

Request for Decision

Open Government

Presented To:	City Council
Presented:	Tuesday, Mar 31, 2015
Report Date	Wednesday, Mar 25, 2015
Type:	Presentations

Recommendation

WHEREAS Open Government is a concept recognized by all levels of government, internationally, federally, provincially and municipally; and

WHEREAS Canada is a member of the Open Government Partnership and endorses the Open Government declaration; and

WHEREAS in 2007 the City of Greater Sudbury adopted a Policy Regarding Accountability and Transparency which states in part that “the City of Greater Sudbury conducts business within the municipality in a way that is open, transparent and accountable to the public”; and

WHEREAS Council, through the City of Greater Sudbury Charter has committed to “Act with transparency, openness, accountability and dedication to our citizens, consistent with the City’s Vision, Mission and Values and the City official motto”; “Build a climate of trust, openness and transparency that sets a standard for all the City’s goals and objectives”; and to “Ensure citizen engagement is encouraged and promoted”; now THEREFORE be it resolved that the Council of the City of Greater Sudbury work towards an Open Government model that is based on four basic principles, being: Open Information; Open Data; Open Dialogue; and Open Doors.

And THAT staff be directed to communicate this model to all employees and the public and to report back to Council with action items as described in the report from the CAO dated March 24, 2015.

BACKGROUND

This report follows up on the discussions and directions of previous Councils in regards to accountability and transparency and provides a path for this Council to elevate those themes into an Open Government model which has the potential to change how we think about access to municipal information, data, dialogue and accountability frameworks.

Signed By

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 25, 15

BACKGROUND

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Introduction to Open Government

Open Government is a movement that is endorsed at the international, federal and provincial levels of government which moves accountability and transparency to a higher and more comprehensive level. Open Government is an excellent model for municipal governments to adopt and follow. Should Greater Sudbury adopt the Open Government model, we would be the first to do so in Northern Ontario and one of a select group of Canadian municipalities that have advanced these principles.

The Open Government Partnership is committed to "*making their governments more open, accountable, and responsive to citizens*". The Open Government Declaration has been endorsed by 65 countries, including Canada, all of whom commit to "*foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government.*" While each government that has endorsed Open Government has slightly different models that reflect their communities, cultures and priorities, all have common themes which can be summarized as follows:

- Working with and communicating to the public and involving citizens in decision making
- Opening up and proactively releasing government information
- Making data a publically available tool or asset
- Implementing measures or plans for accountability and oversight of government actions

These themes are expressed in the recommended Greater Sudbury Open Government model as:

- Open Data
- Open Information
- Open Dialogue
- Open Doors

Each of these themes is described below with a summary of current activities as well as proposed next steps, including four substantive reports requesting Council direction and decisions will be presented to Council over the next four months as follows:

Open Government Pillar	Report Topic	Department	Date
Open Data	Open Data Policy and Licence	Information Technology	April 2015
Open Doors	Bill 8 and Accountability Officers	Clerks Services	May 2015
Open Doors	Whistleblower Policy	Human Resources	June 2015
Open Dialogue	Community Engagement Strategy	Community Development	July 2015

See: <http://www.opengovpartnership.org/> <http://open.canada.ca/>
<https://www.ontario.ca/government/open-government>.

Open Government for the City of Greater Sudbury

Open Data

Open data is structured, machine-readable data that is freely shared, used and built on without restrictions or cost. Communities with open data support public access to technology.

What we are doing now?

In September, the City hosted a public event at Tom Davies Square in order to share with citizens information about open data and to gather feedback on what they would like to see in the City of Greater Sudbury's Open Data Program. The event was attended by software developers, researchers, professors, students and City staff. The City's leadership in this regard is evidenced by the fact that the IT staff lead on the open data project has been invited to speak at a number of open data events and participates in the Public Sector Open Data Working Group (PSOD) which is led by the Ontario government and includes a number of municipalities.

The City has also been working on an Open Data Pilot Project with Transit app developers in the community. The developers have been provided with access to real-time/actual bus arrival times and they are currently integrating this functionality into their existing mobile apps using the API open data format.

In addition to providing open data, open government initiatives suggest that governments can support the provision of public access to technology, promote the use of technology to implement change and broaden the community's technology

capacity. A specific page of the CGS website is dedicated to e-services, with links to a number of initiatives currently underway. A key partner in the provision of public access to and information about technology are the Greater Sudbury Public Libraries which provide support for everything from family literacy, to digital collections, public access computers and the maker space.

See: www.greatersudbury.ca/opendata <http://www.sudburylibraries.ca/>

What is coming next?

