes of the Privileged meeting of the Town Council of the Town of Happy Valley-Goose Bay that was held on August 23, 2015. Motion carried unanimously.

4. CORRESPONDENCE

There was no correspondence this month.

5. MUNICIPAL SERVICES-Councillor Reg Bowers

There was no Municipal Services Committee meeting in August however; the following recommendations were brought forward at the Committee of the Whole.

Recommendations:

a) Award Tender to Purchase Light Vehicle
   The Municipal Services Committee recommends Council award the tender to purchase a light vehicle to Labrador Motors Limited in the amount of $30,514.59 including HST. Moved by Councillor Bowers and seconded by Councillor Chubbs. Motion carried.

b) The Municipal Services Committee recommends Council award the tender to purchase a grader and the additional warranty to Nortrax in the amount of $330,977.00 including HST. Moved by Councillor Bowers and seconded by Councillor Pomeroy. Motion carried.

c) The Municipal Services Committee recommends Council award the tender to purchase pick-up broom/sweeper attachment to Nortrax in the amount of $36,725.00 including HST. Moved by Councillor Bowers and seconded by Councillor Michelin. Motion carried.
Town of Happy Valley-Goose Bay

Minutes Privileged Meeting

Sunday August 23, 2015

Attendance
Mayor Snook
Deputy Mayor Hamel-Pardy
Councilor Bowers
Councilor Chubbs
Councilor Compton-Hobbs
Councilor Michelin
Councilor Pomeroy
Town Manager Jacque
Director of Communications – Sharpe

Regrets:
Town Clerk – Broomfield (on annual leave)

Meeting called to order 5:00 p.m

Council was presented background information related to topic of capacity agreement between Government of Newfoundland & Labrador and Town of Happy Valley-Goose Bay.

Package included Government of NL press release, Mayors Speech, Key Messages
(The official capacity agreement was sent to council via email for their review on Wednesday August 19th and discussed at C.O.W on Thursday August 20th)

Discussion was held with respect to capacity agreement presented to council along with supplemental information presented.

Councilors provided feedback and commentary on information presented.
Amendments to speaking notes were suggested and/or proposed. Director of Communications and Mayor acknowledged changes and made proposed revisions.

No amendments were suggested to the capacity agreement.

Staff provided comments or feedback to any questions brought forward

Deputy Mayor made motion:

"I move the Town Council of Town of Happy Valley-Goose Bay adopt the capacity agreement as presented to us here today"

Seconded by Councilor Michelin

All those in Favour

Deputy Mayor Hamel-Pardy, Councilor Michelin, Mayor Snook, Councilor Bowers, Councilor Chubbs, Councilor Compton-Hobbs, Councilor Michelin and Councilor Pomeroy.

All those against,

None

Motion passed, all in favour and none against.

Motion to adjourn by Deputy Mayor,

Meeting adjourned at 6:30 p.m.
Information Note
Department of Municipal Affairs and Environment

Title: Thanksgiving Rainfall Event 2016 and status of recovery and restoration costs for Government of Newfoundland and Labrador entities.

Issue: This briefing note provides information related to the costs incurred by GNL entities for recovery operations and estimates for future repair and restoration work resulting from the Thanksgiving Rainfall Event (TGRE) in October 2016 as requested by the Clerk of Executive Council. In addition to the amounts identified, it is imperative that appropriate documentation be maintained to substantiate the Province’s claim submissions, from various departments, under the federal Disaster Financial Assistance Arrangements (DFAA).

Background and Current Status:
- Historical rainfall amounts were recorded commencing Sunday evening October 9 or Monday morning October 10 (depending upon location) and lasting into the early morning of Tuesday October 11.

- The event impacted a number of communities on the west coast, southwest coast, south coast, Connaigre Peninsula, central Newfoundland, Bay of Exploits, White Bay, Green Bay, northeast coast and east coast.

- Eighteen communities declared states of emergency including: St. Alban's, Milltown–Head of Bay D’Espoir, Glenwood, Lewisporte, Little Burnt Bay, Embree, Bishop Falls, Hermitage-Sandyville, Northern Arm, Harbour Breton, Morrisville, Norris Arm North, Buchans, Point Leamington, Browns Arm, Stanhope, Norris Arm and Conne River.

