

*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 20.
Nomination for the 2020
Code of Silence Award: City of Ottawa
Supporting Evidence – Communications to
Mayor and Councillors that Received
‘The Silent Treatment’**

Dr. Barry Wellar
Professor Emeritus, University of Ottawa
President, Information Research Board Inc.
wellar.barry@gmail.com

March 25, 2020

A. Introduction

We were in the midst of designing a new phase of the *Chronicling* pilot study, when the 2019 Code of Silence Awards were announced February 24, 2020 by the award sponsors, the Canadian Association of Journalists (CAJ), Centre for Free Expression at Ryerson University (CFE), News Media Canada and Canadian Journalists for Free Expression (CJFE).

The objectives of the award include calling public attention to government departments and agencies that put extra effort into denying public access to government information to which the public has a right under access to information legislation.

As the previous 18 interim reports attest, the *Chronicling* pilot study is engaged in a related enterprise, by investigating politicians’ regard for transparency and accountability, and whether they agree that citizens are entitled to free, easy, timely, and direct online access to public records.

Discussions with advisors suggested that findings from the empirical research undertaken as part of the *Chronicling* project are very pertinent to those with an interest in the objectives of the Code of Silence award. And, conversely, it was suggested that those interested in the objectives of the Code of Silence award would be interested in learning how the governments in the *Chronicling* study stack up when compared to other governments nominated for Code of Silence awards.

After examination of the records of previous award winners, a decision was made to submit a nomination on behalf of the City of Ottawa, which in many ways is almost a seamless continuation of the five preceding reports:

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

[Interim Report 15. Identifying Tactics Used By Politicians to Restrict Citizens’ Access to Public Records](#)

[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?*](#)

[Interim Report 17. 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 Third Citizen Access Survey–Political Buzzwords, 79%; Drivers, 21%](#)

[Interim Report 18. Invoking the Code of Conduct to Publicly Oblige City of Ottawa Politicians to Demonstrate Due Regard for Transparency and Accountability](#)

There are three components to the nomination, and each is used as a separate interim report. This modular approach means that each component receives its due attention, and it also means that research design complexity is significantly reduced for others who wish to replicate this research approach.

The three nomination components are titled as follows:

1. [Interim Report 19. Nomination for the 2020 Code of Silence Award: City of Ottawa Supporting Evidence – Reports from the Pilot Study 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](#)
2. **Interim Report 20. Nomination for the 2020 Code of Silence Award: City of Ottawa Supporting Evidence – Communications to Mayor and Councillors that Received ‘The Silent Treatment’.**
3. **Interim Report 21. Nomination for the 2020 Code of Silence Award: City of Ottawa Supporting Evidence – Media Stories That Identify a Code of Silence Which Has Been Adopted by or Imposed Upon Members of Council.**

The materials in sections B, C, D, E, and F are taken directly from the main body of the second Code of Silence nomination statement, which was submitted March 10, 2020.

B. Nomination Statement 2 for the 2020 Code of Silence Award: City of Ottawa Supporting Evidence – Communications to Mayor and Councillors that Received ‘The Silent Treatment’

A municipal government which has due regard for the principles of transparency and accountability ensures that citizens have appropriate access to municipal records.

Characteristics of appropriate access include free, easy, timely, and direct access for all municipal governments in Canada, with the additional characteristic of online access in larger municipal governments such as the City of Ottawa, which has had computers in service for more than 50 years.

Conversely, a city government which has adopted a code of silence involving politicians and/or bureaucrats defends that code by denying citizens, including members of the media, the quality of access necessary to readily establish whether a city government is showing due regard for the principles of transparency and accountability.

For this component of the nomination statement the emphasis is again on empirical evidence, and the evidence of record consists of emails sent to Mayor Jim Watson and councillors. The empirical evidence value of email communications may be indicated as follows.

From a research perspective email communications serve a variety of objectives, two of which are to document whether, in point of fact, City of Ottawa politicians do or do not respond to inquiries from citizens, and whether, in point of fact, the treatment accorded the inquiries meets the transparency, accountability, and other tests associated with the City of Ottawa Code of Conduct for Politicians, as examined in interim report 18.

Previous interim reports discuss the matter of public records in considerable detail, so that discussion is not repeated here.

It may be useful to recall, however, that **the term “public record” is broadly defined in the design of the *Chronicling* project pilot study to include all manner of products and processes associated with politicians’ performances.**

As a result, by way of brief illustration, the public record broadly defined for politicians means just that, its breadth is defined by citizens to include, for example, official productions such as plans, budget statements, and contracts, as well as opinions held and those expressed through newsletters, releases, interviews, conversations, discussions, public meetings, broadcasts, and social media productions.

During this term of council which began in December, 2018, numerous email communications have been sent to Ottawa Mayor Jim Watson and members of council regarding matters of public interest.

The communications to City of Ottawa politicians involve questions, concerns, comments and suggestions about policies, plans, programs, and operations which have been considered or not considered, adopted or not adopted, implemented or not

implemented, and achieved or not achieved by the City of Ottawa’s mayor and councillors.

It is my expectation to receive informative responses to inquiries sent to all politicians, and all the more so in the case of the City of Ottawa politicians due to the City of Ottawa Code of Conduct for Politicians.

The pertinent body of documentation is By-law 2018-400: A by-law of the City of Ottawa to establish a code of conduct for Members of Council. (<https://ottawa.ca/en/city-hall/accountability-andtransparency/accountability-framework/code-conduct-members-council-and-relatedpolicies/code-conduct-and-related-policies#code-conduct-members-council>.)

Several clauses are presented to illustrate why individual members of council and councillors as a group are obliged to provide informative responses in a timely manner to inquiries from citizens.

Or, to re-phrase, the clauses reveal why it is contrary to the code of conduct for City of Ottawa politicians as individuals or as a group to adopt a code of silence rather than provide informative responses in a timely manner to inquiries from citizens.

Readers may click on the code of conduct link for more clauses, as well as more details about the purpose of the code of conduct, and the procedures for requesting that the Integrity Commissioner launch a formal investigation of a politician whose behaviour is seen to fail one or more conditions of the Code of Conduct for Members of Council and Related Policies.

1. Members of Council are committed to performing their functions with integrity, accountability and transparency.
2. Members of Council recognize that the public has a right to open government and transparent decision-making.
3. 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.

A common theme among the clauses which is pertinent to this nomination is that each of the clauses is the antithesis of silence, because they all explicitly refer to the right to know of citizens, and the obligation of City of Ottawa politicians to respect and service that right to know.

Two kinds of communications involving City of Ottawa politicians since the beginning of this term point to a code of silence which I believe makes the City of Ottawa a most deserving recipient of the 2020 Code of Silence Award: Municipal Government.

- Communications to City of Ottawa politicians for which no response to the question, concern, or comment has been received.
- Communications by City of Ottawa politicians stating that they did not wish to receive communications.

C. Communications to City of Ottawa Politicians for which No Informative Response to a Question, Comment, Submission, etc., Was Received

A selection of 18 emails has been assembled for this section of the nomination.

It seems reasonable to include a dozen or so emails, many of which are actually extensive threads, to support the position that a code of silence among a number of members of council has been in place at Ottawa city hall for this term of office.

Moreover, to put the selected dozen or so emails in context, it warrants emphasizing that since the Code of Conduct on its face dictates ZERO non-responses, by the time we get into the range of a dozen or so non-responses we are by definition well into the code of silence domain.

In the interests of space, repeat valedictions involving the same principals are not reproduced in full.

Email 1: No response

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

Sent: Wednesday, December 19, 2018 10:45 AM

To: Jim.Watson@ottawa.ca

Cc: 'Matt.Luloff@ottawa.ca'; 'Laura.Dudas@ottawa.ca'; 'jan.harder@ottawa.ca'; 'Jenna.Sudds@ottawa.ca'; 'Eli.El-Chantiry@ottawa.ca'; 'Glen.Gower@ottawa.ca'; 'Theresa.Kavanagh@ottawa.ca'; 'Rick.Chiarelli@ottawa.ca'; 'Keith.Egli@ottawa.ca'; 'Diane.Deans@ottawa.ca'; 'Tim.Tierney@ottawa.ca'; 'Catherine.Mckenney@ottawa.ca'; 'Riley.Brockington@ottawa.ca'; 'capitalward@ottawa.ca'; 'Jean.Cloutier@ottawa.ca'; 'Stephen.Blais@ottawa.ca'; 'George.Darouze@ottawa.ca'; 'Scott.Moffatt@ottawa.ca'; 'Carolanne.Meehan@ottawa.ca'; 'Allan.Hubley@ottawa.ca'; 'O'Connor, M. Rick'

Subject: Access to Public Records- J Watson, City of Ottawa

Jim Watson, Mayor,

City of Ottawa

Re: Op-ed column, *Ottawa Citizen*, ‘Wellar: We need free, easy access to public records’, Dec.3, 2018. <https://ottawacitizen.com/opinion/columnists/wellar-we-need-free-easy-access-to-public-records>.

