Dear [Name]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/10/2018]

On February 6, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:


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

However, some of the 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):

“35(1): The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose

(b) financial, commercial, scientific or technical information that belongs to a public body or to the government of the province and that has, or is reasonably likely to have, monetary value.

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.”

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.

The Access to Information and Protection of Privacy Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as
set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The 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 709-729-7183 or by e-mail at lisas@gov.nl.ca.

Sincerely,

LISA SULLIVAN
ATIPP Coordinator
Enclosures
Access or correction complaint

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

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

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

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

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

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

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
-----Original Message-----
From: Premier,
Sent: Friday, September 22, 2017 10:46 AM
To: Shea, Connie K.
Subject: Email from [REDACTED] to Minister Joyce regarding water and sewer.

Hi Connie,

Attached is an email from [REDACTED] to Minister Joyce regarding water and sewer.

Please have Minister Joyce copy the Premier on his response, if a response is required, and email a copy to premier@gov.nl.ca account.

Thank you,
Joanne
Below are recent announcements re Cost-Shared funding for water or sewer.

Does Cost-Shared in these cases mean the Municipal Share is paid from the Town’s General Revenue?

September 18, 2017
Funding for the following communities was announced through the Small Communities Fund of the New Building Canada Fund:

- Deer Lake is receiving a provincial contribution of $586,000, a federal contribution of up to $418,000; with a municipal share of $251,000 for the rehabilitation of Fourth Avenue. This will include upgrades to the water and wastewater systems, as well as upgrades to alleviate flooding in the area;
- Daniel’s Harbour is receiving provincial funding of $184,000, federal funding in the amount of up to $108,000, with a municipal share of approximately $33,000 to be used for a pump house extension; and
- Woody Point has been allocated $139,000 in provincial funding; up to $82,000 in federal funding, with a municipal share of approximately $25,000 for upgrades to the Woody Point Lift Station.

As well, a contribution of $787,000 was announced under the new provincial Municipal Capital Works program, which invests $100 million over three years to support the development of municipal infrastructure:

- The Town of Jackson’s Arm will receive a provincial allocation of $384,000 for wastewater upgrades, with a municipal share of $43,000. The community will also receive $98,000 for water and sewer system studies with a municipal share of $11,000; and
- The Town of Cow Head will also undertake upgrades to its wastewater system through a provincial contribution of $305,000 and a municipal cost-share of $34,000.
Sullivan, Lisa  

From: Joyce, Eddie  
Sent: Friday, November 17, 2017 3:29 PM  
To: Glynn, Valerie  
Subject: FW: Acknowledgement Letter - Who Pays the Share in Cost-Share?  
Attachments: Acknowledgement Letter - Who Pays the Share in Cost-Share.PDF

For our files. Thanks, Eddie

Sent: Friday, November 17, 2017 2:46 PM  
To: Joyce, Eddie  
Cc: Premier of NL; Parsons, Andrew; Haggle, John; Dempster, Lisa; Nick.Whalen.C1B@parl.gc.ca  
Subject: Fwd: Acknowledgement Letter - Who Pays the Share in Cost-Share?

November 17, 2017

Honourable Eddie Joyce, Minister Municipal Affairs

I acknowledge your correspondence of November 16, 2017.

We are in agreement with all that you write. I note these:

1. “All governments have a role to play in delivering these important (municipal infrastructure projects).”

RESPONSE: 

2. “...the Department of Municipal Affairs and Environment is committed to offering flexible options for sourcing their municipal share that work for communities across the province.”

RESPONSE: 

3. “Communities who receive cost-shared funding under any of the Department’s federal or provincial programs have a range of options to pay their share.”

RESPONSE: 

4. SOURCE OPTIONS:

(a) PROPERTY TAXES 

RESPONSE: 

(b) Use of Municipal Operating Grants – (RESPONSE:
(c) Other allocations under the Federal Gas Tax fund or their Shared Provincial Gas Tax Revenues. (RESPONSE: 

(d) Secure a loan – financed through some combination of fees, taxes, or other revenue sources. (RESPONSE: 

So, you have written in your correspondence 

Outside of our agreed upon (a), (b), (c), and (d) above, 

As stated above, a cost-shared agreement of 70-30 for example, between the Provincial Government and the Town, 70% was paid from Provincial revenue (taxes of residents from Trepassey to Nain to Port aux Basques) and 30% came from town property taxes as general revenue. This supports the concept of sharing and sharing alike – towns must be seen as connected and cohesive communities.  

