March 12, 2018

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/21/2018]

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

"Requesting written documentation of all discussions between the Howley Town Council and the Regional Manager from Jan 29 to now. This is in reference to the correspondence # COR/2018/00610-01 that was issued to the Town of Howley on Thursday, February 15, 2018."

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):

"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:

P.O. Box 8700, St. John's, NL, Canada A1B 4J6  709 729 5677  709 729 0943  www.gov.nl.ca
Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Strn. 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).
Holly
Please call Betty @ 635-5555 re Extra forms for their budget.
Ruth

Ruth S. Andrews, WPEO1
Department of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
(P) 709-637-2332 (F) 709-637-2548

Email: ruthandrews@gov.nl.ca

Ruth S. Andrews, WPEO1
Department of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
(P) 709-637-2332 (F) 709-637-2548

Email: ruthandrews@gov.nl.ca
Sullivan, Lisa

From: Andrews, Ruth S.
Sent: Thursday, February 8, 2018 1:49 PM
To: Scott, Holly
Subject: msg [redacted]@ Howley

Follow Up Flag: Follow up
Flag Status: Completed

Holly
Please call [redacted] would like advice on a discriminatory comment made by a councilor.
Ruth

Ruth S. Andrews, WPE01
Department of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
(P) 709-637-2332  (F) 709-637-2548

Email: ruthandrews@gov.nl.ca
Holly

Please call Betty [REDACTED] before 12:30pm.

Ruth

Ruth S. Andrews, WPE01
Department of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
(P) 709-637-2332  (F) 709-637-2548

Email: ruthandrews@gov.nl.ca
Sullivan, Lisa

From: Andrews, Ruth S.
Sent: Monday, February 12, 2018 11:58 AM
To: Scott, Holly
Subject: msg Betty of Howley

Ruth S. Andrews, WPEO1
Department of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
(P) 709-637-2332  (F) 709-637-2548

Email: ruthandrews@gov.nl.ca
Sullivan, Lisa

From: Andrews, Ruth S.
Sent: Monday, February 12, 2018 4:27 PM
To: Scott, Holly
Subject: msg Peg Stroud-Mountain of Howley

Holly

Please call councillor Peg Stroud Mountain [redacted]

Ruth

Ruth S. Andrews, WPE01
Department of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
(P) 709-637-2332 (F) 709-637-2548

Email: ruthandrews@gov.nl.ca
Hi Peg:

I received it!

Holly Scott - Walsh
Manager of Municipal Support (A)
Western/Labrador Region
Dept. of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P. O. Box 2006
Corner Brook, NL A2H 6J8
Tel: 709-637-8010
Fax: 709-637-2548
hscott@gov.nl.ca

I was not able to fax this letter, Holly, so I'm sending as an attachment in email. Please let me know if you receive it. If not, I will try faxing from another number.

Thanks,

Peg
Councillor, Howley
Sullivan, Lisa

From: Scott, Holly
Sent: Wednesday, February 14, 2018 12:09 PM
To: Andrews, Ruth S.
Subject: FW: Memo to Holly
Attachments: Town of Howie1.docx

Ruth:

Please Trim this.

Holly

From: [Redacted]
Sent: Wednesday, February 14, 2018 11:21 AM
To: Scott, Holly
Subject: Fw: Memo to Holly

Sent: February 14, 2018 10:37 AM
from: [Redacted]
Subject: Memo to Holly

Connie Reid
Town Clerk/Manager
Town of Reidville
(709)635-5232 Tel
(709)635-4498 Fax
February 14, 2018

Holly Scott- Walsh
Manager of Municipal Support (A)
Western/Labrador Region
Dept. of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P. O. Box 2006
Corner Brook, NL A2H 6J8
hscott@gov.nl.ca

RE: Social Media

Dear Holly,

As the deputy mayor of Howley, I feel it is my responsibility to let you know about a situation with the Mayor that is not only against rules and regulations but is also inconsiderate and inappropriate!

Mayor Wayne Bennett has posted on the town of Howley facebook page that a certain council member will be resigning from her position. While this is true, the letter that was submitted by the council member has not yet been tabled at a council meeting. This was a letter that was addressed to all members of council to be tabled at the meeting tomorrow night. The Mayor should not have been privy to the information before anyone else and he certainly should not have put it on social media!

I hope that you can give me some guidance! If you have any questions or comments please contact me at your convenience.

Sincerely

Betty Stead
Deputy Mayor
Town of Howley
Ruth:

Please Trim this document.