- A Federal Order in Council (OIC) was signed on December 9, 2016 approving activation of the federal Disaster Financial Assistance Arrangements (DFAA) program for the TGRE 2016. The claim process under this program is expected to recover up to 90 per cent of eligible provincial expenditures. Furthermore, the ability exists to “build back better” allowing the Province to request approval to fund mitigative measures beyond the original existing infrastructure to a value of 15% of the overall costs to repair and/or reconstruct infrastructure affected by the event (calculated by a specific federal formula).

Analysis:
- Government departments and entities involved in response and recovery must expend their own funds and then submit claims to NL-DFAP for inclusion in the overall provincial DFAA claim to the federal government as per the DFAA guidelines. All funds received from the federal government enter general revenue for the Province. Government entities that have indicated that they have incurred expenses include MA, TW, ECC, FFA, JPS and Regional Health Authorities.

- Unlike past significant adverse events, the delivery of emergency social services (registration and inquiry, food, clothing, shelter, personal services) through AESL was not required. Therefore, AESL did not expend any funds.

Action Being Taken:
- The Deputy Minister wrote to other government departments in January 2017 advising that the Province would soon be requesting an advance payment from the federal government and...
highlighting the necessity for accurate and detailed documentation to support the provincial DFAA claim so as to maximize provincial revenue.

- The attached table provides an update from GNL entities prior to departmental restructuring.
- An advance payment from the federal government can be requested within one year of the federal OIC being issued. In order to receive an advance payment, the federal government conducts an advisory visit to review documentation associated with response and recovery activities and expense reports and detailed estimates are viewed. If all documentation is in order and the advance payment does not exceed one half of the estimated expenses, the Province could get payment. This advisory visit took place February 27, 2017.

Prepared/Approved by: D McCormack/P Rodgers/D Spurrell/J Chippett
Ministerial Approval: Received from Hon. Eddie Joyce
March 29, 2017
<table>
<thead>
<tr>
<th>Department</th>
<th>Responded to Email</th>
<th>Expenditures to date</th>
<th>Estimated costs to conclude</th>
<th>Total Departmental Costs</th>
<th>Costs carried over into out years</th>
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<tr>
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<td>- Fisheries</td>
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**Expenditures To Date** 9,139,836.08
**Estimated costs to conclude** 14,988,502.90
**Total Departmental Costs** 24,128,338.98

*We do not anticipate costs from these departments*
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Preparation of Feasibility Reports to Explore Potential Municipal Boundary Alterations for the Towns of Portugal Cove-St. Philips and Paradise; Burlington; and North River

Decision/Direction Required:
- Whether to approve the publishing of notice of intents to order the preparation of feasibility reports to explore these requested potential municipal boundary alterations.
- It is recommended that:
  - In accordance with section 10 of the Municipalities Act, 1999, Minister approves the publishing of notice of intents to order the preparation of feasibility reports to explore these requested potential municipal boundary alterations.

Background and Current Status:
- Subsection 9(7) of the Municipalities Act, 1999, states that where a feasibility report is prepared as a result of a municipal request, the cost of preparing the feasibility report shall be a cost of the requesting municipality/ies.
- Feasibility reports are required to be prepared when considering: (1) incorporating a community as a town; (2) amalgamation of towns; (3) town annexation; (4) municipal boundary changes; and (5) disincorporation of a town.

Analysis:

Towns of Portugal Cove-St. Philips
- The Towns of Portugal Cove-St. Philips and Paradise want to change their shared municipal boundary.
- The “Country Gardens” subdivision is largely within the Town of Portugal Cove-St. Philips, but 14 residential lots extend into the Town of Paradise.
- The proposed change would allow the lots to be fully contained within the Town of Portugal Cove-St. Philips’ municipal boundary.

Town of Burlington
- The Town of Burlington wants to extend its municipal boundary to include eight additional properties as well as some land that could be used for future development.

