

*Chronicling the Use of Transparency and Accountability as
Political Buzzwords, and as Drivers Ensuring the Standard of
Access to Public Records in Canada is Best Practice*

**Interim Report 16. Third Survey Asking City of
Ottawa Mayor and Councillors, *Do you agree that
citizens are entitled to free, easy, timely, and
direct online access to the public records held
by the City of Ottawa?***

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January 5, 2020

A. Introduction

Interim report 16 presents the results of the third survey asking City of Ottawa politicians

Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?

The emails to City of Ottawa politicians for survey three are similar to those used in surveys one and two. The emails to Mayor Jim Watson and Councillor Scott Moffatt are presented for the convenience of readers.

EMAIL 1 -----

From: Barry Wellar [mailto:wellar.barry@gmail.com]

Sent: Tuesday, December 3, 2019 7:54 PM

To: Jim.Watson@ottawa.ca

Subject: Third Survey, Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?

Dear Mayor Watson,

The third round of the survey pilot project, [**Chronicling the Use of Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring the Standard of Access to Public Records in Canada is Best Practice**](#) is in progress.

I look forward to receiving your YES or NO reply to the question:

Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?

You were asked that question in two previous surveys, and the design and results of the surveys are contained in the following interim reports:

[**Interim Report 1. Using Interim Reports as Part of the Pilot Study Research Design**](#)

[**Interim Report 2. Responses of City of Ottawa Mayor and Councillors to the Question: Do You Agree that Citizens Are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the City of Ottawa?**](#)

[**Interim Report 3. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada Is Best Practice, Ottawa Council Score: Political Buzzwords, 87.5%; Drivers, 12.5%**](#)

Interim Report 8. Second Survey Asking City of Ottawa Mayor and Councillors, Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?

Interim Report 9. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada is Best Practice: Ottawa Council Rating after the Second Citizen Access Survey–Political Buzzwords, 79%; Drivers, 21%

Those reports provide full details about the survey methodology, and the disposition of Yes or other responses and non-responses.

For reasons provided in the reports, any response other than YES, including a non-response is recorded as a NO. In this respect, you may recall that published reports contain a standing invitation for you to question the disposition of responses and non-responses, as I wish to ensure that the reports accurately represent your public position on whether citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa.

Since this is the third survey asking exactly the same question, the question as well as interim reports have been available to you for many months, other members of council have responded within a matter of several days, and there are timelines to be met in completing the third round of surveys, **the due date for your reply is December 21, 2019.**

Non-responses by that date will be recorded as a NO, and if a YES is received after December 21, 2019 and on or prior to January 31, 2020, the interim report will be modified accordingly.

Thank you.

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<http://wellar.ca/informationresearch/>

EMAIL 2 -----

From: Barry Wellar [mailto:wellar.barry@gmail.com]

Sent: Tuesday, December 3, 2019 8:21 PM

To: Scott.Moffatt@ottawa.ca

Subject: Third Survey, Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?

Dear Councillor Moffatt,

The third round of the survey pilot project, [**Chronicling the Use of Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring the Standard of Access to Public Records in Canada is Best Practice**](#) is in progress.

I look forward to receiving your YES or NO reply to the question:

Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?

You were asked that question in two previous surveys, and the design and results of the surveys are contained in the following interim reports:

[**Interim Report 1. Using Interim Reports as Part of the Pilot Study Research Design**](#)

[**Interim Report 2. Responses of City of Ottawa Mayor and Councillors to the Question: Do You Agree that Citizens Are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held by the City of Ottawa?**](#)

[**Interim Report 3. Using Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring Access to Public Records in Canada Is Best Practice, Ottawa Council Score: Political Buzzwords, 87.5%; Drivers, 12.5%**](#)

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Thank you.

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Before presenting the results of the third survey of City of Ottawa politicians, several features of the pilot study research design are reviewed to account for lessons learned from the first two rounds of surveys of municipal, provincial, and federal politicians.

In particular, and as demonstrated on a daily basis by numerous broadcast and social media stories, it seems impossible to over-emphasize the variety of evasive tactics employed by many politicians to elude questions and questioners seeking to ascertain their actual regard for transparency and accountability.

However, lessons have been learned about the challenges involved in inducing politicians to provide straight answers, and several of them are outlined as possible

sources of guidance for others who become engaged in studies to ascertain politicians' actual regard for transparency and accountability.

B. Comments from City of Ottawa Politicians about the Survey Methodology

Criticisms, requests for elaborations or clarifications, and questions in general regarding the survey methodology have been invited from City of Ottawa mayor and councillors.

