



Town of Newmarket Council Information Package

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Date: September 8, 2023

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Information Reports

None.



CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8

p: 519.776.7336 f: 519.776.8811 | essex.ca

Judy Smith

Director, Municipal Governance/Clerk
Municipality of Chatham-Kent
ckclerk@chatham-kent.ca

August 30, 2023

BY EMAIL

RE: Letter of Support – Time for Change: *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA")

Dear Judy Smith,

At its Regular Council Meeting held on August 14, 2023, Council discussed the correspondence dated July 5, 2023, from the Municipality of Chatham-Kent regarding the request to review the *Municipal Freedom of Information and Protection of Privacy Act*. In particular, Mayor Bondy indicated the importance of encouraging the Ministry of Government and Consumer Services to review the *Act*, specifically to consider eliminating the option for redundant, frivolous, or vexatious requests.

As a result of this discussion, Council passed the following resolution:

R23-08-324

Moved By Mayor Bondy
Seconded By Councillor Verbeek

That the correspondence dated July 5, 2023, from the Municipality of Chatham-Kent regarding the request for the Ministry of Government and Consumer Services review the *Municipal Freedom of Information and Protection of Privacy Act* be received and supported; and

That Council direct Administration to send a letter of support to the Municipality of Chatham-Kent, Anthony Leardi, MPP, Lisa Gretzky, MPP, Andrew Dowie, MPP, Chris Lewis, MP; and all other municipalities in Ontario.

Carried

I trust you will find this satisfactory. If you have any questions or comments, please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "jmall", written in a cursive style.

Joseph Malandrucolo
Director, Legal and Legislative Services/Clerk
jmalandrucolo@essex.ca

**CORPORATION OF THE TOWN OF ESSEX**

33 Talbot Street South, Essex, Ontario, N8M 1A8

p: 519.776.7336 f: 519.776.8811 | essex.ca**c.c. Anthony Leardi, MPP**Anthony.Leardi@pc.ola.org

Lisa Gretzky, MPP

lgretzky-co@ndp.on.ca

Andrew Dowie, MPP

andrew.dowie@pc.ola.org

Chris Lewis, MP

chris.lewis@parl.gc.ca

All other municipalities in Ontario



TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS

Date: July 18, 2023

Resolution No.: 03

Moved by [Signature]

Seconded by [Signature]

THAT Council for the Township of Killaloe, Hagarty and Richards hereby agrees with and supports the Municipality of Chatham-Kent with their resolution regarding "Time for Change – Municipal Freedom of Information and Protection of Privacy Act".

WHEREAS the Council for the Township of Killaloe, Hagarty and Richards realizes the importance of the changes needed to the *Municipal Freedom of Information and Protection Privacy Act R.S.O., 1990* as it dates back 30 years and has not advanced in line with current changes to government operations, public expectations, technologies and respective legislations.

AND WHEREAS the Council for the Township of Killaloe, Hagarty and Richards agrees that the Ministry of Government and Consumer Services be requested to review the MFIPPA and consider all recommendations made by the Municipality of Chatham-Kent.

AND FURTHER THAT this resolution be circulated to the Information and Privacy Commissioner of Ontario, MP Cheryl Gallant, MPP John Yakabuski, AMCTO Legislative and Policy Advisory Committee, all municipalities in Ontario and AMO.

Carried: ✓

Not Carried: _____

<p style="text-align: center;">Certified a true copy</p> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">Tammy Gogerat, CAO/Clerk-Treasurer Township of Killaloe, Hagarty and Richards</p>



Municipality of Chatham-Kent

Corporate Services

Municipal Governance

315 King Street West, P.O. Box 640

Chatham ON N7M 5K8

July 5, 2023

Via Email: Kaleed.Rasheed@ontario.ca

Minister of Public and Business Service Delivery (MPBSD)

Honourable Rasheed:

**Re: Time for Change
Municipal Freedom of Information and Protection of Privacy Act**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on June 26, 2023 passed the following resolution:

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;

AND WHEREAS municipalities, including the Municipality of Chatham-Kent, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review the MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments.

If you have any questions or comments, please contact Judy Smith at ckclerk@chatham-ketn.ca

Sincerely,

Judy Smith

Digitally signed by
Judy Smith
Date: 2023.07.05
10:48:27 -04'00'

Judy Smith, CMO
Director Municipal Governance
Clerk /Freedom of Information Coordinator

c.

