October 2, 2018

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 (TCII/34/2018)

Dear [Redacted]

On September 11, 2018 Tourism, Culture, Industry and Innovation received your request for access to the following records:

Please provide all correspondence (letters, emails, briefing notes, notes) made in relation to appointments or vacancies or potential appointments or recommendation of candidates of any board, agency or commission position under the Ministers/Department responsibility since May 2016.

On September 20th, your request was narrowed to the following records:

Please provide all correspondence (letters, emails, briefing notes, notes) of TCII executive made in relation to appointments or vacancies or potential appointments or recommendation of the Marble Mountain Development Corporation since May 2016. Records may exclude Cabinet Records.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Tourism, Culture, Industry and Innovation to provide access to some of the requested information. Access to the remaining records, and/or 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):

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.
Please 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.

If you have any further questions, please contact me by telephone at 709-729-3356 or by email at heatherbrown@gov.nl.ca.

Sincerely,

Heather Brown
ATIPP Coordinator
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).
January 17, 2017

Hon. Clyde K. Wells, B.A., LL.B, LL.D
Independent Appointment Commission
St. John's, NL
A1B 4J6

Dear Mr. Wells,

The Department of Business Tourism Culture and Rural Development is requesting recommendations for the Board of Marble Mountain Development Corporation (MMDC). There are six positions to be filled, including the Chair and Vice-Chair. The profile and qualifications are attached.

I would like to take this opportunity to thank the Independent Appointment Commission for your time in completing this important process to ensure the people appointed bring the best skills, qualifications and experience to the MMDC.

Sincerely,

CHRISTOPHER MITCHELMORE, MHA
District of St. Barbe - L'Anse aux Meadows
Minister

Attachment
February 1, 2017

Honourable Christopher Mitchelmore, M.H.A
District of St. Barbe – L’Anse aux Meadows
Minister of Business, Tourism, Culture and Rural Development
P. O. Box 8700
Confederation Building,
St. John’s, NL
A1B 4J6

Dear Minister Mitchelmore:

Thank you for your letter dated January 17, 2016, regarding your request for the Independent Appointments Commission to identify and recommend candidates for appointment to the Board of Marble Mountain Development Corporation (MMDC).

We will commence the process to fill these vacancies immediately.

Sincerely yours,

(On Mr. Wells’ direction, signed on his behalf by)

CLYDE K. WELLS, Q.C.
Chairperson
Dear [Name],

Thank you for emailing regarding Marble Mountain. The interim board includes the following:

The interim chair of the board is Tony Abbott, who is the Operational Manager of the Marble Mountain Ski Resort. Other members of the interim board include:

- Department of Tourism, Culture, Industry and Innovation Representatives: Carmela Murphy, Ben Gardner, Carol-Ann Gilliard, Gillian Skinner, Jeff Mercer, and Stewart Read
- Department of Finance Representative: Craig Martin
- City of Corner Brook Representative: James Pike

Given there is an operational review, it was deemed the Operations Manager would serve as Chair. Additionally, 8 other reps are GovNL employees that serve in a non-partisan capacity the best interest of the public with significant experience from ADM of Tourism & Culture, ADM of Business, Director of Sector Development, Director of Regional Economic Development, Planning Specialist and Economic Development officer, as well as ADM of Fiscal Policy

The remaining position was recommended by the City of Corner Brook and is a Professional Accountant, with a very strong reputation in the community.

A review of Marble Mountain with a focus on extending the winter season; expanding hours of operation; adopting new technologies; and, improving customer experiences, with the goal of maximizing the visitor experience and making Marble Mountain operations financially self-sufficient is necessary.

It is important that the Marble Mountain Development Corporation put more focus on increasing visitation and revenues at Marble Mountain, as well as exploring new revenue streams and opportunities on the hill, in the lodge and with regard to further base development.

I also have worked very closely with Minister Hawkins and MP Simms, as they advance initiatives and issues on behalf of constituents they represent.

Best regards,

Hon. Christopher Mitchelmore
MHA for St. Barbe-L’anse Aux Meadows

Minister of Tourism, Culture, Industry and Innovation Minister Responsible for the Research and Development Corp.