Dear Mayor Watson,

I look forward to learning at the earliest moment if you agree with the central thesis of the column, namely that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa. In the event that you agree, I look forward to learning at the earliest moment what you and Councillors are doing to bring about the changes required to provide citizens free, easy, timely, and direct online access to the public records held by the City of Ottawa.

Similarly, I look forward to learning at the earliest moment if you disagree with the central thesis that citizens are entitled to free, easy, timely, and direct online access to the public records held by the City of Ottawa. In the interests of effective and efficient dialogue, please specifically address your explanation to each of the five conditions identified in the column, that is, free access; easy access; timely access; direct access; and online access.

In addition, I look forward to learning at the earliest moment if you agree with the proposition expressed in the column that “The right to free, easy, timely, and direct online access to public records is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.” In the event that you agree, I look forward to learning what you will do to encourage the Government of Canada to incorporate that clause or a variation of that in the Charter of Rights and Freedoms.

And, in the event that you do not agree with the statement, ““The right to free, easy, timely, and direct online access to public records is a defining feature of a free and democratic society, and would be an excellent addition to the Charter of Rights and Freedoms.”, then I look forward to learning at the earliest moment the reasons for your disagreement. In the interests of effective and efficient dialogue, please specifically address your explanation to each of the five conditions identified in the column, that is, free access; easy access; timely access; direct access; and online access, and explain why satisfying any condition is inconsistent with the intent of the Charter.

I regard this communication to be in the public interest, and you are welcome to circulate it as necessary in order to obtain advice, information, or materials to support your response.

Consistent with the thesis of the op-ed column, please respond via email.

Thank you.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgefield Crescent
Nepean, ON K2H 6T4

Email 2: Nothing received from OPS

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Sunday, July 7, 2019 1:43 PM
To: 'Chair, Ottawa Police Services Board / Président, Commission de services policiers d'Ottawa'; 'Burns, Kathy A (Police)'
Cc: 'Wellar, Barry'; le hibou; george neville; doug arnold; 'Chiarelli, Rick'; jwilling@postmedia.com
Subject: RE: "Access Denied" Responses to Three Communications Sent Via the Ottawa Police Service (OPS) Website to OPS -- Traffic concerns

Good afternoon Ms. Deans,

Please be advised that I spoke via telephone with Mr. Roberts, OPS, regarding the matter of traffic concerns. I do not have for referral any written communication regarding that conversation, or prior related email correspondence in which OPS is a party.

I noted several matters which I believe I am professionally bound to bring to the attention of OPS. However, Rick Chiarelli is the councillor for this neighbourhood, and as such he has a duty of care obligation to do his due diligence by alerting OPS traffic enforcement to problem traffic areas. I spoke with Mr. Roberts in this regard.

Again, I informed Mr. Roberts of several matters of concern, but the primary responsibility for engaging with OPS about traffic safety in this neighbourhood rests with the councillor, Rick Chiarelli.

That being said, if Mr. Chiarelli does nothing of consequence, which has been the case for many months in my opinion, including non-responses to emails, then perhaps OPS and/or OPSB may need to consider an alternative to this councillor speaking on behalf

of this neighbourhood, and possibly other neighbourhoods in College ward, on traffic safety matters.

Regards,

Barry Wellar

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Email 3: Receipt acknowledged, nothing else

From: Chair, Ottawa Police Services Board / Président, Commission de services policiers d'Ottawa [mailto:ChairOttawaPSB@ottawa.ca]

Sent: Tuesday, July 2, 2019 10:44 AM

To: 'Barry Wellar'; Burns, Kathy A (Police)

Cc: 'Wellar, Barry'

Subject: RE: "Access Denied" Responses to Three Communications Sent Via the Ottawa Police Service (OPS) Website to OPS

Good morning Mr. Wellar,

I am writing in response to your email dated June 30 concerning an inability to send emails through the OPS website, as well as traffic concerns in your neighbourhood.

As requested, I am sharing your correspondence and attached emails with the Ottawa Police through the Office of Interim Police Chief Steve Bell. As the Chief is responsible for police operations and deployment, he and his members are best able to explore options to address the traffic concerns you raise.

With respect to the difficulties you encountered when trying to send information through the Ottawa Police website, I will also leave this with the Interim Chief's office to assign to the appropriate staff who can provide clarification.

Thank you for reaching out.

Regards,

Diane Deans

Chair, Ottawa Police Services Board

Ph: 613-580-2480

Fx: 613-580-2520

Email 4: No response

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

Sent: Sunday, June 30, 2019 8:47 PM

To: 'Kennedy, Lynn'

Cc: le hibou; doug arnold; george neville; jwilling@postmedia.com; tspears@postmedia.com; 'Wellar, Barry'

Subject: Re: "Access Denied" Responses to Three Communications Sent Via the Ottawa Police Service (OPS) Website to OPS

Members, Ottawa Police Services Board (OPSB)

Re: “Access Denied” responses to three communications sent via the Ottawa Police Service (OPS) website to OPS

Dear Board Members,

In the absence of a Chief of Police and an associated email address, City of Ottawa, and an inability to locate a name or names and an email address or addresses to whom communications could be sent with respect to three “Access Denied” responses, I am seeking guidance from OPSB on how to proceed on two fronts.

First, I used the OPS website since various searches for an OPS person’s contact coordinates proved fruitless, and attempted to forward to OPS the contents of three email threads that were originally sent to Councillor Rick Chiarelli with respect to concerns about traffic problems in my neighbourhood. The emails are attached. There are no responses from Mr. Chiarelli to be included.

I wish to have the emails forwarded to OPS, and I wish to be informed in that regard.

Further, I seek a detailed explanation as to why the OPS website protocol assigned the emails “Denied Access” status.

Your guidance in achieving the above objectives will be appreciated.

Second, I have been doing this kind of research for more than forty years, published hundreds of papers on the information access topic, given dozens of conference papers on the information access topic, and I have yet to come across any other public agency website in any free and democratic society which has a more effective and efficient institutional barrier to restrict public access to that agency.

I look forward to receiving whatever digital documentation is available from OPS and OPSB, and written digital opinions from OPSB members, that is pertinent to the institutional barrier comment in the preceding paragraph.

Thank you for your attention to this communication.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
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Nepean, ON K2H 6T4

This e-mail originates from the City of Ottawa e-mail system. Any distribution, use or copying of this e-mail or the information it contains by other than the intended recipient(s) is unauthorized. Thank you.

EMAIL 5: No response

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

Sent: Saturday, August 3, 2019 9:40 PM

To: Matt.Luloff@ottawa.ca; Laura.Dudas@ottawa.ca; jan.harder@ottawa.ca; Jenna.Sudds@ottawa.ca; Eli.El-Chantiry@ottawa.ca; Glen.Gower@ottawa.ca; Theresa.Kavanagh@ottawa.ca; Rick.Chiarelli@ottawa.ca; Keith.Egli@ottawa.ca; Diane.Deans@ottawa.ca; Tim.Tierney@ottawa.ca; Catherine.Mckenney@ottawa.ca; Riley.Brockington@ottawa.ca; capitalward@ottawa.ca; Jean.Cloutier@ottawa.ca; Stephen.Blais@ottawa.ca; George.Darouze@ottawa.ca; Scott.Moffatt@ottawa.ca; Carolanne.Meehan@ottawa.ca; Allan.Hubley@ottawa.ca; 'shawn.menard'; Rawlson.King@ottawa.ca; 'george neville'; 'doug arnold'; 'le hibou'; jwilling@postmedia.com; 'Wellar, Barry'; tspears@postmedia.com; 'Chris Maziarski 58'; Mathieu.Fleury@ottawa.ca; Jim.Watson@ottawa.ca

Subject: Hackers swarm around city hall - More than 8,000 cyberattacks over 12-month period, Tom Spears, Ottawa Citizen, Aug. 2

Mayor and Councillors

City of Ottawa

Re: Hackers swarm around city hall – More than 8,000 cyberattacks over 12-month period, Tom Spears, Ottawa Citizen, Aug. 2

Dear Mayor and Councillors,

The column by Tom Spears is pertinent to the pilot study, *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*, of which you have been previously apprised via several email communications.