A pilot study design feature that appears to be new to this literature, and for which questions were anticipated, is the use of a two-fold research hypothesis which appeared in interim reports 8 and 9 as part of the second survey. The pertinent details are recalled for convenience.

"The research hypothesis (RH) is two-fold in nature, and is outlined as follows:

RH1: Politicians who say yes to the survey question have due regard for the principles of transparency and accountability, and their use of the terms serve as drivers for ensuring that access to public records in Canada is best practice.

RH2: Politicians who do not say yes to the survey question do not have due regard for the principles of transparency and accountability, and their use of the terms as political buzzwords reveal them as politicians who restrict citizens' access to public records."

No criticisms, questions, challenges, suggested improvements, or other comments of any kind involving survey methodology have been received. After three surveys with no counter comments, it appears fair to conclude that the survey methodology is robust.

C. No Explanations from City of Ottawa Politicians as to Why He or She Does Not Agree with the Proposition that *Citizens Are Entitled to Free, Easy, Timely, and Direct Online Access to the Public Records Held By the City of Ottawa*

No explanations about reasons for non-agreement with the survey question have been received from City of Ottawa politicians in association with surveys one, two, or three.

Consequently, City of Ottawa politicians are not directly helpful to the pilot study investigation into how to ascertain politicians' actual regard for transparency and accountability.

Fortunately, from the perspective of being forewarned and hence forearmed about not expecting any assistance, the absence of assistance comes as no surprise, beginning with the non-agreement responses to survey one and continuing into survey two.

In brief, 87% and then 79% of City of Ottawa politicians did not agree in the first and second surveys, respectively, that citizens are entitled to free, easy, timely, and direct online access to City of Ottawa public records.

As a result, although a more time-tolerant research design might suggest that they be asked for their thoughts, a prudent researcher knows based on the accumulated evidence that these politicians are not likely to offer research design insights of any kind, much less those that might contribute to understanding why they do not agree that citizens are entitled to free, easy, timely and direct online access to public records,

However, the pilot study design is such that the absence of explanations is of value in other ways when it comes to advancing our understanding of why politicians do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records.

Specifically, the results from the first two surveys of City of Ottawa politicians, Ontario Conservative politicians, and federal Liberal politicians, were combined with feedback on the published interim reports, and opinions in numerous reports in broadcast and social media.

The outcome is two interim reports which appear to be original contributions on topics which to date have received relatively limited study.

In the case of interim report 14, we take the notion of ‘freedom of information’ to task and ask the question,

Who is actually served by so-called freedom of information legislation?

The finding of note is that politicians are actually the primary beneficiaries of that legislation because of the institutional barrier factor.

Details can be found in [Interim Report 14. Asking the Question: Is Freedom of Information Legislation a Citizens’ Conduit to Public Records, or an Institutional Barrier to Public Records?](#)

As for non-cooperation by politicians, surveys one and two are very illuminating when it comes to turning the lack of co-operation into a report based on the question,

What are the tactics used by some politicians to restrict citizens’ access to public records?

The finding of note based on feedback from reviewers is that politicians and their agents put a lot of effort and energy into designing and using tactics to restrict citizens access to public records, and that there appear to be far more tactics in play than ‘average Canadians’ could ever imagine.

Details about tactics and an invitation for others to add to the list of tactics can be found in [Interim Report 15. Identifying Tactics Used By Politicians to Restrict Citizens' Access to Public Records.](#)

In addition to scoring responses as Yes or No, therefore, we are also examining communications with City of Ottawa politicians for their confirmation and/or extension of interim report 14 and interim report 15.

D. Published Articles in Which a City of Ottawa Politician States that He or She Is a Believer in Transparency and Accountability on the Parts of Herself or Himself in Particular, or Politicians and Political Entities in General

Numerous articles linking City of Ottawa politicians and the principles of transparency and accountability have appeared in broadcast media and social media productions during the pilot study research project.

However, the most widespread productions containing politicians’ expressions of dedication and even devotion to transparency and accountability are self-serving newsletters paid for by taxpayer dollars, and often released to constituents just prior to the start of election campaigns. And, of course, there are voluminous quantities of election campaign materials which attempt to render every candidate the paragon of transparency and accountability.

Of particular relevance here, though, are statements which extol the institutional virtues of the City of Ottawa as a pace-setter when it comes to transparency, accountability, and accessibility. The following communication citing Mayor Jim Watson is one such artifact. As illustrated, the mayor is effusive in his praise of the high standard of transparency, accountability, and accessibility achieved by the City of Ottawa and, by association, City of Ottawa politicians and staff.