Confederation Building – West Block
Department of Business, Tourism, Culture and Rural Development, 2nd Floor P.O. Box 8700 St. John’s, NL A1B 4J6
Tel: (709) 729-4728
Fax: (709) 729-0654
Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Thank you.

---Original Message---
From: [Redacted]  
Sent: Wednesday, April 5, 2017 6:38 PM  
To: Mitchelmore, Christopher <CMitchelmore@gov.nl.ca>  
Subject: Marble mountain

I, for one, would like to know why it only took only hours to replace the board. Another thing, the new board wouldn’t, by chance, be somehow connected to the liberal party, would they? I have [Redacted] for the last 10 years and it’s the worst decision I have ever made. I emailed Scott Simms five times and never got a reply.

I reminded Scott Simms and Al Hawkins, that in both cases, the vote was anti conservative in the last elections...it won’t take most people much to turn back....at least, Al Hawkins answered me, not the answer I wanted but at least he answered...this party has never listened to the people, I won’t expect much.

Sent from my iPad
April 12, 2017

Mayor Peter Rowsell
Town of Steady Brook

Dear Mayor Rowsell:

Re: Nominations for Marble Mountain Development Corporation (MMDC)

The MMDC Board position for the Town of Steady Brook is currently vacant. I invite you to submit up to three names along with background information of potential candidates. I look forward to receiving your recommendations. If you have any questions you can contact Ms. Carmela Murphy, Assistant Deputy Minister, Tourism and Culture at (709) 729-2821 or email carmelamurphy@gov.nl.ca

Sincerely,

CHRISTOPHER MITCHELMORE, MHA
District of St. Barbe - L'Anse aux Meadows
Minister
April 13, 2017

Mayor Charles Pender
City of Corner Brook

Dear Mayor Pender:

Re: Nominations for Marble Mountain Development Corporation (MMDC)

The MMDC Board position for the City of Corner Brook is currently vacant. I invite you to submit up to three names along with background information of potential candidates. I look forward to receiving your recommendations. If you have any questions you can contact Ms. Carmela Murphy, Assistant Deputy Minister, Tourism and Culture at (709) 729-2821 or email carmelamurphy@gov.nl.ca

Sincerely,

CHRISTOPHER MITCHELMORE, MHA
District of St. Barbe - L'Anse aux Meadows
Minister
Hon. Christopher Mitchelmore  
MHA for St. Barbe-L'anse Aux Meadows  

Minister of Tourism, Culture, Industry and Innovation  
Minister Responsible for the Research and Development Corp.

Confederation Building – West Block  
Department of Business, Tourism, Culture and Rural Development, 2nd Floor  
P.O. Box 8700  
St. John's, NL A1B 4J6  
Tel: (709) 729-4728  
Fax: (709) 729-0654

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Thank you.

Good day  
I received letter to submit names to represent MMS&RC on MMDC board.  
There was no date on letter to apply by.  
Could you please resend letter with date for our files.

Regards  
Hal Cormier  
President  
MMS&RC

Sent from my Samsung device over Bell's LTE network.
Hon. Christopher Mitchelmore  
MHA for St. Barbe-L’anse Aux Meadows

Minister of Tourism, Culture, Industry and Innovation  
Minister Responsible for the Research and Development Corp.

Confederation Building – West Block  
Department of Business, Tourism, Culture and Rural Development, 2nd Floor  
P.O. Box 8700  
St. John’s, NL A1B 4J6  
Tel: (709) 729-4728  
Fax: (709) 729-0654

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Thank you.

From: Town Office [mailto:townoffice@steadybrook.com]  
Sent: Monday, May 29, 2017 10:44 AM  
To: Mitchelmore, Christopher <CMitchelmore@gov.nl.ca>  
Subject: Nominations Marble Mountain Development Corp

On behalf of Town Council please accept the three nominations that the town has recommended for the Marble Mountain Development Corporation Board Seat.

Sincerely,

Tracy Caines  
Town Clerk/Manager

Town of Steady Brook  
32 Wilton Street  
Steady Brook, NL
A2H 2N2
Phone (709) 634-7601
Fax (709) 634-7547
townclerk@steadybrook.com

This email has been checked for viruses by Avast antivirus software.
www.avast.com
APPLICATION

Marble Mountain Development Corporation – Board of Directors

S.40 (1)
04 26 2017

Council: Steady Brook, NL.
Town of Steady Brook

Dear Council: Steady Brook, NL,

I'd be happy to serve as the Town's Representative on the Marble Mountain board.

