

April 3, 2019

DOC/2019/01356-02



Dear 

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: MAE/073/2019]

On March 25, 2019 the Department of Municipal Affairs and Environment received your request for access to the following records/information:

*"Re: Oath of Office for Municipal Councillors - form includes the statement: "I will faithfully to the best of my ability, perform the duties and responsibilities of my office..."
REQUEST: Record/list of "duties" and "responsibilities" of the office of municipal councillor."*

Please be advised that the Deputy Minister has reviewed this request and the Department of Municipal Affairs and Environment has no records responsive to your request as there exists no formalized list. However, in the spirit of duty to assist, please note that *Section 21* of the *Municipalities Act (1999)* lists the legislative duties, in reference to the mayor, and also states councillors are subject to the direction and control of the town council. *Section 21* is stated below.

"Duties

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."*

Also, *Section 2* of the *Municipal Council Handbook* provides best practices on the function of municipal councillors and their obligations to council, the role of the mayor and deputy mayor, the personal and collective liabilities of councillors and council, considerations on conflict of interest and the distinction between the policy function of council and the role of town administrators. The handbook is available via the following website link:

https://www.mae.gov.nl.ca/training/pdf/Councillor_Handbook_2017.pdf .

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

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

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

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

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

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at ryancollins@gov.nl.ca.

Sincerely,



RYAN COLLINS
ATIPP Coordinator
Department of Municipal Affairs and Environment