



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Accountability and Transparency Measures 2021 Information Report to Council

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Department(s): Legislative Services

Author(s): Sarah Niezen, Records and Projects Coordinator, Jaclyn Grossi, Acting Deputy Clerk

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In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

This report is intended to provide Council with an update on matters concerning the offices of the Ombudsman, Integrity Commissioner, and Closed Meeting Investigator, and the Freedom of Information process.

Background

Legislation surrounding municipal accountability and transparency includes a range of oversight and reporting requirements. Sections 223.1 through 223.24 of the Municipal Act, 2001 set out several accountability and transparency measures municipalities are required to follow, and Section 239 provides various exceptions to the open meetings rules which allow Council to hold a meeting that is closed to the public. Combined with other legislation, such as the Municipal Freedom of Information and Protection of Privacy Act, these measures provide a framework to ensure consistency and transparency in municipal processes.

1. **The Customer Complaints Policy** provides processes for the Town to address complaints related to services delivered by the Town.
2. **The Provincial Ombudsman** reviews complaints that are escalated by a complainant for services provided by the municipality. The Provincial Ombudsman also provides closed meeting investigations in the event of a complaint regarding a closed meeting of Council.

3. **The Integrity Commissioner** is an independent officer who reviews complaints of Council and Committee member conduct. The Integrity Commissioner also provides proactive advice, education and training upon request from Council or a Member.
4. **The Freedom of Information process** under the Municipal Freedom of Information and Protection of Privacy Act allows members of the public to request copies of Town records, thereby increasing transparency. In addition to the Freedom of Information process, the Town's Routine Disclosure Policy allows staff to disclose certain types of records to the public without going through the formal legislated process.

Discussion

Complaint Policy

The Manager of Corporate Customer Service reviewed several complaints, provided feedback to the appropriate parties, and assisted with educating the resident in order to deescalate the complaint. Two complaints advanced further through the complaint process.

1. A matter was referred to the Customer Complaint Policy regarding a resident who filed 100+ emails and 40+ telephone calls related to perceived bylaw infractions on the part of neighbours for similar offenses for which they received tickets. The Manager of Corporate Customer Service undertook an investigation and made recommendations related to processes. The complainant filed a complaint with the Ombudsman's office, who conducted an independent investigation and provided feedback. The Ombudsman's office determined that no further action on the part of the Town was required and they closed the file.
2. A resident escalated concerns through the Customer Complaint process as part of a neighbor vs neighbour conflict involving various bylaw infractions. The Manager of Corporate Customer Service conducted an investigation and provided feedback to Town staff and management. The Complainant was satisfied with the response and the outcome.

Ombudsman

There was one formal investigation by the Provincial Ombudsman in 2021 as referenced above. The Ombudsman publishes statistics on cases received regarding municipalities in their annual report. The annual reports are published in the second quarter each year.

Closed Meeting Investigator

In 2021, Council held twenty-one meetings closed to the public and there were no closed meeting investigations. Notice of all meetings closed to the public was provided at www.newmarket.ca/meetings, which outlined the topic and specific exception from Section 239 of the Municipal Act, 2001.

Integrity Commissioner

The Town's Integrity Commissioner, Mr. Robert Swayze, did not receive any complaints regarding Council or Local Board/Committee member conduct in 2021. He provided advice to members of Council, Local Board members, the public, and staff on various matters in 2021, including subjects such as vaccination requirements for elected officials.

In order to comply with procurement laws, the Town will be undertaking a RFP process for an Integrity Commissioner prior to the new term of Council. The contract with Mr. Swayze will remain in place until the RFP process is completed.

Freedom of Information Requests

In addition to the summary below, **Attachment 1** provides statistics and summary information on FOI requests filed with the Town for 2021.

- 58 FOI requests received
- Average response time: 15 days

Impact of Covid-19

With the ongoing Covid-19 pandemic, the requirements for accountability and transparency have not changed. The Town's obligations pursuant to the Municipal Act and Municipal Freedom of Information and Privacy Act continue with the same requirements and timelines. The ongoing challenges of working from home continue to cause delays in responding to FOI requests due to the inaccessibility of paper records and increased timelines required to search or obtain digital records. Additionally, current challenges exist with file-sharing large records digitally but Town staff continues to explore alternative options.

Conclusion

Overall, Town staff continues to be proactive in the disclosure of information and in finding ways to enhance efficiency and transparency in relation to records, information, and decision making throughout the Town of Newmarket.

Business Plan and Strategic Plan Linkages

This report relates to long term financial sustainability through continued evaluation and analysis of the Town's service levels and continuous improvement of our accountability and transparency measures.

Consultation

The Manager of Corporate Customer Service was consulted in drafting this report.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 – FOI Request Statistics

Contact

For more information contact Sarah Niezen, Records and Projects Coordinator at sniezen@newmarket.ca or Jaclyn Grossi, Acting Deputy Clerk at jgrossi@newmarket.ca

Approval

Lisa Lyons

Director, Legislative Services/Town Clerk

Esther Armchuk

Commissioner, Corporate Services

Attachment 1 – FOI Statistics 2021

Number of FOI Requests received per month

	2015	2016	2017	2018	2019	2020	2021
January	2	6	1	11	2	5	4
February	4	0	4	5	4	4	3
March	5	5	14	10	8	3	4
April	4	6	5	6	6	0	4
May	5	9	4	8	3	2	10
June	8	2	4	2	3	5	7
July	3	2	8	2	4	2	3
August	1	4	8	8	3	6	8
September	1	7	9	5	1	5	4
October	1	3	4	6	3	3	4
November	5	5	18	5	6	4	4
December	1	2	4	1	0	5	3
Total	40	51	83	69	43	44	58