“... we [City of Ottawa] have the most open, accessible government in, of, any level, fewest closed door meetings, very open, transparent”

Source: Jim Watson interview with Graham Richardson, CFRA, September 13, 2019. The time span for the clip is 1:30-1:40 P.M. https://omny.fm/shows/580-cfra/hour-2-of-ottawa-now-for-september-13th-2019?in_playlist=580-cfra!ottawa-now

In addition to that news article in which Mayor Jim Watson describes the City of Ottawa's purportedly highest regard for transparency and accountability, references to transparency and accountability are a prominent feature in the City of Ottawa Code of Conduct.

For convenience, several pertinent clauses are repeated here. Readers may click on the Code of Conduct link below for more details.

Code of Conduct for Members of Council and Related Policies

General Integrity

- 1. Members of Council are committed to performing their functions with integrity, accountability and transparency.*
- 2. Members of Council are responsible for complying with all applicable legislation, by-laws and policies pertaining to their position as an elected official.*
- 3. Members of Council recognize that the public has a right to open government and transparent decision-making.*
- 4. Members of Council shall at all times serve and be seen to serve the interests of their constituents and the City in a conscientious and diligent manner and shall approach decision-making with an open mind.*

<https://ottawa.ca/en/city-hall/accountability-and-transparency/accountability-framework/code-conduct-members-council-and-related-policies>

Clearly, the pilot study interest in the quality of citizens' access to City of Ottawa public records is fully consistent with the declared interest of City of Ottawa politicians and their staff, as well as that of City of Ottawa staff, in providing citizens the highest order of access to City of Ottawa records.

However, and as shown by the interim reports for the first two surveys, there are signs of a totally contradictory relationship between the promise and performance of City of Ottawa politicians when it comes to access by citizens to City of Ottawa records.

That is, Mayor Jim Watson and the Code of Conduct paint a rosy, upbeat picture about institutional transparency and accountability, but **surveys one and two reveal that a minority of City of Ottawa politicians actually agree that citizens are entitled to free, easy, timely, and direct online access to City of Ottawa public records.**

As a result, in practice citizens are denied the kind of access which many need to properly examine City of Ottawa records involving administrative and operations matters, including financial services, contracts, P3 development arrangements, re-

development proposals, re-zoning proposals, legal services, legal actions, police services, infrastructure expenditures, waste disposal, social housing, public land acquisition and sales, and OC Transpo rolling stock deployment and performance.

The abiding question, therefore, is whether survey three will reveal that a majority of members of council now agree to provide citizens the kind of access which is promised by Mayor Jim Watson on behalf of council, and is imbedded by definition in the City of Ottawa Code of Conduct by clauses 1, 2, 3, and 4.

E. Published Reports in which a City of Ottawa Politician States that He or She Is Not a Believer in Transparency and Accountability on the Parts of Herself, Himself, or Other Politician(s)

To my knowledge, no current City of Ottawa politician has publicly stated that he or she is not a believer in transparency and accountability on the parts of himself, herself, or other politician(s).

It is possible that such declarations have been published but, if so, I have not encountered the statements in readings, viewings, or literature searches, and they have not been brought to my attention by any of my many contacts.

Moreover, previous interim reports explicitly requested that City of Ottawa politicians correct the record if they have been erroneously represented on this issue.

The bottom line, therefore, is that to date no evidence has been found that any City of Ottawa politician publicly opposes the need, indeed the duty, to respect the principles of transparency and accountability.

F. Using the Convergence Approach to Reduce Politicians' "Wriggle Room" When It Comes Ascertaining Their True Views on Transparency and Accountability

On the one hand it appears fair to say that every City of Ottawa politician is in favour of transparency and accountability. And, on the other hand, it appears fair to say that no City of Ottawa politician is opposed to transparency and accountability.

Therefore, based on the logic of convergence of evidence, since it appears that all City of Ottawa politicians are in favour and none are opposed to transparency and accountability, it seems reasonable to expect all members of council to agree that citizens are entitled to free, easy, timely, and direct online access to City of Ottawa public records. Moreover, as attestation to the reasonableness of the expectation, no member of council has expressed any view to the contrary.

However, the fact of the matter is that after two surveys asking each member of council, ***Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?***, only five of 24 members of council, that is 21%, answered YES.

Or, to re-phrase, after two surveys asking City of Ottawa politicians, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?*, 79% did not respond in the affirmative to a question which cuts to the chase when examining the truthfulness of politicians at any level as to their actual regard for transparency and accountability to citizens.

G. Results of the Third Survey Asking City of Ottawa Politicians, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?*

Results from survey one and two are included in Table 1 with the results from the third survey, so that we have a full track record of City of Ottawa politicians who agree and those who do not agree with the proposition that *citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa*.