The Province's initial investment into Marble Mountain influenced [REDACTED]. My level of knowledge and awareness of Marble related issues and potential impact is high. I understand the politic that influence Marble and I would have the ability to navigate that landscape in Steady Brook best interest.

Steady Brook has a great deal to gain from a successful Marble. Property Values, Service Fees and Economic Development are all at stake when we consider the future for Marble Mountain. A future that may involve privatization but is sure to involve change. Steady Brook needs to be considered every step of the way. Currently, it is a separate Development zone, outside the Town's regulatory reach and there is the potential for development plans to exclude Steady Brook's involvement and interest.

I believe Marble Mountain Development has an obligation to Steady Brook based on the original agreement to form the current Development Zone structure. A Program that included the ski capital of Newfoundland and Labrador; Steady Brook. A community that is entitled to participate and benefit from any development that occurs in that zone. We should not be excluded financially or otherwise.
Re: MMDC Board – Steady Brook Representative

It is no secret that some level of change is required and imminent at Marble Mountain.

Given the implications to the town – financial, infrastructure, development, etc, - I feel Steady Brook and Marble Mountain would both be well-served. What has developed over the years is somewhat of a cool relationship between MMDC and area stakeholders – both public and private. This is wrong and a shift is required.

The already-integrated pieces of Town and Marble infrastructure such as water and sewer are reason enough to bring both sides to the table in a conciliatory manner and foster a great working relationship in the best interests of the Province.

Please accept this note as my interest in serving on the MMDC Board as Steady Brook’s representative.

Thank you in advance for your consideration.
Good afternoon:

This will acknowledge receipt of your email. A response will be forthcoming.

Thank you,

Jan Halliday
Administrative Assistant
to the Minister
Dept. of Tourism, Culture, Industry and Innovation
2nd Floor, West Block
Telephone: (709) 729-4729

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Thank you.

From: Town Office [mailto:townoffice@steadybrook.com]
Sent: Monday, May 29, 2017 10:44 AM
To: Mitchelmore, Christopher <CMitchelmore@gov.nl.ca>
Subject: Nominations Marble Mountain Development Corp

On behalf of Town Council please accept the three nominations that the town has recommended for the Marble Mountain Development Corporation Board Seat.

Sincerely,

Tracy Caines
Town Clerk/Manager

Town of Steady Brook
32 Wilton Street
Steady Brook, NL
A2H 2N2
Phone (709) 634-7601
Fax (709) 634-7547
June 12, 2017

Honourable C. Mitchelmore
Minister of Tourism, Culture, Industry and Innovation
P.O. Box 8700
St. John’s, NL
A1B 4J6

Dear Minister Mitchelmore,

At a Council in Committee meeting on 5th June 2017, the Corner Brook City Council discussed your invitation to recommend a potential candidate for the Marble Mountain Development Corporation (MMDC) board.

On behalf of Mayor and Council, I am pleased to advise a motion was passed to nominate to the MMDC board position for the City of Corner Brook.

Yours truly,

Tonya Brisson, B.A.(Hons), CPRS, CLGA
Assistant City Clerk

cc: Council
Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L'Anse aux Meadows
Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

Begin forwarded message:

From: Town Office <townoffice@steadybrook.com>
Date: October 12, 2017 at 7:28:51 AM EDT
To: <cmitchelmore@gov.nl.ca>
Cc: <janicehalliday@gov.nl.ca>
Subject: Nominations Marble Moutain Board

The Town of Steady Brook would like to request to have [REDACTED] for consideration of the Marble Mountain Board by the Minister or any other relevant bodies as [REDACTED].

Can you please update the town when a decision will be made regarding the board.

Sincerely,

Tracy Caines
Town Clerk/Manager

Town of Steady Brook
32 Wilton Street
Steady Brook, NL
A2H 2N2
Phone (709) 634-7601
Fax (709) 634-7547
townclerk@steadybrook.com

Virus-free. www.avast.com
Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L’anse aux Meadows
Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

Begin forwarded message:

From: "Town Office" <townoffice@steadybrook.com>
To: "Mitchelmore, Christopher" <CMitchelmore@gov.nl.ca>
Cc: "j.parsons@cornerbrook.com" <j.parsons@cornerbrook.com>
Subject: Board Seat Marble Mountain

Mr. Mitchelmore please read the attached letter regarding the board seat at Marble Mountain. The Town of Steady Brook would appreciate a response to the letter attached.