Lianne Rood, MP
Dave Epp MP
Trevor Jones, MPP
Monte McNaughton, MPP
Information and Privacy Commissioner of Ontario
Association of Municipalities of Ontario
AMCTO Legislative and Policy Advisory Committee
Ontario municipalities

Ministry of Health

Office of the Deputy Premier
and Minister of Health

777 Bay Street, 5th Floor
Toronto ON M7A 1N3
Telephone: 416 327-4300
Facsimile: 416 326-1571
www.ontario.ca/health

Ministère de la Santé

Bureau du vice-premier ministre
et du ministre de la Santé

777, rue Bay, 5^e étage
Toronto ON M7A 1N3
Téléphone: 416 327-4300
Télécopieur: 416 326-1571
www.ontario.ca/sante



Ontario

August 28, 2023

Hilda MacDonald
Chair
macdonald@leamington.ca

Bob Kwapis
Vice-Chair
bkwapis@newmarket.ca
Ontario Small Urban Municipalities
200 University Avenue, Suite 801
Toronto ON M5H 3C6

Dear Chair MacDonald, Vice-Chair Kwapis and Members of OSUM:

Thank you for taking the time to meet with me at the 2023 Association of Municipalities of Ontario (AMO) Conference on behalf of the Ontario Small Urban Municipalities. It is a privilege to have had the opportunity to engage with our municipal leaders and officials that help to support healthy communities.

Our government recognizes that collaboration with our municipal partners is the key to building strong, thriving communities. Through *Your Health*, we will continue to take bold action to overcome longstanding challenges and transform the health care experience for all Ontarians, regardless of where they live.

I look forward to continuing our dialogue as we build a modern, sustainable health system that better connects Ontarians to convenient and high-quality care closer to home.

Sincerely,

Sylvia Jones
Deputy Premier and Minister of Health

c: Lynn Dollin, Mayor, Town of Innisfil – ldollin@innisfil.ca
Deb Doherty, Mayor, Town of Collingwood – ddoherty@collingwood.ca
Jamie McGarvey, Mayor, Town of Parry Sound – jmgarvey@townofparrysound.com
Ron Elliott, Councillor, Town of Minto – relliott@town.minto.on.ca



September 7, 2023

Sent to: [REDACTED]

Dear Debbie Fletcher-Queen:

RE: Proclamation and Flag Raising Request – Terry Fox Week – September 10 to 17, 2023

On behalf of the Town of Newmarket Council I am pleased to recognize September 10 to 17, 2023 as Terry Fox Week.

In addition, the community flag pole located at Peace Park on Cane Parkway will fly your flag from September 11 to 18, 2023.

Thank you for submitting your request and for your contributions to the community.

Yours sincerely,

John Taylor
Mayor



Emily Thomas-Hopkins
Legislative Coordinator
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7
Email: ethomashopkins@newmarket.ca
Tel: 905-953-5300 x2210
Fax: 905-953-5100

September 7, 2023

Sent to: [REDACTED]

Dear Debbie Fletcher-Queen:

RE: Proclamation and Flag Raising Request – Terry Fox Week – September 10 to 17, 2023

I am writing to advise that your proclamation request has been approved in accordance with the Council-approved [Proclamation, Lighting Request and Community Flag Raising Policy](#), and the Town of Newmarket will proclaim September 10 to 17, 2023 as Terry Fox Week. Approved proclamations, lighting requests, and community flag raisings will be listed on the Town's website. Approved lighting and community flag raisings will also be communicated to the public through the Town's social media.

In addition, the community flag pole located at Peace Park on Cane Parkway will fly your flag from September 11 to 18, 2023 to recognize Terry Fox Week. Please note that the flag must be dropped off at the Town of Newmarket Operations Centre at 1275 Maple Hill Court by 4:00 PM on September 8, 2023 ATTN: Nick Evans. Alternatively, you can leave it in the drop off box at the front of the building after 4:00 PM.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to be "ETH", written in a cursive style.

Emily Thomas-Hopkins

Legislative Coordinator



August 28, 2023

Sent to: nfw-snaf@cif-ifc.org

Dear Kathy Dong:

RE: Proclamation Request – National Forest Week – September 17 to 23, 2023

On behalf of the Town of Newmarket Council I am pleased to recognize September 17 to 23, 2023 as National Forest Week.

In addition, the Riverwalk Commons and Fred A. Lundy Bridge located on Water Street will be illuminated in green on September 18, 2023 from sunset until 11:00 PM.

Thank you for submitting your request and for your contributions to the community.

Yours sincerely,

John Taylor
Mayor



Emily Thomas-Hopkins
Legislative Coordinator
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7
Email: ethomashopkins@newmarket.ca
Tel: 905-953-5300 x2210
Fax: 905-953-5100

August 28, 2023

Sent to: nfw-snaf@cif-ifc.org

Dear Kathy Dong:

RE: Proclamation Request – National Forest Week – September 17 to 23, 2023

I am writing to advise that your proclamation request has been approved in accordance with the Council-approved [Proclamation, Lighting Request and Community Flag Raising Policy](#), and the Town of Newmarket will proclaim September 17 – 23, 2023 as National Forest Week. Approved proclamations, lighting requests, and community flag raisings will be listed on the Town's website. Approved lighting and community flag raisings will also be communicated to the public through the Town's social media.

In addition, the Riverwalk Commons and Fred A. Lundy Bridge located on Water Street will be illuminated in green on September 18, 2023 to recognize National Forest Week. Please note that the lighting will occur from sunset until 11:00 PM.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to be "ETH", written in a cursive style.

