



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 2018 Information Report to Council

Report Number: 2019-01

Department(s): Legislative Services

Author(s): Sarah Niezen, Records and Projects Coordinator

Date: May 8, 2019

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

Currently at the municipal level, the infrastructure for accountability and transparency includes a range of oversight and reporting requirements. Section 223.1 through 223.24 of the Municipal Act, 2001 sets out several accountability and transparency measures municipalities are required to follow. 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 openness in municipal processes.

The Town of Newmarket has several different accountability and transparency offices and/or measures currently in place.

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 of services provided by the municipality, that are not resolved under the Customer Complaints Policy. The Provincial Ombudsman also provides closed meeting investigations in the event of a complaint regarding a closed meeting.

3. **The Integrity Commissioner** is appointed by Council as an independent officer who reviews complaints of Council 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.

Previous Accountability and Transparency Measures reports:

- [Report 2016-22](#) - Accountability and transparency measures between 2014 and 2016.
- [Report 2018-01](#) - Annual accountability and transparency measures for 2017.

This report provides the annual update on these matters for 2018.

Discussion

Complaint Policy

No formal complaints were submitted to staff through the Customer Complaint Policy in 2018.

Ombudsman

There were no formal investigations by the Provincial Ombudsman in 2018.

Closed Meeting Investigations

There were no closed meeting investigations in 2018.

Integrity Commissioner

The Town's Integrity Commissioner, Mr. Robert Swayze, did not receive any complaints regarding Council conduct in 2018.

In March 2019, Council adopted required legislative amendments to Council's Code of Conduct and implemented a new Code of Conduct for all local boards and committees of Council. These updates were a result of amendments to the Municipal Act resulting from Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017.

Freedom of Information (FOI) Requests

In addition to the summary below **Attachment 1** provides statistics and summary information on FOI Requests filed with the Town for 2018.

- 69 FOI Requests received
- Average Response time: 33 days
- Shortest Response time: less than one day
- Longest Response time: 135 days

The two requests that took longer than 90 days were for requests for large volumes of records, for which a time extension and fee estimates were issued. The requests completed within 31 to 90 days either involved complex requests for information from multiple departments, required notification of external third parties, or required staff to make multiple requests to the responsible departments for clarification or provision of records. These factors have contributed to the reason why the average response time is 3 days longer than the legislated response time of 30 days.

Routine Disclosure

In addition to formal Freedom of Information requests records staff respond to informal requests for information. Staff responded to several requests for information related to matters such as Downtown Financial Incentive Program, the Mulock Farm purchase and more. Where possible staff have posted related reports and records on a dedicated webpage such as for the Mulock Farm.

The routine disclosure requests coordinated by records staff continue to be complex and detailed and often require coordination of response from several departments.

Community Open House

In February 2018, the Town facilitated a community open house at 395 Mulock Drive. This event provided an opportunity for the public to learn more about various projects the municipality was working on. All Town departments hosted a booth with senior staff available to answer any questions from attendees. Office of the CAO/Corporate Services Commission/Development and Infrastructure Commission/Community Services Commission Information Report [Information Report 2018-04](#) summarizes the successful 2018 Community Open House. These Open Houses enhance the overall accessibility and transparency of the Town, and as such, the 2019 annual Open House was held on April 3, 2019.

Conclusion

Staff continue to be proactive regarding disclosure of information and continue to work on ensuring the Town considers public transparency when making decisions.

Business Plan and Strategic Plan Linkages

The Town's various Accountability and Transparency offices relates to the Well-equipped and managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.

Consultation

This report was written in consultation with the Integrity Commissioner and the Complaints Committee.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 - FOI Request Statistics

Contact

Sarah Niezen, Records and Projects Coordinator, sniezen@newmarket.ca or ext. 2213.

Approval

Kiran Saini, Deputy Town Clerk
Legislative Services

Lisa Lyons, Director of Legislative Services/Town Clerk
Legislative Services