I have prepared comments on the Spears column for interim reports now in progress, including several dealing with City of Ottawa politicians. Responses to the following comment are invited. As you may appreciate, I am particularly interested in correcting factual errors and policy misrepresentations involving the City of Ottawa, as well as individual members of council.

Did we know that this was coming? Yes, we did. In 2004, 15 years ago, Public Safety and Emergency Preparedness Canada and the Natural Sciences and Engineering Research Council sponsored the Joint Interdependent Infrastructures Research Program. One of the ten infrastructure components was communications and information technology, comprised of telecommunications, broadcasting systems, software, hardware and networks including the Internet.

It was known then that telecommunications and information technology are imbedded in all the other infrastructures, which makes that infrastructure a prime candidate for attention by those who want to commit financial crimes through ransomware.

Moreover, it was also known that because destabilizing this infrastructure can destabilize other infrastructures through cascading or domino effects, it will attract major attention from those who want to engage in cybervandalism and worse.

That understanding was “out there” 15 years ago, so municipal and provincial governments in Canada have had plenty of time to thoroughly examine the critical nature of the communications and information technology sector.

However, in the absence of access to pertinent files due to a cone of silence over Ottawa city hall, and a decision by the City of Ottawa to overlay a cone of security about hackers’ activities, citizens are at a loss to understand exactly how well the City of Ottawa is doing to protect sensitive files.

For example, there could be 10,000 attempted hacks, but if only one succeeds and that is to open the mayor’s day planner, then not a big deal.

However, while hackers know what hackers are doing, and presumably city staff and politicians know what they are doing, citizens who pay the bills get the brush-off, and actually have no idea as to the present and future significance of current hacking practices

That is an algorithm for citizens to get nasty cyber surprises.

Responses are invited.

I note by way of brief background that this article is of particular interest because I was a Member, Public Safety and Security Panel, Joint Interdependent Infrastructures Research Program, sponsored by Public Safety and Emergency Preparedness Canada and the Natural Sciences and Engineering Research Council.

Thank you.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
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Nepean, ON K2H 6T4

Email 6: Boilerplate response, the emails do not answer questions

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

Sent: Sunday, October 13, 2019 8:02 PM

To: Stephen.Blais@ottawa.ca

Cc: Matt.Luloff@ottawa.ca; Laura.Dudas@ottawa.ca; jan.harder@ottawa.ca; Jenna.Sudds@ottawa.ca; Eli.El-Chantiry@ottawa.ca; Glen.Gower@ottawa.ca; Theresa.Kavanagh@ottawa.ca; Rick.Chiarelli@ottawa.ca; Keith.Egli@ottawa.ca; Diane.Deans@ottawa.ca; Tim.Tierney@ottawa.ca; Catherine.Mckenney@ottawa.ca; Riley.Brockington@ottawa.ca; capitalward@ottawa.ca; Jean.Cloutier@ottawa.ca; Stephen.Blais@ottawa.ca; George.Darouze@ottawa.ca; Scott.Moffatt@ottawa.ca; Carolanne.Meehan@ottawa.ca; Allan.Hubley@ottawa.ca; 'shawn.menard'; Rawlson.King@ottawa.ca; Mathieu.Fleury@ottawa.ca; Rawlson.King@ottawa.ca; Jim.Watson@ottawa.ca; wellar.barry@gmail.com; george neville; doug arnold; le hibou; Joanne Chianello; jwilling@postmedia.com; tspears@postmedia.com; Kanellakos, Steve; McGuire, Shawn; steve.clark@pc.ola.org; Chris Maziarski 58

Subject: Transparency and Accountability: Blais v. Transportation Services, City of Ottawa

Councillor Blais,

In your capacity as Chairman, Transportation Committee, please explain the difference between the two following statements, one of which is yours, regarding access to City of Ottawa records, and informing me about what you can do to reconcile the difference in order to actually provide citizens free and easy access to City of Ottawa records.

On the one hand, there is your statement of January 30, 2019, in which you respond to my concerns about what I term 'an outrageous level of information control at Ottawa city

hall'. The details of that communication which are pertinent to this communication are as follows.

From: Blais, Stephen [mailto:ward19co@ottawa.ca]
Sent: Wednesday, January 30, 2019 10:10 AM
To: wellar.barry@gmail.com
Cc: Faris, Jordan; Brown, Stephanie
Subject: An outrageous level of information control at Ottawa city hall

Dear Mr. Wellar:

Thank you for bringing your concerns about information control to my attention.

I must disagree with your comments about a lack of transparency and a presence of information control at City Hall. I share your opinion that citizens should have free and easy access to information, and I think the City is doing a good job ensuring that this happens.

And, on the other hand, there is a statement by a City of Ottawa employee regarding my request for the links to a report on the City's traffic count methodology, and to traffic count data for one day in September, 2019 and another day in 2010 for Arnold Drive in Bell's Corners, which is in College Ward.

The details pertinent your declaration that "I share your opinion that citizens should have free and easy access to information, and I think the City is doing a good job ensuring that this happens." are as follows.

First, my request, which provides context for the Transportation Services response.

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Sunday, October 6, 2019 8:03 PM
To: 'McGuire, Shawn'
Cc: 'le hibou'; 'george neville'; 'doug arnold'; 'Chris Maziarski 58'
Subject: RE: Speeding on Arnold Drive; TRANSPARENCY AND ACCOUNTABILITY

Mr. McGuire,

Your communication fails a number of methodology tests and, hence, is of no use to me.

Long story short, please provide the links to the following productions which, I believe it is fair to presume, are available in digital format and whose generation should require no more than several minutes to retrieve and a couple of clicks to transmit:

1. The methodology used to justify the a one-day count being done on September 17, 2019, given that the most recent similar count brought to my attention was performed sometime in 2010;
2. The tables used to produce the numbers for the variables used in your communication. At minimum the needed tables and associated graphics, should there be numeric and/or graphic representation series from raw data up through increasing levels of aggregation, are those which reveal numbers of vehicles per 5-, 10- or 15-minute interval over 24 hours, and the kph speeds by number of vehicles for each 15-minute interval. I can do further aggregative and other calculations on my own.

The same criteria apply to the 2010 data set, which I presume is in digital format.

The requested materials have been part-and-parcel of transportation research during my experience of more than 50 years, and I fully expected them to arrive post haste since it seemed to me to be a job requiring several minutes at most to retrieve the records and a several keystrokes to transmit them.

APPARENTLY, NOT SO.

From: McGuire, Shawn [<mailto:Shawn.McGuire@ottawa.ca>]

Sent: Tuesday, October 8, 2019 11:19 AM

To: Barry Wellar

Cc: 'le hibou'; 'George neville'; 'doug arnold'; 'Chris Maziarski 58'

Subject: RE: Speeding on Arnold Drive; TRANSPARENCY AND ACCOUNTABILITY

Hi Dr. Wellar,

The raw data and related analysis are not released directly by our team. Please send your request to purchase this information/data from the Transportation Data Records group through 3-1-1. They manage all of the collision, volume and speed data and can advise what can be released.

Regards,

Shawn

Councillor, there is an undeniable contradiction between your opinion regarding free and easy access to information (actually my request is for data, I can do my own analysis/synthesis research to generate pertinent information), and the reality which I encountered: access is not free, it is not easy, and, to compound the barrier problem, access is not direct, and it is not timely.

Headshaking, to put it politely, seems like the 1970s all over again with mainframe-based, centralized systems in a distributed world. That was the IT state some 40-50 years ago, and to encounter a similar mindset today prompts the term “bizarre” to come to mind.

And, equally clearly, while you may “think the City is doing a good job ensuring that this happens.”, I believe it is fair to say that if the response accurately represents the relationship between the City of Ottawa and citizens seeking access to City of Ottawa documents on traffic count methodology and traffic count data files, then the provided evidence refutes your thinking. Moreover, based on my experience in the information systems field. mine is a routine ask and provision of the requested records should have occurred in near-time for next to minimal effort.