Holly

From: Peg Stroud-Mountain
Sent: Wednesday, February 14, 2018 11:00 AM
To: Scott, Holly
Subject: [Potential Junk/Spam] Howley Council

I was not able to fax this letter, Holly, so I'm sending as an attachment in email. Please let me know if you receive it. If not, I will try faxing from another number.

Thanks,
Peg
Councillor, Howley
Holly Walsh  
Municipal Affairs  
Fax: 637-2548

Holly,

I was not able to copy conversation from my FB messenger so I have retyped the conversation for you.

Quote

February 13/18 @7:24 p.m. – I wrote in a FB messenger site which is for only councillors and town staff:

After a conversation with Holly Walsh, Municipal Affairs, I feel compelled to write this to you. As per Section 21 of the Municipalities Act 1999, you are subject to the direction and control of the town council and shall abide by decisions of the town council. You cannot make decisions on your own or without a majority vote of councillors, such as changing the hours that the office is open for business. The town clerk reports directly to the council as a whole. As councillors, we are to understand what our staff do, their responsibilities, and the limits of their authority. We are to ensure our staff perform their duties but an individual councillor, must not interfere with staff responsibilities or routine administrative matters. The clerk, who is a secretary for all council, is to act respectable to all councillors, as are we to act respectfully to her. No councillor, is supposed to be in the office with the clerk for extended periods, thus interfering with her workload. We are to be there only for as long as it takes to drop something off. When we (Councillors Hann, Stead and me) were in our Finance meeting on Monday, you were in the office all during our meeting; none of us are supposed to be in the office when the clerk is not there. We are not supposed to have access to private citizens’ information. I’m not saying you were accessing info, but we are not supposed to be in a position to do so under any circumstances.

’s response to me later @ 9:20p.m.

I note your observations but totally reject them

At 11:23 p.m., I responded:

So are you saying you don’t care about the Municipalities Act and you’re going to run Howley like a dictatorship???

Unquote
He has not responded as of yet, February 14/18 @9:39 a.m.

Holly, we are at a loss as to what to do. We have a mayor who is making decision without including councillors. We tell him what the Municipalities Act says & he chooses to ignore it. There is nothing more we can do unless your office steps in.

We have already lost one councillor (Margaret Wilton) and...

Peg Stroud-Mountain
Councillor Howley
Notes from COR/2018/00609

"Thursday, February 15, 2018 at 11:27:32 AM (GMT+03:30)  Scott-Walsh, Holly:"

I spoke with Deputy Mayor Betty Stead on Feb 14, 2018 and advised her there was nothing in the Municipalities Act, 1999 in relation to her complaint re: Social Media and disclosure of the resignation of a councilor before the letter was presented at a public council meeting. However, I did advise her that our line of communication with the Town is open should they require any guidance in relation to the roles and responsibilities of councilors and Council.

"Wednesday, February 14, 2018 at 12:19:15 PM (GMT+03:30)  Andrews, Ruth:"

FNA - Holly Scott-Walsh
Mayor Wayne Bennett  
Town of Howley  
P. O. Box 4  
Howley, NL A0K 3E0

Dear Mayor Bennett and Councillors:

I am writing in response to concerns recently brought to the attention of the Department of Municipal Affairs and Environment regarding various municipal issues concerning the Town of Howley. Based on further information that we received through discussions with Town officials, I would like to draw your attention to the following items:

Council Decisions – The Department has received complaints stating that there are decisions being made and carried out without an approval of council.

The Municipalities Act, 1999 states:

411. (1) An action for damages shall not lie or be instituted against a councillor or member of a local service district committee for anything said or done or omitted to be said or done by that councillor or member in the performance or intended performance of his or her duty or the exercise of a power or for an alleged neglect in the performance or intended performance of his or her duty or exercise of a power under this Act.

If a councillor(s) is acting outside the performance of his or her duties as councillor, they may be personally liable for an action for damages. A mayor or any other councillor cannot legally act on behalf of council without the knowledge and approval of council.

212. (1) A motion or resolution before a council shall be decided by a majority vote of the councillors in attendance at the meeting except where a 2/3 vote of the councillors in office is required.

21. (1) the mayor

(a) shall make all reasonable efforts to ensure that the laws of the town are executed and obeyed and shall advance the aims of the town council; and

(b) shall exercise the powers and perform the duties that may be conferred or imposed upon him or her by the town council or under the Act.

