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## Accountability and Transparency Measures 2017 Information Report

Report Number: 2018-01

Department(s): Legislative Services

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

Date: February 16, 2018

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.

In November 2016, Staff provided Council Legislative Services Report 2016-22 which provided an update on Accountability and Transparency measures for the current term of Council. It is the intention of staff to continue to provide an annual update on these matters.

## Discussion

### Complaint Policy

As a proactive measure and to minimize the involvement of the Ombudsman, Council adopted a Customer Complaint Policy which provides for a structured complaint escalation and resolution framework. The process outlined in the Complaint Policy has been used once in 2017.

### Ombudsman

Under Section 223.13 of the Municipal Act, 2001 municipalities may appoint a Municipal Ombudsman to investigate in an independent manner, any decision or recommendation or act done in the course of the administration of the municipality. The Town of Newmarket originally appointed ADR Chambers, Inc. as its Municipal Ombudsman for a contract term of March 1, 2016 through December 31, 2020, through a joint process with York Region. As a cost saving measure, this contract was subsequently cancelled effective January 9, 2017. The Provincial Ombudsman now fulfills this responsibility, free of cost.

There was one ongoing Ombudsman investigation undertaken prior to the cancellation of the contract with ADR Chambers. This investigation and the subsequent report are summarized in [Legislative Services Information Report 2017-28](#).

There have been no formal investigations launched by the Provincial Ombudsman in 2017.

## **Closed Meeting Investigations**

In December 2016, as another cost saving measure, the Town cancelled its contract with former Closed Meeting Investigator, Local Advisory Services, Inc. (LAS), who delegates this function to the firm Amberley Gavel, Ltd. This contract cancellation was effective as of March 2017. This function is now filled by the Provincial Ombudsman, free of cost.

There were no requests for a closed meeting investigation to either LAS or the Provincial Ombudsman in 2017.

## **Integrity Commissioner**

The Town's Integrity Commissioner, Mr. Robert Swayze, did not receive any complaints regarding Council conduct in 2017. Aside from staff discussions on process, he gave advice to one Member of Council on involvement with a foundation, and verifying that the foundation's expenses were properly paid while ensuring that the Councillor stays at arm's length. Mr. Swayze recommended that this minimal activity during the year did not justify him preparing an annual report.

## **Freedom of Information (FOI) Requests**

In addition to the summary below Appendix "A" provides statistics and summary information on FOI Requests filed with the Town for 2017.

Along with increasing numbers of requests, FOIs are also increasing in complexity. In addition to requests regarding Building Department and By-law enforcement records, records of fire incidents, and animal control complaints, there have been four FOI requests regarding the Clocktower, two regarding Old Town Hall, three regarding various types of financial expenditures, one Human Resources issue and one legal matter. The Legal Department is involved with increasing frequency, to provide advice with respect to these complex requests.

### **2016 Requests**

- 51 FOI requests received
- Average response time per request: 25 days
- Records and Projects Coordinator typically spent up to 45% of her time on FOI requests and related processes as the key point of contact on behalf of the Clerk.

### **2017 Requests**

- 83 FOI requests received
- Average response time per request: 31 days
- Records and Projects Coordinator spends up to 70% of her time on FOI requests and related processes.

## **Routine Disclosure**

In addition to the FOI process, the Records and Projects Coordinator has received and coordinated responses to 39 requests for information through the routine disclosure process in 2017. These requests only represent those that have been managed through and responded to by Legislative Services, and does not include any other routinely disclosed information completed by other Departments in the Town.

These types of requests were generally related to development issues, Town processes and procedures, and financial expenditures. They do not contain personal information or anything of a confidential nature. However, they do often require significant staff time and effort to provide explanations and context around the records and information provided.

## **Conclusion**

With increasing complexity and public awareness Town staff continue to be proactive concerning accountability and transparency.

## **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**

The Legal Department was consulted in the preparation of this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

Appendix A – FOI request statistics

## **Contact**

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## Approval

X 

Kiran Saini  
Deputy Clerk

X 

Lisa Lyons  
Director of Legislative Services/Town Clerk

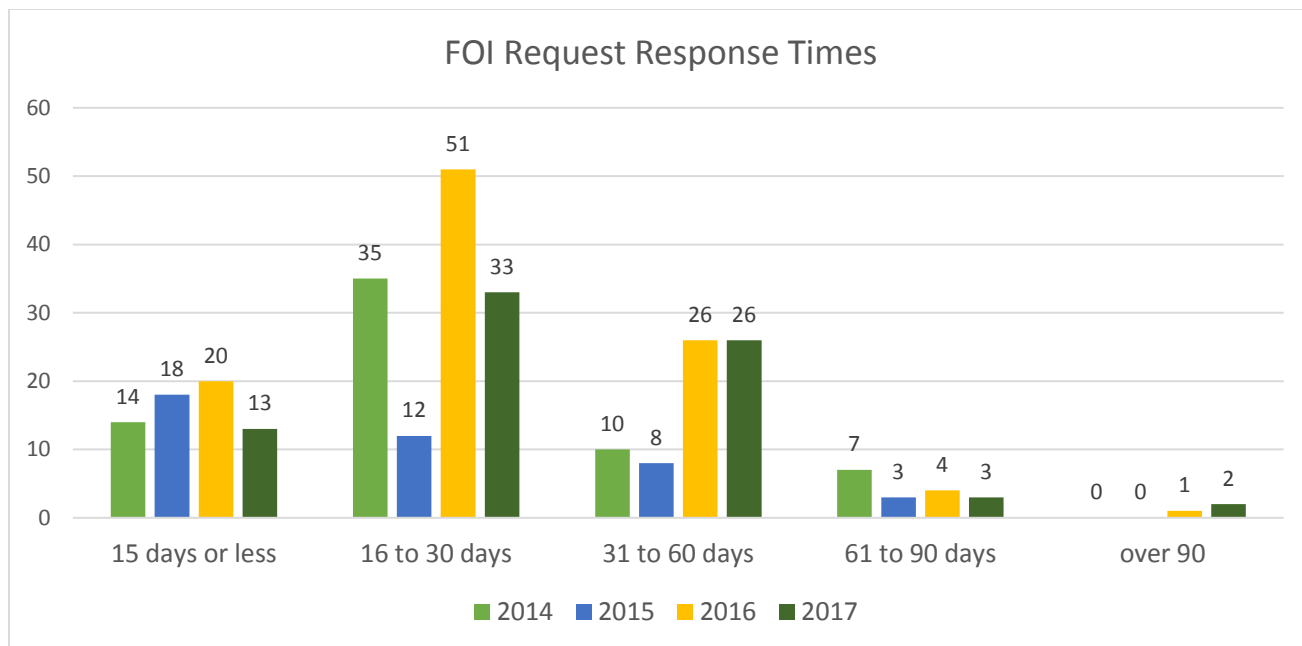
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Esther Armchuk  
Commissioner, Corporate Services

# Appendix A – Legislative Services Report 2018-01 Accountability and Transparency Measures 2017

Number of FOI Requests received per month

Month	2014	2015	2016	2017
January	5	2	6	1
February	4	4	0	4
March	6	5	5	14
April	3	4	6	5
May	2	5	9	4
June	3	8	2	4
July	5	3	2	8
August	16	1	2	8
September	12	1	7	9
October	3	1	3	4
November	5	5	5	18
December	4	1	2	4
	68	40	51	83



## Analysis of Requests Received by Source, 2017