Councillor Blais, I look forward to receiving your explanation for the difference between the two statements about access to City of Ottawa records, and learning what you can do to reconcile the difference in the interests of providing citizens free and easy access to City of Ottawa records.

Thank you.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgefield Crescent
Nepean, ON K2H 6T4

EMAIL 7: Email still not answered after seven months, LRT mess continues

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

Sent: Monday, July 29, 2019 3:08 PM

To: Jim.Watson@ottawa.ca

Cc: Matt.Luloff@ottawa.ca; Laura.Dudas@ottawa.ca; jan.harder@ottawa.ca;

Jenna.Sudds@ottawa.ca; Eli.El-Chantiry@ottawa.ca; Glen.Gower@ottawa.ca; Theresa.Kavanagh@ottawa.ca; Rick.Chiarelli@ottawa.ca; Keith.Egli@ottawa.ca; Diane.Deans@ottawa.ca; Tim.Tierney@ottawa.ca; Catherine.Mckenney@ottawa.ca; Riley.Brockington@ottawa.ca; capitalward@ottawa.ca; Jean.Cloutier@ottawa.ca; Stephen.Blais@ottawa.ca; George.Darouze@ottawa.ca; Scott.Moffatt@ottawa.ca; Carolanne.Meehan@ottawa.ca; Allan.Hubley@ottawa.ca; shawn.menard; Rawlson.King@ottawa.ca; george neville; doug arnold; le hibou; jwilling@postmedia.com; 'Wellar, Barry'; tspears@postmedia.com; Chris Maziarski 58; Mathieu.Fleury@ottawa.ca

Subject: Citizen Access to Information, LRT Program

Mayor Watson,

It is my impression based on many dozens of media reports and conversations with citizens interested in the LRT program, that Stage 1 was a complete disaster in terms of properly informing citizens about LRT progress, and in terms of providing citizens easy, timely, and direct online access to project reports.

Moreover, and as you may be aware, the phrase “cone of secrecy” has achieved considerable traction as a descriptor of the failure of you, council, committees, and staff to ensure that citizens have easy, timely, and direct online access to all productions describing the LRT program which, to re-emphasize a point that seems to need regular re-emphasizing, is being paid for by taxpayer dollars.

However, the consultants’ report by Deloitte and Boxfish Group, “Ottawa Light Rail Transit System Lessons Learned from Confederation Line & Stage 2 Implementation Implications”, makes no mention whatsoever, none, nothing, not a word, about what I suggest to you was a public communications disaster that screams out for attention since taxpayers in Ottawa, Ontario, and Canada are the primary source of funds for the LRT program, and are the ones who will be stuck to cover financial shortfalls.

I therefore look forward to being apprised of the link to the documentation which reveals the thinking behind the RFP for that consultant assignment, as well as links to any commentaries about lessons learned concerning the abject failure of you, council, committees, and staff to ensure that citizens are properly apprised of Stage 2 implications.

Further, the report prepared by staff about the consultants’ report also makes no mention of what I suggest to you was a communications disaster with respect to properly informing citizens about LRT-related decisions made by you, council, committees, and staff, which perhaps goes a long way towards explaining why many citizens assert that they are still not being properly informed about Stage 2.

Since I have been unable to locate same, I invite you to direct me to the links to productions -- completed, impending or forthcoming -- , which explain in operational detail how you, council, committees, and staff intend to fix this information shortfall problem, bearing in mind that the LRT program is very much happening on the taxpayers' dime and, since they are paying for the LRT program, satisfying their right to know should be your pre-eminent concern over any private sector interests or your personal inclinations.

I look forward to receiving the requested links at the earliest, as they are potential materials for inclusion in the pilot study of which you have been previously apprised on at least two occasions, ***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.***

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgefield Crescent
Nepean, ON K2H 6T4

EMAIL 8: Still not answered after seven months, silence on LRT mess

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

Sent: Monday, August 5, 2019 7:34 PM

To: Jim.Watson@ottawa.ca

Cc: Matt.Luloff@ottawa.ca; Laura.Dudas@ottawa.ca; jan.harder@ottawa.ca; Jenna.Sudds@ottawa.ca; Eli.El-Chantiry@ottawa.ca; Glen.Gower@ottawa.ca; Theresa.Kavanagh@ottawa.ca; Rick.Chiarelli@ottawa.ca; Keith.Egli@ottawa.ca; Diane.Deans@ottawa.ca; Tim.Tierney@ottawa.ca; Catherine.Mckenney@ottawa.ca; Riley.Brockington@ottawa.ca; capitalward@ottawa.ca; Jean.Cloutier@ottawa.ca; Stephen.Blais@ottawa.ca; George.Darouze@ottawa.ca; Scott.Moffatt@ottawa.ca; Carolanne.Meehan@ottawa.ca; Allan.Hubley@ottawa.ca; 'shawn.menard'; Rawlson.King@ottawa.ca; 'george neville'; 'doug arnold'; 'le hibou'; jwilling@postmedia.com; tspears@postmedia.com; 'Chris Maziarski 58'; Mathieu.Fleury@ottawa.ca; wellar.barry@gmail.com

Subject: LRT Technical Merits Test -- Methodology Precedent(s)

Dear Mayor Watson,

As you may recall/be aware, as part of the transparency and accountability plot study, ***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, I have raised LRT-related issues on previous occasions (e.g., email of June 29, 2019, Citizen Access to Information, LRT Program).

And, as you may appreciate, Ottawa’s LRT experience remains very pertinent to the transparency and accountability plot study, and for very good reason.

On what seems a daily basis, matters arise which prompt questions in need of answers as the LRT program leaves phase 1 and moves into phase 2. And, also on what seems a daily basis, questions arise about questions previously asked by citizens and journalists of you, councillors, and staff, but which have not been satisfactorily answered.

One case in point involves the failure of mayor, councillors, and staff to logically and fully explain the methodological design and utility of the technical merits requirement test which SNC failed to meet, yet, for reasons which no one I have contacted can explain, the technical merit failure did not cause that bidder to be removed from consideration as a potential contactor for the Trillium Line build.

Moreover, during my more than 50 years as a student and professor, and another fifteen as a consultant and expert witness dealing with standard of care and other evaluation-related assignments, I never encountered an evaluation methodology even remotely resembling the one which is described in media accounts.

I am therefore requesting that you share with me, and instruct staff to share with me, a specific body of documentation which I expect you and councillors thoroughly examined before making any decisions about selecting the bid winner for the Trillium line build.

That is, what I seek are links to e-documents, and detailed citations of non- e-documents, which provide:

1. The methodologically substantive precedent(s) for the requirements, interpretation, and application of the technical merit test;
2. The irrefutable assurance that the City of Ottawa cannot be successfully sued by bidders whose technical merit scores exceeded those of SNC, bearing in mind, again, that SNC failed to meet the minimum 70% requirement, which means, as I recall from test score days, that at best SNC racked up a C+.
3. The irrefutable assurance that should SNC fail to deliver in any way, shape, or form, that it cannot use its poor (C+) score as grounds for not meeting any condition of its contractual obligations. I note in this regard that it would not be the first time that a private contractor argued that the client should have known better and, hence, authored its own misfortune due to failed due diligence. And, as a further hence, the contractor should not be held accountable for unrealistic expectations of the client which, as you

know, accepted the bid of the worst performer (C+ at best) over the bids of the other two competitors and their much higher scores of A, and A, respectively.

In the interests of serving and promoting the principles of transparency and accountability, I look forward to receiving the requested links and citations at the earliest.

Thank you.