The 70-30 cost shared Agreement (30% from General Revenue) was in effect until August 1, 2017 less than 2 months before the end of Council term, at which time a Water/Sewer Cost recovery Policy was adopted (Motion 2017-372) 

Municipal Affairs has the authority to investigate this. 

you set forth in your correspondence.
Now need to address the key issue — a W/S Cost Recovery — of the amount of money the town has, different from every other municipality in the Province? In the meantime these same must pay, through General Revenue for services they do not use.

I look forward to your addressing the particular issue that

Yours sincerely,

Cc:
Honourable Premier, Dwight Ball
Honourable Andrew Parsons
Honourable John Haggie
Honourable Lisa Dempster
MP Nick Whalen

Begin forwarded message:

From: "Leonard, Jackie" <JackieLeonard@gov.nl.ca>
Subject: Acknowledgement Letter - Who Pays the Share in Cost-Share?
Date: November 17, 2017 at 9:47:33 AM NST

Good Morning:

Please see the attached response from the Minister's office.

[Signature]
Jackie Leonard
Clerk Typist III
Municipal Infrastructure and Waste Management Division
Municipal Infrastructure and Support Branch
Department of Municipal Affairs and Environment
P.O. Box 8700
4th Floor, West Block, Confederation Building
St. John's, NL A1B 4J6
Telephone: 709-729-3068
I am writing in response to your recent e-mail regarding cost-sharing arrangements for municipal infrastructure projects. All levels of government have a role to play in delivering these important projects, and the Department of Municipal Affairs and Environment is committed to offering flexible options for sourcing their municipal share that work for communities across the province.

To this end, communities who receive cost-shared funding under any of the Department’s federal or provincial programs have a range of options available to pay their share. While some may choose to cover these costs from their own source revenues, including property taxes, others may opt to use their Municipal Operating Grants or their allocations under the Federal Gas Tax Fund or their Shared Provincial Gas Tax Revenues for this purpose. Others still may decide to secure a loan from a financial institution, financed through some combination of fees, taxes, or other revenue sources.

Ultimately, the municipal share of these projects is a municipal responsibility, but the Department is always prepared to work with communities to consider new and innovative funding and cost-sharing arrangements.

Thank you for your continued engagement on these important municipal issues.

Sincerely,

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

cc: Hon. Dwight Ball, Premier
Mr. Nick Whalen, MP
Hon. Andrew Parsons, Minister of Justice and Public Safety
Hon. Lisa Dempster, Minister of Children, Seniors and Social Development
Hon. Dr. John Haggie, Minister of Health and Community Services
Date: 11/30/2017 2:25:08 PM
From: "Premier of NL"
To: "Glynne, Valerie"
Subject: ""Redacted""

Attachment: Letter to Premier Dwight Ball from [Redacted] - St. Philip's drinking water and funding from provincial government rerouted to other projects.PDF;

Hi Valerie,

Attached, for the attention of your Minister Deputy Minister, is a letter to Premier Ball from [Redacted] regarding funding to the Town of Placentia St. Philips for water and sewer, including water/sewer for particular roads.

We are requesting a review and response to Mr. Fagan on behalf of Premier Ball.

Thanks,
Virginia
October 9, 2017  

All redactions on this page are due to section 40.1

Premier Dwight Ball  
Government of Newfoundland and Labrador  
P.O. Box 8700  
Confederation Building  
St. John’s  
NL  A1B 4J6  

Dear Premier:  

In 2014, the Town Council of Portugal Cove-St. Philip's made clean drinking water a priority, and requested and received $2,763,119.00 from the Provincial Government at the time, for water and sewer, including water/sewer for [Redacted] road and others.  

In 2016, the Town Council decided to use this funding elsewhere. One project was a route to a new Town Depot - no record that one was needed, and now the newly elected Council has put this on hold.  

Minister Eddie Joyce, Minister of Municipal Affairs, approved this decision of Council to reallocate the water/sewer funds.  

On October 16, 2017 Minister Joyce send a Directive to the Town Mayor approving $763,504 for this project. Of this funding, $480,544.00 is listed as "Ultimate Recipient Contribution".  

There are problems:  
1. Who are the Ultimate Recipients who must pay? Under the Town’s Water/Sewer Cost Recovery Policy (adopted August 1 less than 2 months before the end of Council term), [Redacted] questions regarding this Town Cost Recovery Policy and  

2. The project according to Mr. Joyce must be completed by March 31, 2018.
3. No one (Municipal or Provincial) has met with residents affected, merely subject to Directives/correspondence.