(2) Notwithstanding subsection (1), the mayor is subject to the direction and control of the town council and shall abide by decisions of the town council.
(3) A town councillor is subject to the direction and control of the town council and shall abide by the decisions of the town council.

Duties of Town Clerk

61. (1) A clerk is the secretary to the council and is responsible to it for recording the proceedings and decisions of the council and for the safekeeping of all documents of the council.

(2) Notwithstanding subsection (1), a council may delegate responsibility for the safekeeping of documents, which the council may prescribe, to another employee of the council.

(3) Where the clerk carries out a policy or an act that has been directed by the council and that policy or act contravenes this Act or another Act of the province, an action shall not lie against that clerk for a matter arising from his or her carrying out the policy or act.

The Department would also suggest that Council may wish to adopt a harassment policy for elected and non-elected officials. It is very important that all elected and non-elected officials maintain a mutual respect for each other to insure a positive working relationship in an organization. It is council’s responsibility to address internal matters of respect and harassment.

I encourage you to continue any dialogue as necessary with Department officials to ensure you understand your responsibilities as councillors and as a Council. Department officials are available to meet with Council and to facilitate training on roles and responsibilities. If you have any questions or would like to discuss, please contact the Western Regional Office at 637-8010.

Sincerely,

Holly Scott-Walsh
Regional Manager of Municipal Support (A)
Western/Labrador Region

cc: Mr. Sandy Hounsell, Director of Municipal Support
Holly

Please call Betty of Howley [REDACTED] she’s going out by 10:30am.

Ruth

Ruth S. Andrews, WPE01
Department of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
(P) 709-637-2332  (F) 709-637-2548

Email: ruthandrews@gov.nl.ca
Holly
Please call Betty [REDACTED]
Ruth

Ruth S. Andrews, WPEO1
Department of Municipal Affairs and Environment
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
(P) 709-637-2332  (F) 709-637-2548

Email: ruthandrews@gov.nl.ca
FROM THE OFFICE OF: Brian A. Barker
Chartered Professional Accountant

6C Church Street
Deer Lake, NL
ABA 1E1

Fax: (709) 635-1153
Email: brianbarker@nl.rogers.com

RECEIVED
MAR 05 2018

Fax # 637-2548

To: Holly Walsh

# of Pages: 3

Subject: s.40.1
Holly Walsh
Municipal Affairs
Fax: 637-2548

Ms. Walsh,

I am writing this letter so that you will have documentation of what I witnessed in my time as a councillor with the Town of Howley.

The has been insubordinate by screaming and yelling at all female councillors in meetings, and in general, talked to us as if we were insignificant. has used vulgar language in meetings, just to name one action that is very unprofessional. accused me of discriminatory remarks against and called for my resignation on Facebook messenger, set up for councillors and clerk. During our water crisis, spent most of time in our community center with the cordless phone in hand; then could have instead of hanging out in the community center.

used vulgar language at a councillor and made numerous from councillors, such as leaving the town truck running all night long (we still don't know his reasoning behind that). He treated the town maintenance man so badly that the man quit and had to be persuaded to come back to his job. When it was pointed out to him that the Municipalities Act says that, he says "note your observations but totally reject them". has called for a meeting in a Facebook messenger, which most of us didn't get. He then told us that his message went to the wrong group. Then told us it was mandatory that we attend. In one meeting that we were told was mandatory, when we got there he said before we get into our formal meeting, we were going to have an informal meeting to clear the air, and when that meeting was done, he allowed a councillor to leave before the mandatory meeting started. There were no minutes taken at the meeting. has I should stay close. During the water crisis, Deputy Mayor Stead Councillors, Hann, Stroud-Mountain organized a plan where we would monitor the pump so the maintenance man could get some rest. He told us we couldn't do that without a formal document and he went to a private citizen's house to get them to type up an Excel spreadsheet, even though other councillors could have typed an Excel spreadsheet. He has had the Volunteer Fire chief attend our meetings and take notes for him. posted on Facebook before it went through a formal meeting in the correspondence and before the other councillors knew. The same afternoon he was at the local bar trying to recruit for the position.
You have only to look at what is being posted on Facebook and Twitter by our mayor to see some of what is happening. Mayor Bennett cannot be allowed to continue to think that he can do whatever he wants to do regardless of what the Municipalities Act states.

Thank you for your prompt attention to this dire matter.

Cc: Sandy Hounsell (Holly, would you please forward a copy of this letter to Mr. Hounsell, as I don’t have his fax number. Thank you.)