Barry Wellar

EMAIL 9: More LRT concerns, no response to FOI question

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

Sent: Sunday, December 8, 2019 12:59 PM

To: Jim.Watson@ottawa.ca

Cc: Matt.Luloff@ottawa.ca; Laura.Dudas@ottawa.ca; jan.harder@ottawa.ca; Jenna.Sudds@ottawa.ca; Eli.El-Chantiry@ottawa.ca; Glen.Gower@ottawa.ca; Theresa.Kavanagh@ottawa.ca; Rick.Chiarelli@ottawa.ca; Keith.Egli@ottawa.ca; Diane.Deans@ottawa.ca; Tim.Tierney@ottawa.ca; Catherine.Mckenney@ottawa.ca; Riley.Brockington@ottawa.ca; capitalward@ottawa.ca; Jean.Cloutier@ottawa.ca; Stephen.Blais@ottawa.ca; George.Darouze@ottawa.ca; Scott.Moffatt@ottawa.ca; Carolanne.Meehan@ottawa.ca; Allan.Hubley@ottawa.ca; Rawlson.King@ottawa.ca; Mathieu.Fleury@ottawa.ca; doug arnold; george neville; le hibou; jwilling@postmedia.com; tspears@postmedia.com; Chris Maziarski 58; wellar.barry@gmail.com; shawn.menard; Joanne Chianello; oag@ottawa.ca; integrity@ottawa.ca; rick.gibbons@outlook.com

Subject: Public Access to Public Records Watson, LRT Stage 1 Procurement Documents

Mayor Watson,

It is reported in the column by Jon Willing, ‘Flaws were found in RTG’s winning Stage 1 LRT bid’, Ottawa Citizen, December 6, 2016, that the Citizen was obliged to go through the access to information process to obtain Stage 1 procurement documents.

The question arises as to why it is necessary for the media, or individuals, to go through the access to information process to obtain access to public records, such as those reporting on the Stage 1 procurement scoring documents which are not protected by confidentiality or privacy concerns since this is a matter of public business involving public monies.

Moreover, since the documents are accessible via the freedom of information route, then by extension they are not restrictively unavailable to the media or individuals. That

kind of arbitrary and illogical treatment of inquiries involving access to public records is consistent with concerns about the use of institutional barriers to restrict access to public records, as per the reports [Interim Report 14. Asking the Question: Is Freedom of Information Legislation a Citizens’ Conduit to Public Records, or an Institutional Barrier to Public Records?](#) and [Interim Report 15. Identifying Tactics Used By Politicians to Restrict Citizens’ Access to Public Records](#), both of which are posted (<http://wellar.ca/informationresearch/Publications.html>) to provide free, easy, timely, and direct online access to the productions.

Please correct me if any part of this argument is incorrect, and councillors are invited to do likewise, but to the best of my knowledge the Stage 1 procurement documents are not the property of City of Ottawa politicians, or City of Ottawa bureaucrats, or the City of Ottawa as a corporate entity.

Rather, City of Ottawa politicians, bureaucrats and the corporate entity known as The City of Ottawa are mere holders of these documents on behalf of citizens.

Further, and in the public interest, the holders of these documents are duty-bound to ensure to the best of their ability, and with all due regard for conditions of reasonableness, that at minimum the media and citizens are entitled to free, easy, timely, and direct online access to these productions.

I note in this regard that as indicated in a previous email, if City of Ottawa records are as accessible as you claim they are, then there should be no need to go through the time-consuming freedom of information routine.

I call to your attention and that of councillors the emails which I sent to you, copied to them, dated September 20, 2019 and then again on October 8, 2019, asking about your failure to respond to the earlier email. For convenience, the email of October 8 follows.

Email 10: No response

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

Sent: Tuesday, October 8, 2019 8:22 PM

To: Jim.Watson@ottawa.ca

Cc: Matt.Luloff@ottawa.ca; Laura.Dudas@ottawa.ca; jan.harder@ottawa.ca; Jenna.Sudds@ottawa.ca; Eli.El-Chantiry@ottawa.ca; Glen.Gower@ottawa.ca; Theresa.Kavanagh@ottawa.ca; Rick.Chiarelli@ottawa.ca; Keith.Egli@ottawa.ca; Diane.Deans@ottawa.ca; Tim.Tierney@ottawa.ca; Catherine.Mckenney@ottawa.ca; Riley.Brockington@ottawa.ca; capitalward@ottawa.ca; Jean.Cloutier@ottawa.ca; Stephen.Blais@ottawa.ca; George.Darouze@ottawa.ca; Scott.Moffatt@ottawa.ca; Carolanne.Meehan@ottawa.ca; Allan.Hubley@ottawa.ca; Rawlson.King@ottawa.ca; Mathieu.Fleury@ottawa.ca; doug arnold; george neville; le hibou;

jwilling@postmedia.com; tspears@postmedia.com; Chris Maziarski 58;
wellar.barry@gmail.com; shawn.menard; Joanne Chianello

Subject: FW: Transparency and Accountability- Jim Watson, CFRA, Sept 13, 2019

Mayor Watson,

Following from the email of September, 20, 2019 on this subject, please be assured that I continue to look forward to receiving evidence to support your assertion made in an interview with Graham Richardson, CFRA, on September 13, 2019, that "... we [City of Ottawa] have the most open, accessible government in, of, any level, fewest closed door meetings, very open, transparent" The time span for this clip is 1:30-1:40."

And that brings me back to asking you, and councillors,

Why it is necessary for the media, or individuals, to go through the access to information process to obtain access to public records, such as those reporting on the Stage 1 procurement scoring documents, which are not protected by confidentiality or privacy concerns and the matters of interest are in point of fact public business involving public monies?

I look forward to receiving your explanation, and that of councillors, at the earliest.

Thank you.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgfield Crescent
Nepean, ON K2H 6T4

EMAIL 11: Promised materials not received

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

Sent: Friday, January 17, 2020 8:40 PM

To: 'Harder, Jan'; 'steven.willis'; 'Kanellakos, Steve'

Cc: 'Watson, Jim (Mayor/Maire)'; 'Luloff, Matt'; 'Dudas, Laura'; 'Sudds, Jenna'; 'El-Chantiry, Eli'; 'Gower, Glen'; 'Kavanagh, Theresa'; 'Chiarelli, Rick'; 'Egli, Keith'; 'Deans, Diane'; 'Tierney, Timothy'; 'McKenney, Catherine'; 'Brockington, Riley'; 'Capital Ward'; 'Cloutier, Jean'; 'Blais, Stephen'; 'Darouze, George'; 'Moffatt, Scott'; 'Meehan, Carol Anne'; 'Hubley, Allan'; 'Menard, Shawn'; 'King, Rawlson'; 'Fleury, Mathieu'; 'george neville'; 'doug arnold'; 'Chianello, Joanne (CBC)'; 'Willing, Jon'; rick.gibbons@outlook.com; 'le hibou'; 'James, Douglas'; 'Marc, Timothy C'; 'Guest, Robyn'; 'Arpin, Serge'

Subject: RE: Barrhaven development vote postponed after questions about misleading report | CBC News

Councillor Harder, thank you for the prompt response.

I have no idea why you ask about the source to the CBC story, but, FYI in case this might be news to you, even after sending you three surveys over the past year dealing with transparency and accountability matters, I receive dozens of items per day as part of the Information Research Board (IRB) 'experience' you might say, including those that come in as responses to keyword-based queries which is part of the IRB mission.

The Barrhaven story hits the jackpot for a host of reasons, all of them information-oriented. Where my concern jumps is that as a Registered Professional Planner for some 35 years I am appalled by the prospect that any planner or other professional in a municipal government would do anything on an 'understanding' obtained from a developer.

That notion sends up numerous red flags as in "What the hell is going on here?", and whatever is happening can only be negative from my perspective.

I therefore look forward to having free, easy, timely, and direct online access to the full record on this file, and await receiving the link to the full, unadulterated body of documentation from Mayor Watson.

Thank you,

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgefield Crescent
Nepean, ON K2H 6T4

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

EMAIL 12: No response

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

Sent: Saturday, June 29, 2019 4:10 PM

To: 'Chiarelli, Rick'

Subject: FW: Speeding on Arnold Drive

Councillor Chiarelli,

I await your response to my communication of June 14, 2019 with regard to the incidence of speeding on Arnold Drive.

Thank you.

Barry Wellar

EMAIL 13: No response

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

Sent: Friday, June 14, 2019 3:55 PM

To: 'Chiarelli, Rick'

Subject: Speeding on Arnold Drive

Councillor Chiarelli

As you may recall, the issue of speeding was frequently mentioned during the last municipal campaign, and I discussed it with you when you came to our door during your campaign walk on Ridgefield Crescent.

Further, the issue of speeding was a frequently-mentioned topic at campaign-related public meetings in College Ward, and in wards throughout the City of Ottawa for that matter.

My observations over the past two years lead me to suggest that there has been no noticeable reduction in the number of speeding vehicles on Arnold Drive, which in turn leads me to inquire about what you have done to address this issue.

Specifically, please forward to me all communications between you and members of your staff and any City of Ottawa agency, including Ottawa Police Service, regarding initiatives suggested and taken to document and modify the state of speeding on Arnold Drive, January 1, 2019-June 30, 2019.