H. Analysis of Table 1

As shown by Table 1, there are no changes in the positions of mayor and councillors between the second and third surveys, and in most cases no changes between the first, second, and third surveys. What we have with the consistency of these scores are vectors, which suggests changing the research design to extract additional information.

I. Research Matters Arising from the Completion of Survey Three

Two terms of reference are needed to put this section in context.

First, and as discussed in previous interim reports, the premise of the pilot study is that in order for citizens to ascertain if politicians are being transparent in their decisions and actions, and for citizens to be able to hold politicians accountable for policy, program, plan, operations, and all other kinds of governance decisions and actions, citizens require free, easy, timely, and direct online access to public records. Anything less than that level of access compromises the capability of citizens to ascertain the transparency of politicians, and to hold them accountable.

Second, based on declarations by politicians at all levels of government, they are taken at face value to have all due regard for the principles of transparency and accountability. Further, by extension the declarations are taken to mean that these same politicians have all due regard for the obligation to provide the means deemed necessary by

citizens to properly access public records in order to ascertain if the practices of politicians are sufficiently transparent to meet accountability tests set by citizens.

**Table 1. Scorecard of Responses by Ottawa Council to the Question:
*Do you agree that citizens are entitled to free, easy, timely, and direct
online access to the public records held by the City of Ottawa?***

<u>Member of Council</u>	<u>Response Scores*</u>		
	Survey 1	Survey 2	Survey 3
Mayor Jim Watson	NO	NO	NO
Councillor Steven Blais	NO	NO	NO
Councillor Riley Brockington	YES	YES	YES
Councillor Rick Chiarelli	NO	NO	NO
Councillor Jean Cloutier	NO	NO	NO
Councillor George Darouze	NO	NO	NO
Councillor Diane Deans	NO	NO	NO
Councillor Laura Dudas	NO	NO	NO
Councillor Eli El-Chantiry	NO	NO	NO
Councillor Mathieu Fleury	NO	NO	NO
Councillor Glen Gower	NO	NO	NO
Councillor Jan Harder	NO	NO	NO
Councillor Allan Hubley	NO	NO	NO
Councillor Theresa Kavanaugh	NO	YES	YES
Councillor Rawlson King**	----	YES	YES
Councillor Jeff Leiper	NO	NO	NO
Councillor Matt Luloff	NO	NO	NO
Councillor Catherine McKenney	YES	YES	YES
Councillor Carol Anne Meehan	NO	NO	NO
Councillor Shawn Menard	YES	YES	YES
Councillor Scott Moffatt	NO	NO	NO
Councillor Tobi Nussbaum**	NO	----	----
Councillor Jenna Sudds	NO	NO	NO
Councillor Tim Tierney	NO	NO	NO

* The approach adopted for the launch of the pilot study was to have several ways to score responses: YES means YES; NO means NO; NYNN means NEITHER YES NOR NO; and, NR means NO RESPONSE. It was realized after completing survey 1 that the response scoring method and the scorecards could be simplified by using the approach that YES means YES and NO means that a YES response was not received. As of this writing no politician has challenged that approach as misrepresenting her or his position on the question, *Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?*

** Rawlson King replaced Tobi Nussbaum, a councillor for Rideau-Rockcliffe (Ward 13), City of Ottawa, after the first survey.

As shown by surveys one, two, and three, however, we have uncovered major discrepancies between City of Ottawa politicians' claims about transparency and accountability, and their actual performances in those regards as measured by citizens having free, easy, timely, and direct online access to City of Ottawa public records.

Further, by the completion of survey three it is confirmed that we have vectors for all City of Ottawa politicians, which means that the survey methodology achieved its intended outcome. We now use the findings from the first phase as the basis for the second phase of pilot study research involving City of Ottawa politicians.

At this point in time, four research matters arise as being of paramount importance to phase two, City of Ottawa.

First, the NO responses assigned to Mayor Jim Watson for the three surveys are at total odds with his claims about City of Ottawa transparency, accessibility, etc., that are presented in section D.

Questions arise about how to address the contradiction between what the mayor says in section D, and his survey scores in Table 1.

Second, the 18 NO responses assigned to Councillors Steven Blais, Rick Chiarelli, Jean Cloutier, George Darouze, Diane Deans, Laura Dudas, Eli El-Chantiry, Mathieu Fleury, Glen Gower, Jan Harder, Allan Hubley, Jeff Leiper, Matt Luloff, Carol Anne Meehan, Scott Moffatt, Jenna Sudds, and Tim Tierney put them at complete and obvious odds with any claims these councillors make about their actual, measurable regard for transparency and accountability.