Examples of the types of datasets released by other municipalities include budget data, defibrillator locations, parking lot locations, City facility locations, municipal ward maps and election data, garbage and/or recycling schedules, municipal boundaries and census data. A report to formally adopt an Open Data Policy and Open Data Licence is being prepared and will be coming forward to Council in April 2015, after which time further data sets will be released publically, including in the first wave a recreation map with information about facilities, election results, ward boundaries, a local food map, a map with trails and bicycle routes and budget voting results.

Open Information

Open information refers to the commitment to proactively release accessible, transparent, relevant and timely information by, for and about the City of Greater Sudbury.

What we are doing now?

The City of Greater Sudbury has a Strategic Communication Plan, City with a Voice, which states that:

"The City of Greater Sudbury maintains open and honest communication with its residents and its employees. We engage citizens with a voice of passion and conviction. We are committed to providing relevant and accurate information in ways that are accessible, creative, coherent and timely."

This is in line with the principles of Open Information as outlined in this report.

The City of Greater Sudbury has an extensive website which contains very detailed information about the services, policies and financial status of the City of Greater Sudbury. This includes links to current and prior year budgets, to Council and Committee meeting Agenda Packages and Minutes and the Newsroom where the most current information about CGS activities can be found. Recently, the City's website search engine was replaced for enhanced and easier access to information.

Council and budget meetings are open to the public and have been broadcast on Eastlink Television for many years. Since December 2014, all Council and Committee

meetings held in Council Chambers have been live streamed to the public. Between February 27th and March 6th, 2015 538 unique viewers watched a combined 380 hours of those meetings. During meetings, members of the media actively make use of social media channels to update the public and traditional media coverage continues to be extensive.

The Municipal Act requires each municipality to adopt and maintain policies on how and when notice will be provided to the public. In 2012, Council adopted a new Notice By-Law, which is based on a series of principles, all of which *"support the democratic rights of citizens to be advised of where, when and what business of the municipality is being discussed"* and which includes *"opportunities for public input into decision making, either informally by making representations to their elected officials, or formally by way of written submissions or attendance at a public input session"*.

In addition to the Municipal Act which acts as one of the foundations of accountability for municipalities, there are many pieces of provincial legislation that establish criteria and guidelines for the work conducted by the municipality. While the Open Information concept speaks to proactively releasing more information, releases must be managed in the context of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA) both of which require that we balance the public's right to access information with privacy, security and confidentiality restrictions found in legislation.

What is coming next?

Staff has ordered the equipment necessary to introduce live streaming of Committee meetings which are held in C-11. It is anticipated that this service will be ready for May 2015.

Clerk's Services is revising the Freedom of Information section of the CGS website and will be adding new information enabling the public to track the status of FOI requests through regular weekly updates and is exploring opportunities to release to the public general information that has been requested through FOI, while protecting the privacy rights of those who make requests for their own personal information. One of the strategies within the Ontario Government's Open Government platform is to *"review the Freedom of Information framework"* which once completed, may further enable the broader release of information by the City of Greater Sudbury.

As part of the Open Government initiative and moving the corporation to being open by default, a communication strategy will be used to challenge staff to further the shift towards a culture of always releasing data and information to the public unless restricted by legislation.

Open Dialogue

Open dialogue refers to the formal and informal consultations that engage citizens in public debate and decision making by gathering their feedback on the development and delivery of municipal programs, services and policies.

What We Are Doing Now?

Over the summer of 2014, CGS staff conducted a review of the City's community engagement processes, which included a review of the Public Participation Policy, a public survey to which nearly 1,000 citizens provided a response, and public meetings. Outcomes of that process were reported publically in August 2014 and work is ongoing in the implementation of outcomes of that review. For example a toolkit is planned for citizens and employees alike on effective citizen engagement. These tools and systems complement engagement processes already in place, such as public input to the budget each year, feedback and opinion surveys, a rigorous social media presence, open houses, charettes, public information centres, local boards, Community Action Networks, and more. Also new in recent months, Citizens can now access 311 by email and there is a page with information pertaining to different ways residents can engage with City Hall.

See www.greatersudbury.ca/engaged

What is coming next?

A final report on community engagement and its role in the development and maintenance of a solid accountability framework and municipal decision-making will be presented to Council in 2015. The first stage will include a report outlining the framework for a new model, based on principles of community wellbeing as the basis for engagement in municipal affairs, will be coming to Committee in April 2015, and a proposed structure of engagement, which will be developed based on the framework and public consultation, will be presented in the summer of 2015.

Finally, an RFP has been developed for a citizen satisfaction survey to be conducted in the first half of 2015.