I look forward to receiving the requested materials at the earliest. I hasten to add that the end date of June 30, 2019 is for analysis purposes, and that I welcome receiving copies of existing communications in advance of the end date, and any other communications as they arise.

Please ensure that all communications are digital, and in a manner consistent with citizens having free, easy, timely, and direct online access to public records.

Thank you.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgefield Crescent
Nepean, ON K2H 6T4

Nepean, ON K2H 6T4

CANADA

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

EMAIL 14: No response

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Saturday, June 29, 2019 4:01 PM
To: 'Chiarelli, Rick'
Cc: le hibou
Subject: FW: Speeding on Road 58 Between Road 32 and Road 36

Councillor Chiarelli,

I await your response to my communication of June 15, 2019 regarding the incidence of speeding on Road 58 between Road 32 and Road 36 (See below).

Thank you.

Barry Wellar

EMAIL 15: No response

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Saturday, June 15, 2019 4:02 PM
To: 'Chiarelli, Rick'
Cc: le hibou; george neville; doug arnold; 'Wellar, Barry'
Subject: Speeding on Road 58 Between Road 32 and Road 36

Councillor Chiarelli

As you may recall, the issue of speeding was frequently mentioned during the last municipal campaign, and I discussed it with when you came to our door during your campaign walk on Ridgefield Crescent.

Further, the issue of speeding was a frequently-mentioned topic at campaign-related public meetings in College Ward, and in wards throughout the City of Ottawa for that matter.

My observations over the past two years lead me to suggest that there has been no noticeable reduction in the number of speeding vehicles on Road 58 between Road 32 and Road 36, which in turn leads me to inquire about what you have done to address this issue.

Specifically, please forward to me all communications between you and members of your staff and any City of Ottawa agency, including Ottawa Police Service, regarding initiatives suggested and taken to document and modify the state of speeding on Road 58 between Road 32 and Road 36, January 1, 2019-June 30, 2019.

I look forward to receiving the requested materials at the earliest. I hasten to add that the end date of June 30, 2019 is for analysis purposes, and that I welcome receiving copies of existing communications in advance of the end date, and any other communications as they arise.

Please ensure that all communications are digital, and in a manner consistent with citizens having free, easy, timely, and direct online access to public records.

Thank you.

Barry Wellar

EMAIL 16: No response

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Saturday, June 29, 2019 4:22 PM
To: 'Chiarelli, Rick'
Subject: FW: Trucks on Arnold Drive and Vision Zero

Councillor Chiarelli,

I await your responses to my communications of June 17, 2019 and June 19, 2019 regarding the No Trucks signing situation, and the incidence of trucks on Arnold Drive.

Thank you.

Barry Wellar

EMAIL 17: No response

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Wednesday, June 19, 2019 5:06 PM
To: 'Chiarelli, Rick'
Cc: le hibou; george neville; doug arnold; Alex Cullen;

Catherine.McKenney@ottawa.ca; Jim.Watson@ottawa.ca; John.Manconi@ottawa.ca

Subject: FW: Trucks on Arnold Drive and Vision Zero

Councillor Chiarelli

The communication of June 17 to you regarding truck traffic on Arnold Drive has led to further investigation, and what could be described as a matter of mystery has arisen that begs for an explanation from you and City of Ottawa staff.

In brief, and as you have been informed, at the entrance to Arnold Drive from Old Richmond Road there is a sign precluding trucks.

However, inspection reveals that there are no such signs at the entrance to Arnold Drive from Moodie Drive, nor at the entrance to Anwatin off Moodie, nor on any street that intersects with Arnold Drive from the east of Arnold Drive, which means the persons driving trucks could venture onto Arnold Drive through at least six (6) intersections without an inkling that Arnold Drive is signed as a non-truck route.

It seems accurate to say that something is seriously out of whack, and questions arise about whether citations issued by Ottawa Police Service with regard to trucks on Arnold Drive would stand up in court.

Moreover, questions arise about who signed off on the incomplete signing for Arnold Street, when it was done, why it was done, and why it has not been corrected.

I am not alone in looking forward to receiving an explanation at the earliest, bearing in mind that trucks are on Arnold Drive going in both directions, and accessing Arnold Drive from multiple intersections.

Moreover, numerous commercial vehicles with trailers are also using Arnold Drive, as well as Old Richmond Road, even though both those roads intersect with regional roads which exist, as you may know, to serve non-local traffic.

Again, in addition to the information sought as per the communication of June 17, be assured that your explanation and that of City of Ottawa staff in the above regards are eagerly awaited and, for safety reasons, so are corrections to the apparent signing problem.

In the latter regard, I request being informed when the signs are added to properly inform truck operators about the status of Arnold Drive.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.

133 Ridgefield Crescent
Nepean, ON K2H 6T4

EMAIL 18: No response

From: Barry Wellar [mailto:wellar.barry@gmail.com]
Sent: Monday, June 17, 2019 9:00 PM
To: 'Chiarelli, Rick'
Cc: doug arnold; george neville; le hibou; Alex Cullen; Catherine.McKenney@ottawa.ca; Jim.Watson@ottawa.ca
Subject: Trucks on Arnold Drive and Vision Zero

Councillor Chiarelli

As you may recall, traffic issues were frequently mentioned during the last municipal campaign, and I discussed a number of them with when you came to our door during your campaign walk on Ridgefield Crescent. Traffic modes mentioned dealt with pedestrians, cyclists, private motor vehicles, and bus and light rail transit.

Further, traffic issues were frequently-mentioned at campaign-related public meetings in College Ward, and in wards throughout the City of Ottawa for that matter.

My observations over the past two years lead me to suggest that there has been no noticeable reduction in the number of trucks on Arnold Drive, an issue which I raised with you, and which was also raised at public meetings.

Hence this inquiry about what you have done to address the truck issue.

Specifically, please forward to me all communications between you and members of your staff and any City of Ottawa agency, including Ottawa Police Service, regarding initiatives suggested and taken to document and modify the presence of trucks on Arnold Drive January 1, 2019-June 30, 2019.

I hasten to add as the City of Ottawa contemplates Vision Zero initiatives, that this could be an opportunity for Mayor Jim Watson and you and other councillors, as well as Ottawa Police Service, to gain an empirical understanding about the meaning of the word Zero and how it relates to Vision Zero.

That is, achieving Vision Zero for pedestrians and cyclists has a start in principle, because Arnold Drive is signed as a section of road which precludes trucks. Hence if there are zero trucks, then Vision Zero is achieved as it relates to trucks. So far, so good. The problem, of course, is that in practice there are trucks, which means that Vision Zero is on iffy ground, and especially in the absence of a traffic enforcement presence.

However, perhaps I missed the traffic enforcement presence, and the citations being issued to truck operators.

And, possibly, while I am regularly witnessing trucks on Arnold Drive, those which are there are only a small fraction of those that could be there because traffic enforcement is doing a bang-up job of intercepting truck traffic, issuing citations, towing away vehicles, etc. .

Be assured that I look forward to receiving the requested materials at the earliest. I hasten to add that the end date of June 30, 2019 is for analysis purposes, and that I welcome receiving copies of existing communications in advance of the end date, and any other communications as they arise.

Please ensure that all communications are digital, and in a manner consistent with citizens having free, easy, timely, and direct online access to public records.

Thank you.

Barry Wellar

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgefield Crescent
Nepean, ON K2H 6T4

There are numerous other email communications involving traffic problems, LRT issues, committee of adjustment issues, planning issues, enforcement concerns, etc., which have not received responses.

In effect, they have been ‘deep-sixed’ via what frequently has been referred to as a cone of silence which has been placed over city hall.

However, **code of silence** is more appropriate for several reasons:

1. The number of non-responses to communications is too large to be a coincidence, which gives credence to the term code;
2. The group of non-responders is limited to the mayor and a regular cadre of councillors, all of whom appear to be in a state of lock-step collusion with the mayor, which gives further credence to the term code;

3. In this increasingly digital world it is a simple matter to design a code, aka a set of rules, which serves such ‘silent treatment’ functions as sending designated emails to trash, and informing a network about particular email sources who, or which, are to be ignored, that is, it can be said or go without being said, “Do not respond to emails” from A, B, C.

Creating a ‘paper trail’ of telephone communications is difficult to achieve, but not so with the digital footprint that comes with using emails as the means of communication for transmissions sent and transmissions received.