4. This is a case in 2016 to agree with the Town in taking away funding for water/sewer as allocated.

(b) The Town in taking away funding for water/sewer.

(c) Municipal Affairs and the Town not meeting with residents affected.

(d) The Town in approving a Water/Sewer Cost Recovery Policy on August 1, less than 2 months before the end of Council term. Also,

(e) Mr. Joyce in issuing a Directive on October 16, 2017 for a project on Drovers Heights, whether recipients will have to pay as per the Town's Cost Recovery Policy.

(f) Mr. Joyce time limit on this –

6. I am asking you, Mr. Premier. I am pleading with you to put a hold on this time ultimatum by Mr. Joyce until all issues are addressed, until costs are clearly indicated, until the Town W/S Cost Recovery Policy is understood, and residents can exercise their democratic right.

7. According to ATIPP/MAE/70/2017, there is no record the $2,763,119 has been spent. Let us go back to the original Agreement for whom a new Provincial Office is being established. It is time for all partners to come to the table and resolve this issue.

8. I appreciate your attending to this matter. Thank you!

cc. Minister Eddie Joyce
Minister John Haggie (Health)
Minister Lisa Dempster (Seniors)
Minister Andrew Parsons
MP Nick Whalen
s.40.1

Dr. David S. Lee
10th Floor
8700
Copley Building
St. John's
718.456

PRIVATE + CONFIDENTIAL
Hi Valerie,

Attached is letter to Premier Ball and Minister Joyce from [redacted] regarding clean, affordable water as a priority for residents, as it relates to the UN Declaration and Health Canada's directive.

Please copy the Premier on the Minister's response, if a response is required, and email a copy to premier@gov.nl.ca account.

Thank you,

Joanne
Honourable Eddie Joyce, Minister, Municipal Affairs
Honourable John Haggie, Minister, Health
Honourable Lisa Dempster, Minister, Seniors
Honourable Andrew Parsons
Honourable Dwight Ball, Premier

November 27, 2017

**Where does the Province stand on Clean, Affordable Water as a Priority for residents?**

It is important that this be made clear and the Government should provide clear and direct leadership for municipalities on this.

The Town of Portugal Cove-St. Philip's at its November 7, 2017 Council meeting adopted the last of six (6) Priorities for the Town. **Affordable Clean Water IS NOT ONE.**

The Provincial Government has to take leadership, and strong leadership in setting and promoting Priorities, and Affordable Clean Water should be one. This means that the Provincial Government must be visible and vocal in maintaining that clean and affordable water is a priority in this Province!

A Resolution of the United Nations General Assembly is as follows: "In November 2002, the United Nations General Assembly, Committee on Economic, Social and Cultural Rights adopted General Comment No. 15 on the right to water. Article 1.1 states that "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights".

Correspondence from Health Canada on July 19, 2017 states: "Safe drinking water is essential to health. This is why Health Canada works with provinces and territories to develop the Guidelines for Canadian Drinking Water Quality. However, the principal responsibility for safety of drinking water generally rests with the provinces and territories while municipalities usually ensure the day-to-day operation of treatment facilities and distribution systems."

The Provincial Government nor Municipal Governments are bound to the UN Declaration or Health Canada's directive.

**THE WATER STORY of Portugal Cove-St. Philip's IN BRIEF:**

1. The Provincial Government of 2014 approved $2,763,119.00 for water or water/sewer for PCSP for residents of 4 roads.
2. In 2016, the town with the approval of the current Provincial Government directed this funding to other projects, including a new town depot 

3. On August 1, 2017, less than 2 months before the end of Council term, the Council of PCSP adopted a Water/Sewer Cost Recovery Policy that changed the Cost-Shared Policy in existence and required new recipients of water/sewer infrastructure to pay costs out of pocket. Funding from General Revenue would no longer go towards such costs. Instead the property taxes (General Revenue) of those residents who have to pay out of pocket for water/sewer services, would go towards town services, some they do not use!

4. On October 16, 2017, a Directive from the Minister of Municipal Affairs to the Mayor of PCSP approved $773,504.00 for water/sewer for Drovers Heights, one of 4 roads committed for water or water/sewer funding in 2014 and then taken away. There is nothing for the other 3 roads.