Emily Thomas-Hopkins

Legislative Coordinator



August 28, 2023

Sent to: kelsey@aboutface.ca

Dear Kelsey Ferrill:

RE: Lighting Request – Craniofacial Acceptance Month – September 25, 2023

On behalf of the Town of Newmarket Council I am pleased to recognize Craniofacial Acceptance Month by illuminating the Riverwalk Commons and Fred A. Lundy Bridge located on Water Street in yellow and red on September 25, 2023 from sunset until 11:00 PM.

Thank you for submitting your request and for your contributions to the community.

Yours sincerely,

John Taylor
Mayor



Emily Thomas-Hopkins
Legislative Coordinator
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7
Email: ethomashopkins@newmarket.ca
Tel: 905-953-5300 x2210
Fax: 905-953-5100

August 28, 2023

Sent to: kelsey@aboutface.ca

Dear Kelsey Ferrill,

RE: Lighting Request – Craniofacial Acceptance Month – September 25, 2023

I am writing to advise that your lighting request has been approved in accordance with the Council-approved [Proclamation, Lighting Request and Community Flag Raising Policy](#), and the Town of Newmarket will illuminate the Riverwalk Commons and Fred A. Lundy Bridge located on Water Street in yellow and red on September 25, 2023 to recognize Craniofacial Acceptance Month. Please note that the lighting will occur from sunset until 11:00 PM.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to be "ETH", written in a cursive style.

Emily Thomas-Hopkins

Legislative Coordinator



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Legislative Coordinator
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Email: ethomashopkins@newmarket.ca
Tel: 905-953-5300 x2210
Fax: 905-953-5100

August 31, 2023

Sent to: [REDACTED]

Dear Adrienne Leoni:

RE: Proclamation, Lighting and Flag Raising Request – September 25, 2023 – Franco-Ontarian Day

I am writing to advise that your proclamation request has been approved in accordance with the Council-approved [Proclamation, Lighting Request and Community Flag Raising Policy](#), and the Town of Newmarket will proclaim September 25, 2023 as Franco-Ontarian Day. Approved proclamations, lighting requests, and community flag raisings will be listed on the Town's website. Approved lighting and community flag raisings will also be communicated to the public through the Town's social media.

In addition, the Riverwalk Commons and Fred A. Lundy Bridge located on Water Street will be illuminated in green on September 26, 2023 to recognize Franco-Ontarian Day. Please note that the lighting will occur from sunset until 11:00 PM.

In addition, the community flag pole located at Peace Park on Cane Parkway will fly your flag on September 22, 2023 to recognize Franco-Ontarian Day. Please note that the flag must be dropped off at the Town of Newmarket Operations Centre at 1275 Maple Hill Court by 4:00 PM on September 21, 2023 ATTN: Nick Evans. Alternatively, you can leave it in the drop off box at the front of the building after 4:00 PM.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to be "ETH", written in a cursive style.

Emily Thomas-Hopkins

Legislative Coordinator



August 28, 2023

Sent to: [REDACTED]

Dear Julia Walkley-Sherman:

**RE: Proclamation, Lighting, and Flag Request – British Home Child Day –
September 28, 2023**

On behalf of the Town of Newmarket Council I am pleased to recognize September 28, 2023 as British Home Child Day.

In addition, the Riverwalk Commons and Fred A. Lundy Bridge located on Water Street will be illuminated in red on September 28, 2023 from sunset until 11:00 PM.

In addition, the community flag pole located at Peace Park on Cane Parkway will fly your flag September 25 to 29, 2023.

Thank you for submitting your request and for your contributions to the community.

Yours sincerely,

A handwritten signature in black ink that reads "John Taylor".

John Taylor
Mayor



Emily Thomas-Hopkins
Legislative Coordinator
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7
Email: ethomashopkins@newmarket.ca
Tel: 905-953-5300 x2210
Fax: 905-953-5100

August 28, 2023

Sent to: [REDACTED]

Dear Julia Walkley-Sherman

RE: Proclamation, Lighting and Flag Raising Request – September 28, 2023 – British Home Child Day

I am writing to advise that your proclamation request has been approved in accordance with the Council-approved [Proclamation, Lighting Request and Community Flag Raising Policy](#), and the Town of Newmarket will proclaim September 28, 2023 as British Home Child Day. Approved proclamations, lighting requests, and community flag raisings will be listed on the Town's website. Approved lighting and community flag raisings will also be communicated to the public through the Town's social media.

In addition, the Riverwalk Commons and Fred A. Lundy Bridge located on Water Street will be illuminated in red on September 28, 2023 to recognize British Home Child Day. Please note that the lighting will occur from sunset until 11:00 PM.

In addition, the community flag pole located at Peace Park on Cane Parkway will fly your flag from September 25 to 29, 2023 to recognize British Home Child Day. Please note that the flag must be dropped off at the Town of Newmarket Operations Centre at 1275 Maple Hill Court by 4:00 PM on September 22, 2023 ATTN: Nick Evans. Alternatively, you can leave it in the drop off box at the front of the building after 4:00 PM.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to be "ETH", written in a cursive style.

Emily Thomas-Hopkins

Legislative Coordinator