



Town of Newmarket
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Accountability and Transparency Measures 2022 Information Report

Report Number: INFO-2023-25

Department(s): Legislative Services

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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

Through the various stages of the Customer Complaint process, the Manager of Corporate Customer Service reviewed six complaints, provided feedback to staff where appropriate, and assisted with educating residents in order to deescalate complaints.

A few matters were referred to the Customer Complaint Policy from Town staff in various departments, for assistance in navigating complaints related to service delivery, responsiveness, and existing practices. The Manager of Corporate Customer Service undertook investigations and made recommendations related to processes and policies, where appropriate.

One complainant filed a complaint with the Ombudsman's office related to the Administrative Monetary Penalty System (AMPS). A very thorough investigation was undertaken by staff at the Office of the Provincial Ombudsman. It was subsequently determined that no further action on the part of the Town was required and the file was closed. As the Town continues to expand the AMPS program, staff conduct ongoing reviews of the associated Screening and Hearing Review processes to ensure the program remains accessible, fair, and transparent for all parties.

Ombudsman

There was one formal investigation by the Provincial Ombudsman in 2022 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 and can be found on their [website](#).

Closed Meeting Investigator

In 2022, Council held sixteen meetings closed to the public and there were no closed meeting investigations. Notice of all meetings was provided at www.newmarket.ca/meetings which outlined the topic and special exception from Section 239 of the Municipal Act.

Integrity Commissioner

The Town's Integrity Commissioner Robert Swayze received two complaints from members of the public related to Council conduct in 2022. One complaint was dismissed the other remains ongoing.

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 2022.

- 54 FOI requests received
- Average response time: 25 days

One decision was appealed to the Information and Privacy Commissioner. The matter was mediated and successfully resolved.

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

Approval

Lisa Lyons

Director, Legislative Services/Town Clerk

Esther Armchuk

Commissioner, Corporate Services

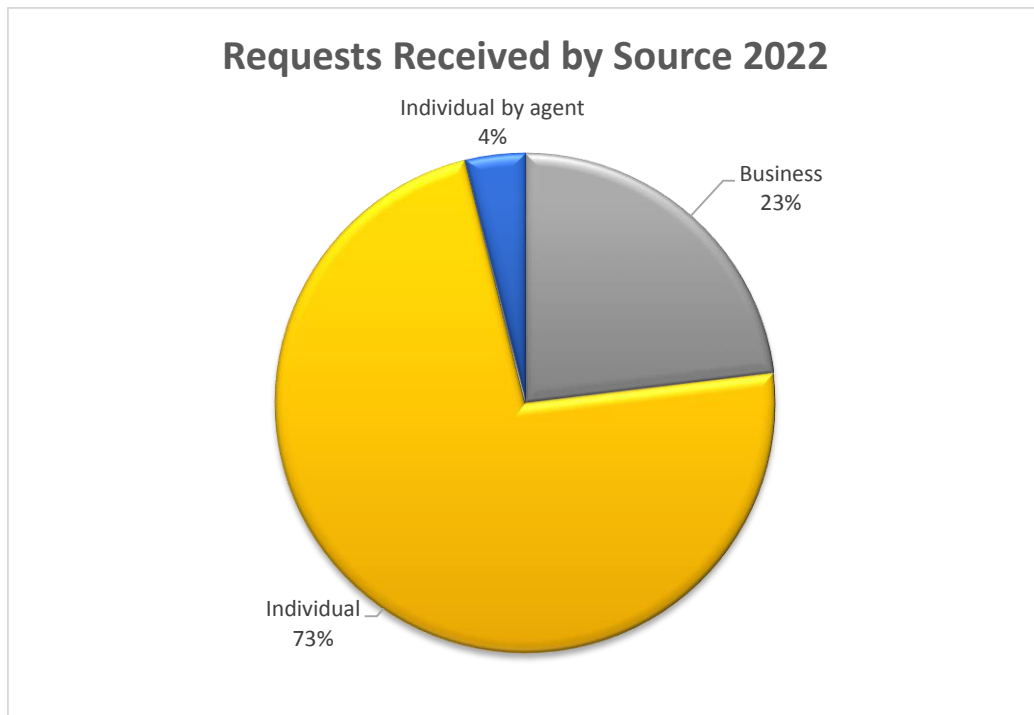
Contact

For more information contact Sarah Niezen, Records and Projects Coordinator at sniezen@newmarket.ca or Kiran Saini, Deputy Clerk at ksaini@newmarket.ca

Attachment 1 – FOI Statistics 2022

Number of FOI Requests received per month

	2016	2017	2018	2019	2020	2021	2022
January	6	1	11	2	5	4	7
February	0	4	5	4	4	3	2
March	5	14	10	8	3	4	9
April	6	5	6	6	0	4	3
May	9	4	8	3	2	10	6
June	2	4	2	3	5	7	5
July	2	8	2	4	2	3	6
August	4	8	8	3	6	8	2
September	7	9	5	1	5	4	3
October	3	4	6	3	3	4	2
November	5	18	5	6	4	4	4
December	2	4	1	0	5	3	5
Total	51	83	69	43	44	58	54



Attachment 1 – FOI Statistics 2022