Open Doors

Open doors speaks to the accountability of elected and appointed officials and City staff for ensuring open, thoughtful and timely government decision making and for having mechanisms in place for challenging, and if appropriate addressing, systemic barriers or issues.

What we are doing now?

The City has a number of systems designed to create, maintain and enhance public accountability and more open access to decision making. The most obvious form of public accountability for Council comes by way of the Municipal Election, where the citizens of Greater Sudbury vote for their elected officials. An important step in strengthening accountability was taken by this Council when all members endorsed the Greater Sudbury Charter and committed themselves to the very principles of Open Government.

Members of Council are also bound by the Code of Ethics which is contained in the Procedure By-Law, while Employees of the City of Greater Sudbury must all review and adhere to the Employee Handbook. The Employee Handbook addresses topics as varied as conflict of interest, duty of fidelity and business conduct and includes a large number of employment-related policies, as for example related to recruitment. The Handbook is supplemented by additional workplace policies, which guide conduct and frame accountability systems for employees.

In 2007, the City of Greater Sudbury adopted By-Law 2007-299 to formally adopt a *"Policy Regarding Accountability and Transparency and a Policy Regarding Delegation of Powers and Duties"* which reads in part that, *"The City of Greater Sudbury conducts business within the municipality in a way that is open, transparent and accountable to the public"* with specific reference to financial and internal governance matters as well as public participation and information sharing.

The Policy speaks to the Purchasing By-Law as a significant plank in ensuring accountability and transparency which has gone through a substantial review and revision, including extensive consultations with stakeholders, affiliated boards and the Auditor General. The new Purchasing By-Law 2014-01 came into effect in December 1, 2014 and is supported by significant changes in business process that have been designed to strengthen internal controls, tracking of commitments and contract management. These enhanced or new processes supplement other systems to create, enhance, and maintain transparency and accountability in matters of financial management and fiscal responsibility.

Additional measures in place ensuring and promoting accountability and transparency include but are not limited to Policies such as the Remuneration By-Law, the Council Expense and Healthy Community Initiative Fund Policy, and public quarterly reports outlining expenditures by members of Council.

Under the Municipal Act every municipality is required to have a Closed Meeting Investigator. In January 2015, Council voted to return to using the Office of the Ontario Ombudsman as the Closed Meeting Investigator with responsibility for Council and all municipal boards and committees, except the Police, Library and NDCA Boards. Citizens who have concerns in regards to Closed Meetings may make complaints directly to the Ontario Ombudsman. Investigation reports related to Greater Sudbury are available online in several locations, including as attachments to the Minutes for the meeting in question, recent inclusions in Council agendas, and linked from the websites of the investigators, being the Ontario Ombudsman and LAS.

The Municipal Act also contains provisions for four optional Accountability Officer Roles: Auditor General; Integrity Commissioner; Lobbyist Register and Ombudsman. The City of Greater Sudbury introduced the office of Auditor General in 2009 and since that time there has been a very visible presence by that office in the municipality and a number of audits have been presented publically. The process for hiring a new Auditor General is currently underway.

What is coming next?

All of the Accountability Officer roles will be impacted in the next few years by Bill 8, the Public Sector and MPP Accountability and Transparency Act, 2014 which received third and final reading in December 2014 but has not yet been proclaimed. A report on Bill 8 and the Accountability Officer frameworks, which will include points for discussion and direction in specific regards to Integrity Commissioners and Lobbyist Registry, will be provided to Council in May 2015 as a follow-up to the Council report of June 10, 2014.

The City of Toronto's Whistleblower Protection Policy defines "*whistleblower*" as "*an employee who in good faith reports wrongdoing to the appropriate authority, in an attempt to have the activity brought to an end.*" Whistleblowers play a role in exposing wrongdoing but often take great on personal risk in doing so. Several cities in Ontario have implemented Whistleblower Policies in an effort to provide a framework for the disclosure of wrongdoing and provide protection for those who make disclosures and a report on this topic, which will include options for discussion, will be presented to Council in June 2015.

Implementation and Communications Strategy

The success of the Open Government model and related initiatives rests largely on education and understanding of new expectations. Corporate Communications is developing a strategy for both internal and external stakeholders that will educate and promote understanding for staff and residents of the principles associated with Open Government and its implementation in the City.

Conclusion

The City of Greater Sudbury has established and maintains an accountability and transparency framework that supports Open Government. Working towards a more formal Open Government model based on the four principles of:

- Open Data,
- Open Information,
- Open Dialogue
- Open Doors

will enable the City to elevate our work on accountable and transparent government, using an accepted methodology and framework.