

Passed without any debate, this motion puts the mayor in charge of all freedom of information requests and responses, giving considerable authority under the MFIPPA. Mayor Hope did not declare a conflict of interest. The implications of this By-law were not indicated. This has allowed mayor Hope to obtain confidential information, and divert it to his friends for intimidation purposes (MFIPPA Investigation MC10-55). It has allowed the mayor to obstruct information requests. When asked, Hope did not deny doing so.

(b) Municipal Freedom of Information Coordinator Appointment By-law

MUNICIPALITY OF CHATHAM-KENT

CORPORATE SERVICES

LEGAL SERVICES

TO: Mayor and Members of Council

FROM: Elinor Mifflin
Clerk, Municipal Governance

DATE: June 26, 2007

SUBJECT: Municipal Freedom of Information Coordinator Appointment By-law

RECOMMENDATIONS

It is recommended that:

1. The Mayor/CEO be designated as the Head of the Municipal Corporation for the purposes of The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
2. The Clerk be appointed as the Freedom of Information and Privacy Coordinator to coordinate various activities relating to the requirements of the MFIPPA as it pertains to the Municipality of Chatham-Kent.
3. A By-law to authorize the appointments be approved.

BACKGROUND

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) came into force in 1991 to provide individuals with a right of access to certain records and information under the custody and control of the Municipality.

The Legislation provides strict rules for processing requests for information and in order to implement and administer the requirements of the Act it is advisable for Council to appoint staff to administer the various activities.

In 1998 the Solicitor was appointed as the MFIPPA Coordinator and with various staff changes since 2003 the Clerk has been performing the duties of the Coordinator.

COMMENTS

Section 3(1) of the MFIPPA provides "The members of the council of a municipal corporation may by by-law designate from among themselves an individual or a committee of the council to act as head of the municipal corporation for the purposes of this Act."

Section 3(2) of the MFIPPA provides "The members elected or appointed to the board, commission or other body that is an institution other than a municipal corporation may designate in writing from among themselves an individual or a committee of the body to act as head of the institution for the purposes of the this Act."

Appendix A is a sample of the processing steps for a MFIPPA request.

COMMUNITY STRATEGIC PLAN

The recommendation(s) in this report support the following objectives and strategic directions:

E. Civic Engagement – We are an engaged community

E2: Encourage public input and participation in decision-making on all community issues.

The recommendation(s) will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

No other departments were consulted.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the recommendation.

Prepared by:

Reviewed by:

Elinor Mifflin, AMCT
Municipal Clerk

Steve Matheson, B.A., LL.B
Director, Legal Services

Reviewed by:

Reviewed by:

Mary Lou McLeod, CGA
Acting General Manager
Corporate Services

Gerry Wolting, B. Math, CA
Acting Chief Administrative Officer

Councillor Pickard moved, Councillor Stirling seconded:

“That

- 1. The Mayor/CEO be designated as the Head of the Municipal Corporation for the purposes of The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).**
- 2. The Clerk be appointed as the Freedom of Information and Privacy Coordinator to coordinate various activities related to the requirements of the MFIPPA as it pertains to the Municipality of Chatham-Kent.**
- 3. A by-law to authorize the appointments be approved.”**

The Mayor put the Motion

Motion Carried