Sincerely,

Tracy Caines
Town Clerk/Manager

Town of Steady Brook
32 Wilton Street
Steady Brook, NL
A2H 2N2
Phone (709) 634-7601
Fax (709) 634-7547
townclerk@steadybrook.com
October 30, 2017

Town of Steady Brook
32 Willon Street
Steady Brook, NL
Canada
A2H 2N2

Attention: Hon. Christopher Mitchelmore
Department of Tourism, Culture, Industry and Innovation

Re: The Town of Steady Brook's seat on the Marble Mountain Board of Directors

Dear Minister Mitchelmore,

On April 13, 2017, the Town received a request from your Department to provide three names of citizens who would be interested in filing the vacant seat on the Marble Board. We draw your attention to a resolution of Meeting of Shareholder of MMDC, sent to The Town of Steady Brook by your then solicitor, [redacted] of Poole Althouse and Clark. Letter dated Dec 20, 1988.

Copy of this resolution attached.

In this resolution, The Town of Steady Brook is one of the identified members of The MMDC. As The Town and Marble share a complex water and sewer system we believe the Town's place at the table is imperative to the ongoing discussions of base development, particularly as how we will work together to ensure the W&S is developed to adequately support the future base development and The Town.

The recent media coverage of the operational changes at Marble Mountain has drawn our attention to the fact that the Town's seat continues to remain vacant. It has been 6 months since we submitted the requested names for consideration. The individuals who put their names forward were under the impression, based on previous Government media releases, that they would be participating in the review and recommendation for a new way forward for Marble Mountain.

We respectfully ask for clarification on the following:

1. Based on the passage of time, one of the citizens who put their name forward has since withdrawn it. Are we able to put forward a replacement name?

2. What is the Department's position on filling the Town's seat on the Marble Board?

Thank you for your time and attention on this matter.

Sincerely,

Donna Thistle
Mayor Town of Steady Brook

CC Jim Parsons, City of Corner Brook

Website. www.steadybrook.com
Email: townclerk@steadybrook.com / townoffice@steadybrook.com
RESOLUTION OF MEETING OF SHAREHOLDER

OF

MARBLE MOUNTAIN DEVELOPMENT CORPORATION

held at the offices of the Corporation at the Department of Development and Tourism, Confederation Building, West Block, St. John's, in the Province of Newfoundland on the day of A.D., 1988 at o'clock in the noon.

Present: The Honourable the Minister of Development and Tourism

being the only shareholder of the Corporation.

RESOLVED THAT:

1. DIRECTORS

The Board of Directors of the Corporation shall consist of a Chairperson and eight (8) Directors with one Director from each of the following groups:

(i) Corner Brook Ski Club
(ii) City of Corner Brook
(iii) Community of Steady Brook
(iv) Government of Newfoundland and Labrador

The remaining four positions and the Chairperson shall be filled by persons who are directly involved, where feasible, with Tourism industry related businesses, with no more than one from each type of business.

2. The Corner Brook Ski Club Limited, City of Corner Brook and Community of Steady Brook each shall submit to the Minister a list of not less than three names from which their respective Board members shall be chosen.

3. The Minister shall designate one of the Directors of the Corporation to be Deputy Chairman of the Corporation.
I have been speaking with Tracey Caines the Town Clerk and a letter will be forthcoming------Original Message------
From: Joy, Carla
Sent: Thursday, January 04, 2018 10:52 AM
To: Murphy, Carmela
Cc: Rideout, Lynne
Subject: HPE Records Manager EXECUTIVE CORRESPONDENCE : COR/02987/2017 : The Town of Steady Brook's seat on the Marble Mountain Board of Directors - Mayor Donna Thistle

Hi,

Please provide status update

Thanks,
Carla

------< HPE Records Manager record Information >------

Record Number: COR/02987/2017
Title : The Town of Steady Brook's seat on the Marble Mountain Board of Directors - Mayor Donna Thistle
Signature : Document has not been digitally signed.