In the case of this nomination, all the communications sent are on record, and there are no records of replies received, which suggests the likelihood if not the necessity of a code of silence being imposed on the group, or being adopted by the group, to restrict citizen access to public records, including opinions by the individual members of council who act as one when it comes to not responding to communications.

Based on the clauses from Code of Conduct, City of Ottawa, which serve as terms of a job description for City of Ottawa politicians, it is reasonable for citizens to expect that City of Ottawa politicians will have due regard for the right-to-know and related interests of citizens.

The emails presented above are among those sent to mayor and councillors which were given what amounts to “the silent treatment”, because they were not accorded responses.

This kind of silent treatment is contrary to the principles of governance in a free and democratic society, and consideration is therefore being given to using those materials as a basis for requesting the Integrity Commissioner, City of Ottawa, to undertake a formal code of conduct investigation of members of council who do not respond to communications from citizens.

D. Communications by City of Ottawa Politicians Stating that They Do Not Wish to Receive Communications

I have been actively involved in local government matters in the National Capital Region since 1972, and over the intervening years I have heard from and about citizens who were in effect ‘disenfranchised’ by politicians.

This exclusionary process includes being told that they are not allowed to enter a politician’s office or to communicate by telephone, they are not invited to meetings, they are precluded from attending ‘public’ meetings, they are precluded from speaking at ‘public’ meetings, and they do not receive replies to mailed communications.

The emails which follow establish that I, too, have been disenfranchised, but in this case the disenfranchising is explicit, and on the record.

On the plus side from a records perspective, there is no noise in the emails, as in, “He said, he said” there is just plain signal. And, there is no ambiguity or confusion associated with mis-hearing, mis-reading, or mis-interpreting. That is, the communications are down in black and white, and no shades of grey.

Further, the record consists of emails which speak for themselves in terms of councillors declaring their opposition to receiving email communications from me. I hasten to add that since these emails could also be included in an application to the Integrity commissioner, City of Ottawa, about a formal Code of Conduct inquiry, they are presented without detailed interpretive comment.

Emails involving Councillor Jean Cloutier, City of Ottawa

Email 1. Councillor Cloutier informs Councillor Moffatt that he too (Cloutier) does not wish to be included on emails.

From: Cloutier, Jean [mailto:Jean.Cloutier@ottawa.ca]

Sent: Monday, January 27, 2020 10:00 AM

To: Moffatt, Scott; Barry Wellar

Subject: RE: Barrhaven development vote postponed after questions about misleading report | CBC News Watson Email 2 Moffatt

Hello Councillor Moffatt,

I too have asked Mr. Wellar to not include me on his emails but he continues to do so.

What would you recommend my best course of action be Professor?



Jean Cloutier

Councillor | conseiller

Ward 18 | Quartier 18 - Alta Vista

City of Ottawa | Ville d'Ottawa

110, avenue Laurier Avenue West | ouest

Ottawa, Ontario K1P 1J1

☐ 613.580.2488 ☐ ☐ 613.580.2528 | ☐ jean.cloutier@ottawa.ca

Email 2: As of this writing Councillor Cloutier has not responded to the email of February 23, 2020 asking him about his email of January 27, 2020

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

Sent: Sunday, February 23, 2020 6:55 PM

To: 'Cloutier, Jean'; 'Moffatt, Scott'

Cc: george neville; doug arnold; le hibou; Joanne Chianello; jwilling@postmedia.com; tspears@postmedia.com

Subject: RE: Barrhaven development vote postponed after questions about misleading report | CBC News Watson Email 2 Moffatt Cloutier

Hello Councillor Cloutier,

In your email of January 27. 2020 to Councillor Moffatt you make reference to me by name, and a question arises.

That is, on what grounds do you, as a councillor, City of Ottawa, justify the statement, “I too have asked Mr. Wellar to not include me on his emails....” when the content of the emails involves City of Ottawa matters and, on several occasions, deal with issues of transparency and accountability on the parts of one or more members of City of Ottawa council?

I look forward to receiving your explanation at the earliest.

Thank you.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgfield Crescent
Nepean, ON K2H 6T4

The emails involving Councillor Cloutier establish his position of wanting to line up or link up with Councillor Moffatt by not being apprised of communications from this citizen, which violates the City of Ottawa Code of Conduct, and creates a code of silence situation for himself and Councillor Moffatt.

Time permitting, additional emails involving Councillor Cloutier will be retrieved and added to this file, and/or to an interim report as part of the *Chronicling* project pilot study.

NOTE. I am pleased to include in this interim report a brief, previous thread involving Councillor Cloutier and his remark in email 1, “I too have asked Mr. Wellar to not include me on his emails but he continues to do so.”

Email 3: The response has nothing to do with content of the original email; moreover, I have no idea what point he is trying to make, despite his comment, “I am certain you got my point.” That said, it appears that the ground is set for the sentiment in the opening email about not wishing to receive further emails.

From: Cloutier, Jean [mailto:Jean.Cloutier@ottawa.ca]

Sent: Wednesday, November 6, 2019 5:14 PM

To: Barry Wellar

Subject: RE: Need for Legislation Enabling the Timely Removal of Municipal Officials from Office for Dereliction of Duty; Rick Gibbons column, Ottawa sun

I know you copying all members of council was not a mistake – that is self evident.

I am certain you got my point.



Jean Cloutier

Councillor | conseiller

Ward 18 | Quartier 18 - Alta Vista

City of Ottawa | Ville d'Ottawa

110, avenue Laurier Avenue West | ouest

Ottawa, Ontario K1P 1J1

☎ 613.580.2488 | 📠 613.580.2528 | ✉ jean.cloutier@ottawa.ca

From: Barry Wellar <wellar.barry@gmail.com>

Sent: November 6, 2019 5:01 PM

To: Cloutier, Jean <Jean.Cloutier@ottawa.ca>

Cc: doug arnold <douglasarnold@sympatico.ca>; george neville <george.neville@ncf.ca>; le hibou <ottawaowl2@yahoo.ca>

Subject: RE: Need for Legislation Enabling the Timely Removal of Municipal Officials from Office for

Your concern is noted, Councillor Cloutier, but rest assured that I do not copy anyone by mistake and, most assuredly, when members of council are copied there is a very good reason.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgefield Crescent
Nepean, ON K2H 6T4

From: Cloutier, Jean [<mailto:Jean.Cloutier@ottawa.ca>]

Sent: Wednesday, November 6, 2019 8:04 AM

To: Barry Wellar

Subject: RE: Need for Legislation Enabling the Timely Removal of Municipal Officials from Office for Dereliction of Duty; Rick Gibbons column, Ottawa sun

Professor Wellar,

You seem to have, again, mistakenly copied all members of council on your email to the minister.



Jean Cloutier

Councillor | conseiller

Ward 18 | Quartier 18 - Alta Vista

City of Ottawa | Ville d'Ottawa

110, avenue Laurier Avenue West | ouest

Ottawa, Ontario K1P 1J1

☎ 613.580.2488 | 📠 613.580.2528 | ✉ jean.cloutier@ottawa.ca

There are communications with Councillor Cloutier preceding this one, and the theme is the same, namely, Councillor Cloutier opined that he does not wish to receive communications, and has no intention of replying to questions asked.

Emails involving Councillor Scott Moffatt, City of Ottawa

Email 1: Email from Councillor Moffatt stating his wish to not be copied on emails. As shown, this email from Moffatt was copied to all members of council and his valediction signed off as “Chair, Environment Committee”

From: Moffatt, Scott [<mailto:Scott.Moffatt@ottawa.ca>]

Sent: Sunday, January 26, 2020 8:56 PM

To: Barry Wellar

Cc: Luloff, Matt; Dudas, Laura; Harder, Jan; Sudds, Jenna; El-Chantiry, Eli; Gower, Glen; Kavanagh, Theresa; Chiarelli, Rick; Egli, Keith; Deans, Diane; Tierney, Timothy; McKenney, Catherine; Brockington, Riley; Capital Ward; Cloutier, Jean; Blais, Stephen; Darouze, George; Meehan, Carol Anne; Hubley, Allan; Menard, Shawn; King, Rawlson; Fleury, Mathieu; King, Rawlson; Watson, Jim (Mayor/Maire); Chianello, Joanne (CBC); Willing, Jon; rick.gibbons@outlook.com; 'george neville'; 'doug arnold'; 'le hibou'; 'Steve'

Subject: RE: Barrhaven development vote postponed after questions about misleading report | CBC News Watson Email 2 Moffatt

Mr. Wellar,

I'm surprised you spent time questioning my response in general. In the past, I have asked not to be copied on your emails.