5. Of this amount for Drovers Heights, the "Ultimate Recipient Contribution" is $480,544.00 or 62% of the total. In light of the August 1 W/S Cost Recovery Policy,

had to be completed by March 31, 2018 --
this deadline was later moved to December
31, 2018 in an e-mail from MAE Department of November 14, 2017.

8. On November 7, 2017, the Town Council of PCSP adopted the final of six (6) PRIORITIES for the Town – Affordable Clean Water is not one of them.

9. The Provincial Government has authority over municipalities. It creates them and has the power to investigate them and, if situations warrant, has the power to suspend, or even disband Councils.
10. In light of #4 and 5 above, read the Response to ATIPP/MAE/70/2017.

Any record of any surplus MYCW funds that may be applicable to the Town of PCSP.

According to the Response, the $2,763,119.00 for water/sewer projects for PCSP has not been spent!...

11. What is the Resolution?
Response:
(1) The Provincial Government speaking loud and clear in a leadership position, and consistent with the UN, and Health Canada on Affordable Clean Water as a Priority in this Province.
(2) The Municipal Government of Portugal Cove-St. Phillip’s designating Affordable Clean Water as a Priority!
(4) Reverting to the Policy that was in place in 2016 for Cost-Shared funding when the Town’s share was contributed from Town General Revenue.

As the UN General Assembly states: "The human right to water is indispensable for leading a life in human dignity."

I am copying this to Dr. Suzanne Brake, Seniors' Advocate requesting her assistance in obtaining Affordable Clean Water for all individuals. I shall be happy to provide any additional information and meet if requested.
Honourable Dwight Ball
Premier
Confederation Building
P.O. Box 8700
Government of NL
St. John's
NL A1B 4J6

PRIVATE = CONFIDENTIAL
Hi Valerie,

Attached is an email from [redacted] regarding affordable clean water for the residents/seniors of Portugal Cove. Please copy the Premier on the response, if a response is required, and email a copy to premier@gov.nl.ca account.

Thank you,

Joanne
Mulrooney, Paul

From: 
Sent: Wednesday, January 3, 2018 10:53 AM
To: Joyce, Eddie; Haggie, John; Dempster, Lisa; Parsons, Andrew; Premier of NL; Brazil, David J.; Nick.Whalen@parl.gc.ca; SeniorsAdvocate; carol.mcdonald@pcsp.ca
Cc: Tizzard, Heather; Duffett, Ian; Rehman, Inayat
Subject: AFFORDABLE CLEAN WATER FOR RESIDENTS/SENIORS OF PORTUGAL COVE

To: Ministers Eddie Joyce, John Haggie, Lisa Dempster, Andrew Parsons, Premier Dwight Ball, MHA David Brazil, MP Nick Whalen, Suzanne Brake (Seniors’ Advocate), H. Tizzard, I. Duffett, I. Rehman, Mayor Carol McDonald

I heard on Open Line this morning that a reason for extending broadband to various communities is that the United Nations affirmed it is a human right!

The United Nations also has affirmed that clean drinking water is a human right. But in 2016, the Provincial Government allowed the Town of PCSP to take away $2,763,119.00 approved for water/sewer, for other purposes. On October 16, 2017 Minister Joyce in correspondence to Mayor Carol McDonald approved a total cost project of $763,504.00 for water/sewer for Drovers Heights.

The breakdown of this cost (less GST/PST) is as follows:

Federal Contribution 19.8 percent

Provincial Contribution - 7.9 percent

Residents of Drovers Heights, PCSP, and labelled as ULTIMATE RECIPIENTS by Mr. Joyce - 62.9 percent

Are we on Drovers Heights supposed to wave flags at this generous cost-sharing contribution by the Provincial and Federal Governments on a right affirmed by the United Nations – and when funding approved was taken away?

This is 2018 and it is nice for residents to have broadband, but for residents in Portugal Cove-St. Philip’s to have to pay through the nose for a given right, is not appropriate, especially when funding was available and taken away as approved by the Provincial Government.
Please, can someone who understands residents, including Seniors, get their heads together and resolve this issue in a just and fair manner.

I don’t have e-mail addresses for all those who were cc’d on Mr. Joyce’s letter of October 16, 2017 so I am asking the Minister’s Office to pass this correspondence along to:

Ms. L. Evoy
Mr. H. Khan
Ms. E. Shea
Mr. J. O’Leary
Mr. D. Hickey
Mr. T. Matthews