Town of North River
- The Town of North River wants to extend its municipal boundary to encompass “Snows Pond” area, which is an unincorporated cabin area with 6-7 year round residents and 40 households.
- Sections 3, 9, 10 and 11 of the Municipalities Act, 1999 outlines the process to be undertaken for a municipal boundary change.
• In accordance with section 9(7) of the Municipalities Act, 1999, the towns are responsible for all costs associated with undertaking a feasibility report. As such, it has been confirmed with all the towns that all feasibility report costs will be paid for by them. Minister Joyce recently approved the issuing of a Notice of Intent for the ordering of a feasibility study to explore the proposed expansion of Bay Roberts' municipal boundary.

• Should the Minister agree that there is merit in exploring these potential municipal boundary alterations, notice of intents to order the preparation of feasibility reports in accordance with section 10 of the Municipalities Act, 1999 need to be issued. Subsequent Ministerial Orders would also be required when a person/s is eventually appointed to prepare the feasibility reports.

Alternatives:

1. In accordance with section 10 of the Municipalities Act, 1999, Minister approves the publishing of notice of intents to order the preparation of feasibility reports to explore these requested potential municipal boundary alterations. *(Recommended)*

2. Minister rejects the requests. *(Not Recommended)*

Prepared/Approved by: A. Wright / A. Morgans / D. Spurrell / J. Chipman

Ministerial Approval: Eddie Joyce

March 30, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Appointments to the Town Council of Cupids

Decision/Direction Required:
- Whether to appoint two councillors to the Town Council of Cupids for the remainder of the Council term.
- It is recommended that the Minister, in accordance section 211(3) of the Municipalities Act, 1999, appoint two councillors to perform the functions of the council until the next General Municipal Election.

Background and Current Status:
- Cupids was incorporated in 1965. Statistics Canada data reports the community to have a population of 743 residing in 364 dwellings.
- The Town has a complement of seven councillors. During the 2013 Municipal Election, seven councillors were acclaimed to Council.
- In the following three years, three councillors resigned. The following councillors were acclaimed in three separate by-elections: Michael Power, Gordon Power (now Deputy Mayor), and Frances Walsh.
- In October, 2016, Mayor Akerman and Councillor Darrin Akerman resigned from Council leaving five members, which was enough for quorum, however, on March 17, 2017, Councillor Frances Walsh resigned from Council and on March 22, 2017, Mayor Christine Burry resigned from Council. The most recent resignations have left three members on Council, not enough for a quorum.
- The next General Municipal Election will take place on September 26, 2017.

Analysis:
- The Town of Cupids has experienced a number of resignations in recent months.
- In addition, Department of Municipal Affairs and Environment (MAE) officials recently drafted a report that outlines findings and recommendations related to alleged property damage by one of the current councillors. This report is currently with the Department of Justice and Public Safety for review.
- The Town of Cupids, requires four out of seven councillors to constitute a quorum for the purpose of a meeting.
- Section 211(3) of the Municipalities Act, 1999 states that, “where the number of councillors holding office is less than a quorum, the minister may appoint a sufficient number of councillors to make a quorum.” In consultation with the Town’s MHA, Betty Parsley, Cupids residents Joanne Wells and Rod Delaney have been recommended to be appointed to Council.
• If approved, there will be two vacancies on Council that may be filled at a later date.

• Section 211(4) of the Act states the minister "may authorize the councillors remaining in office to perform those functions of the council ..."

• Section 6(5) of the Municipal Affairs Act allows, where the number of councillors is less than a quorum, for the Minister to appoint an administrator to run the affairs of the Town. The remaining councillors would then be retired from Council. MAE officials do not recommend this as an option as the Town of Cupids will then be administered by a representative who may not necessarily be a resident from the community. Further, Government may be criticized for removing elected councillors from office.

Alternatives:
Option 1: In accordance with section 211(3) of the Municipalities Act, 1999, appoint Joanne Wells and Rod Delaney to council. (Recommended)

Option 2: In accordance with section 211(4) of the Municipalities Act, 1999, authorize the remaining councillors in office to perform the functions of the council until the General Municipal Election. (Not recommended).

Option 3: In accordance with the section 6(5) of the Municipal Affairs Act, appoint an administrator to run the affairs of the Town and retire the remaining councillors from office. (Not recommended).

Prepared/Approved by: L. Evoy / H. Tizzard /
Ministerial Approval: Received from Hon. Eddie Joyce

March 30, 2017