

Submission to the Statutory Review Committee on *Access to Information and Protection of Privacy Act*

Friday, August 22, 2014 (4:41 PM)

E-mail from Moses Tucker, Mayor of the Town of Portugal Cove St. Philips to the ATIPPA Review Committee

Subject: Letter from Mr. Gavin Will, Town of PCSP.

Dear Mr. Wells and ATIPPA Review Committee Members,

Good day to you all.

Thank you for considering my brief submission and hopefully it will provide another view of the related submission by Mr. Gavin Will.

This is in reference to the letter submitted by Mr. Gavin Will, dated 07 July 2014, concerning release of information to the public by the Town of Portugal Cove St. Philips. In particular Mr. Will referenced a personal situation of a claim against him for alleged "Conflict of Interest".

The Municipalities Act provides direction for a Municipal Council on how to address such situations. Accordingly, an investigation was conducted related to the claim's plausibility for the alleged "Conflict of Interest". Consequently, at a public Council Meeting on 02 July 2014 a motion was made and passed unanimously which stated "Council declared that Mr. Will, in his position of Dep. Mayor, was not in Conflict of Interest". This was recorded in the minutes of the meeting.

These minutes are then produced in Draft form and comes to the next Council meeting (15 July 2014) for a motion to adopt the minutes of the previous meeting. Councillors are given an opportunity to ask questions, make comments or provide clarification to these minutes prior to voting to pass the adoption motion. After adoption, the minutes are signed by the Mayor and become the "Official Record" of the Council meeting. (Please his letter is dated 7 July 2014.)

Once the minutes became "official public record" the information (Mr. Will refers to) was tabled at the same public Council meeting (15 July 2014). There was no intention by Council to withhold information related to the alleged claim of "Conflict of Interest", once the minutes became "official record". However, under the circumstances, as I'm sure you can understand, to have released it before it was "official record" may not have been in the best interest of the Dep. Mayor Will.

Nevertheless, there was a demand to have it released by the editor/publisher of the local newspaper before it became an "official record". Normally journalist are impatient, for the most part, (they say they have deadlines) and subsequently may proceed to develop a story for publication, regardless of "official records" or official process, and as a result may not be relaying official facts. That's what happened in this case. I believe Mr. Will made reference to formally being a "journalist" and may have acceded to the demands, prior to the completion of the official process, and prematurely released the information to the local newspaper editor/publisher. Thankfully no harm was done.

Mr. Wells and Committee Members, in respect to the other items referred to in Mr. Will's letter about "Development Applications", & "Applications for Sub-Divisions", this has implications which are related

to Private Business, Financial Matters, Strategic Engineering Designs, and other Negotiations which may not be in the best interest of Incorporated Companies or the Town to have delicate information made public. There could be general information which might be released about zoning or other similar Town related information. But I'm sure there has to be limits on what can or ought to be released when it comes to the business world and related negotiations. In the meantime when approvals of the Applications follow the normal process and become an "official record" and within the ATIPPA rules, information can be released.

Ms. Judy Squires, Town Clerk for PCSP is our ATIPPA gate keeper for the Town and has been properly trained and quite conversant with the requirements of ATIPPA. If an issue arises, where she may not feel comfortable in making a decision she will contact officials at the ATIPPA office for clarifications. She tries her best to keep on top of the regulations in this regard and has not yet led Council astray. I have confidence in her qualifications and her advice to Council. If things change as a result of this Review, I have full confidence that she will follow whatever directions are disseminated from ATIPPA.

I end off at this point, having tried to clarify some of the things raised in Mr. Will's submission and leave the rest to you.

Good luck with your deliberations and final report completion.

Best Regards,
Moses Tucker, Mayor
Town of Portugal Cove St. Philips

Supplementary Information

Tuesday, August 26, 2014 (2:14 PM)

E-mail from Moses Tucker, Mayor of the Town of Portugal Cove St. Philips to the ATIPPA Review Committee

Copy to: Judy Squires

Subject: Letter from Mr. Gavin Will, Town of PCSP.

I've received a response from Judy wherein she states she has no objection to her name being released.

Her comments are worthy of consideration or inclusion as her own views to the Review Committee, in particular as it relates to all the Municipalities' ATIPPA Coordinators (Town Clerks). There certainly appears to be an opportunity here to make reference in the Report to support this group's circumstances, especially for consistency in application of the ACT's requirements by all Municipalities. Regardless of the outcome of the Committee's final Report's opinions, comments &/or recommendations, I feel a mechanism needs to be developed either as an amendment to the Act or an addendum to the Act whereby Judy's (and others) concerns may be addressed.

I'm not sure if a representative for this group of "Municipal ATIPPA Coordinators" has made a presentation to the Committee, but if Judy's views represent a common trait, then it may be appropriate to delve this groups opinions, as part of your Review process.

Thank you for your patience.

Looking forward to the final Report release.

Best regards,

Moses.

Begin forwarded message:

From: Judy Squires <Judy.Squires@pcsp.ca>
Date: August 26, 2014 12:24:24 PM NDT
To: Moses Tucker <moses.tucker@pcsp.ca>
Subject: RE: Letter from Mr. Gavin Will, Town of PCSP.

Hi Mose,

I don't have any objection to my name being released, however, I feel that this should be about the process and not the person.

I am one of hundreds of municipal ATIPPA coordinators trying to manage a legislative process which at the best of times can be very frustrating not only for the applicant, but for the ATIPPA coordinators as well.

A specific set of guidelines for municipalities will be a welcome tool for Council and Staff to provide clarity and consistency and make this process work for everyone especially the applicants.

Please feel free to forward this email to them.

Thank you,

Judy

Judy Squires, CMC

Town Clerk

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