Moreover, the NO responses have broader consequences in that:

- a) They contradict the mayor's assertion in section D about City of Ottawa regard for accessibility, transparency, openness, etc.: and
- b) They put all the NO councillors in the same boat as the mayor when it comes to their lining up foursquare behind the conditions of integrity, transparency, accountability, etc., and then not agreeing that citizens are entitled to free, easy, timely, and direct online access to public records which is needed by citizens to validate politicians' performances.

Questions arise about how to address contradictions between councillors' purported support for transparency and accountability, along with their apparent agreement with what the mayor states in section D, and their NO records in Table 1.

Or, to re-phrase, questions arise about how councillors can be obliged to explain the NO entries in Table 1 which contradict the mayor's claim, as well as any pro-transparency and pro-accountability claims made by these councillors.

Third, the clauses in section D regarding the City of Ottawa **Code of Conduct for Members of Council and Related Policies** are very explicit in their use of the terms transparency and accountability, and are in stark contrast to the anti-transparency and anti-accountability positions recorded for a majority of City of Ottawa politicians in Table1.

Questions arise about how the City of Ottawa **Code of Conduct for Members of Council and Related Policies** might be used to oblige City of Ottawa politicians to provide citizens free, easy, timely, and direct online access to City of Ottawa public records.

It warrants emphasizing as we complete phase one that this level of access has been stated repeatedly, without repudiation by any City of Ottawa politicians, as the means necessary for citizens to properly ascertain whether politicians are meeting the transparency and accountability conditions in the Code of Conduct.

Fourth, for a number of weeks there were numerous conflicts of opinion among politicians, pundits, and citizens about how City of Ottawa council should deal with allegations of sexual misconduct involving Councillor Rick Chiarelli.

The seeming absence of progress led to a communication to Steve Clark, Minister of Municipal Affairs and Housing, The email communication dated October 25, 2019 is titled, Need for Legislation Enabling the Timely Removal of Municipal Officials from Office for Dereliction of Duty.

The central concern was that citizens of College Ward were without effective municipal representation due to the councillor's situation, and that it seemed necessary for the provincial government to take action because:

- a) City of Ottawa politicians appeared to lack direction about how to proceed; and,
- b) Municipal governments are 'creatures' of the provincial government, which points to the provincial government as an appropriate intervenor should citizens perceive that they are not being properly served by their municipal representative, other members of council, and city officials.

The Minister's office did not accept the petition for action, and gave the opinion that municipal governments have the authority and means to deal with code of conduct matters involving politicians.

A future pilot study report will take issue with that opinion, and one question to be pursued in the future report is based on the results of three pilot study surveys of City of Ottawa politicians. That is,

How does a municipality process a Code of Conduct complaint if the complainant names a majority of members of council, and the Integrity Commissioner agrees that the complaint has merit? Then what?

J. Conclusion

The research question ***Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?*** has once again performed as intended, which is the crucial feature in validating the robustness of the pilot study research design.

That is, taking a lead from Russell Ackoff, an outstanding research methodologist and author of ***The Design of Social Research***, an esteemed research text that remains a classic must-read after 70 years in print, the design of this pilot study confirms that “a question well-put is a problem half-solved”.

In the case of the question, ***Do you agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa?***, its pertinence and utility can be illustrated by brief recollection of findings in this and previous reports regarding the surveys of City of Ottawa politicians.

- No challenges to the question by City of Ottawa politicians.
- No challenges to the methodology used to present the question to City of Ottawa politicians.
- The precision of the question left no “wriggle room”, and the binary structure of YES, or NO if not yes, required only three surveys to create vectors and identify politicians who agree or by default do not agree that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa.
- No challenges by City of Ottawa politicians to the YES or NO scorecards.

Upon completion of the first phase of the Chronicling Project involving City of Ottawa politicians, four research questions were derived which are core elements for phase two.

It is likely based on the experience to date that it will remain a challenge to encourage Mayor Jim Watson and the 18 NO councillors to willingly assist in turning their use of

the concepts of transparency and accountability from buzzwords to drivers, and ensuring that citizens' access to public records is best practice in Canada.

However, the challenge may be eased by bringing the Ontario Ministry of Municipal Affairs and the City of Ottawa's own Code of Conduct into the next phase of the research process.

K. Addendum: Position Changes by City of Ottawa Politicians

In the event that any City of Ottawa politician decides by January, 31, 2020, to change her or his position, the change will be noted in the Addendum. However, the preceding text will not be changed due to resource and time constraints.