Thanks,

Scott Moffatt

Councillor, City of Ottawa

Chair, Environment Committee

613-580-2491 | RideauGoulbourn.ca

Email 2: Follow-up sent to Moffatt re no response to questions asked

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

Sent: Monday, January 27, 2020 8:25 PM

To: 'Moffatt, Scott'

Cc: 'Luloff, Matt'; 'Dudas, Laura'; 'Harder, Jan'; 'Sudds, Jenna'; 'El-Chantiry, Eli'; 'Gower, Glen'; 'Kavanagh, Theresa'; 'Chiarelli, Rick'; 'Egli, Keith'; 'Deans, Diane'; 'Tierney, Timothy'; 'McKenney, Catherine'; 'Brockington, Riley'; 'Capital Ward'; 'Cloutier, Jean'; 'Blais, Stephen'; 'Darouze, George'; 'Meehan, Carol Anne'; 'Hubley, Allan'; 'Menard, Shawn'; 'King, Rawlson'; 'Fleury, Mathieu'; 'King, Rawlson'; 'Watson, Jim (Mayor/Maire)'; 'Chianello, Joanne (CBC)'; 'Willing, Jon'; rick.gibbons@outlook.com; 'george neville'; 'doug arnold'; 'le hibou'; 'Steve'

Subject: RE: Barrhaven development vote postponed after questions about misleading report | CBC News Watson Email 2 Moffatt

Councillor Moffatt,

Thank you; your comments are a contribution to my research on City of Ottawa politicians' regard for integrity, transparency, accountability, and related considerations.

For the record, you did not reply to either of the questions asked, which of itself has implications related to integrity, transparency, and accountability.

Further, the term "spin" as used in reference to my "narrative" as you called it may have connections to each of integrity, transparency, and accountability, so I looked forward to reading your explanation for using that term. I hasten to add that I continue to look forward to your explanation in that regard.

As to particulars of your communications which are of relevance to my research on City of Ottawa politicians' regard for integrity, transparency, accountability, and related considerations involving access to public records, the following matters come to mind at this time:

- 1 You refer to 'human error' in your statement, but in the absence of specifics that phrase fails the tests for transparency and accountability;
- 2 Regarding your statement, "This was simply a human error. I know the individual who wrote the report is quite apologetic for the error and this will be a learning opportunity for them and for the entire department." From the perspectives of a researcher and a taxpayer, I ask you how the public interest in integrity, transparency, and accountability on the parts of City of Ottawa elected and appointed officials has been served in terms of informing citizens of the details associated with the error, the means employed to remedy the error, and the means employed to ensure that the 'human error' does not occur again.

Again, thank you for your contribution to my research on City of Ottawa politicians' regard for integrity, transparency, accountability, and related considerations.

Barry Wellar

Dr. Barry Wellar, C.M., GISP
President, Information Research Board Inc.
133 Ridgefield Crescent
Nepean, ON K2H 6T4

As per the email sign-off, Councillor Scott Moffatt included that he is writing as Chair, Environment Committee, which adds a corporate dimension of great significance to his email.

That is, it is one thing for a councillor to speak for himself, but it is quite something else for him to sign off as Chair, Environment Committee, which is a council position created under the direction of Mayor Jim Watson, and has multiple councillors as members.

What we have, therefore, is a statement from Moffatt which puts him and his comment about not wanting to be copied on emails in flat-out contradiction of the City of Ottawa Code of Conduct, and also supports the nomination of the City of Ottawa for the Code of Silence award.

Time permitting additional emails involving Councillor Moffatt will be retrieved and added to this file, and/or to an interim report as part of the *Chronicling* project pilot study.

NOTE. An additional email has been located; it is included in this interim report.

Councillor Moffatt was being transparent and accountable in email 1 where he states, “In the past, I have asked not to be copied on your emails. “

The following email affirms his position.

From: Moffatt, Scott [mailto:Scott.Moffatt@ottawa.ca]

Sent: Tuesday, November 19, 2019 8:41 AM

To: Barry Wellar

Subject: Re: Obliging Councillor Rick Chiarelli to deal with his body of ignored work, sidetracked work, incomplete work, undone work, offloaded work, postponed work, etc.,

Your reply really validated my opinion of you. As I said, it’s an opinion I didn’t have when we first communicated. Since you assert that you have not changed, it must be me. I suppose I developed a lower tolerance for those who feel they are above others.

Let’s not waste any more time. I would appreciate it if you would remove me from all future correspondence.

Scott Moffatt

Councillor, City of Ottawa

Rideau-Goulbourn Ward

[613-580-2491](tel:613-580-2491) | RideauGoulbourn.ca

Sent from my iPhone

Emails involving Councillor Matt Luloff, City of Ottawa

Councillor Matt Luloff also authored emails similar in message to those of Cloutier and Moffatt. Time permitting these emails will be retrieved and added to this file, and/or to an interim report as part of the *Chronicling* project pilot study.

E. How Emails Involving Members of Council, City of Ottawa, Support the Case for the City of Ottawa as a Leading Contender, Code of Silence Award – Municipal Government

In many ways the emails speak for themselves, but we are in a stiff competition for the Code of Silence Award, so it is best to ensure that the case is made as explicit as words allow. Three features in particular warrant elaboration.

First, there is the frequent, out-and-out failure on the parts of Mayor Jim Watson and a majority of councillors to respond to communications, or to even acknowledge receipt of communications.

This achievement is significant in its own right, but these failures to respond break the mould because the failures occur regardless of how many politicians, citizens, and members of the media know about the incoming communications.

Further, as icing on the communications cake, the failures to respond are highlighted again and again through more emails informing all concerned about the failures to respond to communications, and through re-publication of the emails in documents such as this one, as well as reports of the *Chronicling* pilot study project.

And yet, and yet, the Code of Silence prevails among the majority of council, which is testimony to the apparent importance which is attached to secrecy, even in the face of being taken to task on a regular basis for governance failures attributed to absence of transparency and absence of accountability. Go figure, you might say.

Second, there is the matter of three councillors who have told me – in writing -- to cease and desist communicating with them via email.

This action is directly counter to clauses in the City of Ottawa Code of Conduct for Politicians, and means in principle that these politicians are more concerned about not receiving email communications from a resident than they are about suffering the consequences of being found in violation of the Code of Conduct.

It may be rare to find a politician who stands up or down on principle, but I believe it is even rarer to find a politician much less three of them on the same council who prefer to be found in violation of a Code of Conduct rather than receive emails from an area resident.

I believe that this kind of behaviour is symptomatic of a council which knows few if any bounds when it comes to playing the secrecy card to freeze out citizens who dare to question their local politicians.

And, third, there is the matter of the number of times that most if not all members of council were informed about council failures to communicate, and yet none of them did anything in a timely manner to challenge the culture of secrecy. That is, either no member of council said or did anything at the time of the response failure, or the wait time extended into months, and by then more failures had occurred, and on and on went the series of new and/or overlapping communications failures.

One consequence involving the LRT program, for example, is that it now takes dozens and dozens of pages of broadsheet, and multiple Inbox folders to even partially account for LRT communications failures, a small selection of which are identified by email communications dated months go in this nomination statement.

F. Conclusion

It is no easy matter to establish that a code of silence exists within a municipal government, much less establish that an existing code of silence within a municipal government measures up as warranting a nomination for the Code of Silence Award – Municipal Government.

However, I believe the evidence provided in the emails involving Mayor Jim Watson and councillors, City of Ottawa, make an outstanding, indeed, compelling and crystal clear *prima facie* case on behalf of the City of Ottawa as a prize-winning candidate for the Code of Silence Award – Municipal Government.

Submitted by:

Dr. Barry Wellar, C.M., GISP
Professor Emeritus, University of Ottawa
President, Information Research Board Inc.
133 Ridgfield Crescent
Nepean, ON K2H 6T4

March 10, 2020

G. Addendum

It is emphasized that the emails contained in interim report 20 are a selection of those available for inclusion in a detailed record of emails which are perceived to attest to the presence of a code of silence among the majority of members of council, City of Ottawa.