

Monica Hawkins

From: Phil Koning <makpgk@gmail.com>
Sent: Wednesday, November 4, 2020 11:59 AM
To: Monica Hawkins
Subject: Re: Fee Waiver for FOI Request

Hi Monica,

Please put my request for a fee waiver on my FOI request on the council agenda, using my existing emails on the subject.

I was unaware that a separate request was needed, once the process was initiated through the website.

Additionally, my suggestion to council would be that the pending Service and Complaint Policy clarifies both what form Service requests are to be made, when the MFIPPA would be invoked and how the fee waiver request should be handled. Putting the draft policy up for public review may assist in addressing those areas that the public may find confusing.

Thanks.

Phil

On Wed, Nov 4, 2020 at 9:06 AM Monica Hawkins <monica.hawkins@eastferris.ca> wrote:

Good morning Phil:

Staff do not have the authority to waive fees and charges, including legislated fees, such as Municipal Freedom of Information and Protection of Privacy (MFIPPA).

Should you wish to have the fees waived regarding your FOI Request, I suggest you send a request letter to Council in order to be placed on the Council agenda. If you provide me with a request prior to Council Agenda deadline of today at 4:30 p.m., I will gladly add it to Council Agenda Correspondence.

Thank you!

Monica L. Hawkins, AMCT

Clerk



390 Hwy 94, Corbeil, ON P0H 1K0

T: 705-752-2740 ext. 227 | **F:** 705-752-2452 | **W:** eastferris.ca

From: Phil Koning <makpgk@gmail.com>
Sent: Wednesday, November 4, 2020 7:27 AM
To: Monica Hawkins <monica.hawkins@eastferris.ca>
Subject: Re: Fee Waiver for FOI Request

Good Morning Monica,

Would you have any idea of when I might expect a response to my FOI Fee Waiver request?

Thanks

Phil

On Wed, Oct 14, 2020 at 8:40 AM Monica Hawkins <monica.hawkins@eastferris.ca> wrote:

Good morning Phil....

Yes, I seen that yesterday regarding the section you had provided. The search time that the Director of Public Works engaged in the preparation was 1 hour, therefore this is where the cost of \$30.00 came in and the cost of reproducing the copies at my end was 10 copies at 0.20 cents.

Thanks

Monica L. Hawkins, AMCT

Clerk,

Municipality of East Ferris,

390 Hwy #94,

Corbeil, ON PoH 1K0

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e-mail: monica.hawkins@eastferris.ca

website: www.eastferris.ca

From: Phil Koning <makpgk@gmail.com>

Sent: Wednesday, October 14, 2020 8:07 AM

To: Monica Hawkins <monica.hawkins@eastferris.ca>

Cc: Pauline Rochefort - External <paulinerochefort17@gmail.com>; Michel Voyer <michel.voyer@eastferris.ca>; Terry Kelly <terry.kelly@eastferris.ca>; Steven Trahan <strahannorthern@hotmail.ca>; Erika Lougheed <erika.lougheed@gmail.com>

Subject: Re: Fee Waiver for FOI Request

Thanks Monica....I see I have quoted the wrong section of the Regulation....the relevant section is the following

6. The following are the fees that shall be charged for the purposes of subsection

1. For photocopies and computer printouts, 20 cents per page.
2. For records provided on CD-ROMs, \$10 for each CD-ROM.
3. For manually searching a record, \$7.50 for each 15 minutes spent by any person.
4. For preparing a record for disclosure, including severing a part of the record.
5. For developing a computer program or other method of producing a record, \$7.50 for each 15 minutes spent by any person.

Phil

On Tue, Oct 13, 2020 at 5:02 PM Monica Hawkins <monica.hawkins@eastferris.ca> wrote:

Hello Phil.....

The FOI was initiated and it was forwarded to the Director of Public Works for preparation. The cost of \$30.00 is derived from Section 6.3 For manually searching a record, \$7.50 for each 15 minutes spent by any person.

This is where the cost of \$30.00 came from.

Thank you.

Monica L. Hawkins, AMCT

Clerk,

Municipality of East Ferris,

390 Hwy #94,

Corbeil, ON P0H 1K0

Office: 705-752-2740

Fax: 705-752-2452

e-mail: monica.hawkins@eastferris.ca

website: www.eastferris.ca

From: Phil Koning <makpgk@gmail.com>

Sent: Tuesday, October 13, 2020 4:46 PM

To: Monica Hawkins <monica.hawkins@eastferris.ca>

Cc: Pauline Rochefort - External <paulinerochefort17@gmail.com>; Michel Voyer <michel.voyer@eastferris.ca>; Terry Kelly <terry.kelly@eastferris.ca>; Steven Trahan <strahannorthern@hotmail.ca>; Erika Loughheed

<erika.lougheed@gmail.com>

Subject: Fee Waiver for FOI Request

Hello Monica,

Our Thanksgiving was great, thanks to the weather and I trust yours went well also.

On Oct 1st I used the Service Request/Concern Reporting button on the new website to request two reports about the landfill operation.

I was surprised to receive a response the same day stating that this information required a Freedom of Information Request and I was directed to fill out a form to make that request, which I submitted on Oct 1st also.

I have made a few requests for information over the years I have lived here and I have never been asked to pay a fee for that information.

This Council has made transparency one of its guiding principles and to further define that aim I would like to suggest to Council that they establish a policy that advises residents of what type of information will be posted on the website, what type will be available on request, what type requires a fee to be paid and what type of information is excepted under the MFIPPA

Today I received advice that a fee of \$32 would need to be paid to receive the two reports I requested.

In accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 Section 45 (4) I would like to request that fee be waived due to the benefit to public health and safety and that the fee proposed is in excess of that permitted by

R.R.O. 1990, Reg. 823: GENERAL 6 (3)

That regulation reads in part, as follows

6.1 The following are the fees that shall be charged for the purposes of subsection 6.1 about the individual making the request for access:

1. For photocopies and computer printouts, 20 cents per page.
2. For records provided on CD-ROMs, \$10 for each CD-ROM.
3. For developing a computer program or other method of producing the pers record, \$15 for each 15 minutes spent by any person.
4. The costs, including computer costs, that the institution incurs in locating, r

As the reports should have already been in electronic format, Item 3 is applicable and for an electronic search for two documents, I would estimate 15 mins would be sufficient and within the minimum billable portion as defined by the Regulation.

The itemized invoice that was provided shows .20 for each copy, and a total of 10 copies which is confusing to me because there should not have been any photocopies nor computer printouts required.

The fact that my request has been deemed to fall under the MFIPPA and priced over \$25 suggests that the act was invoked more as a deterrent to seeking information, rather than an obligation to protect privacy.

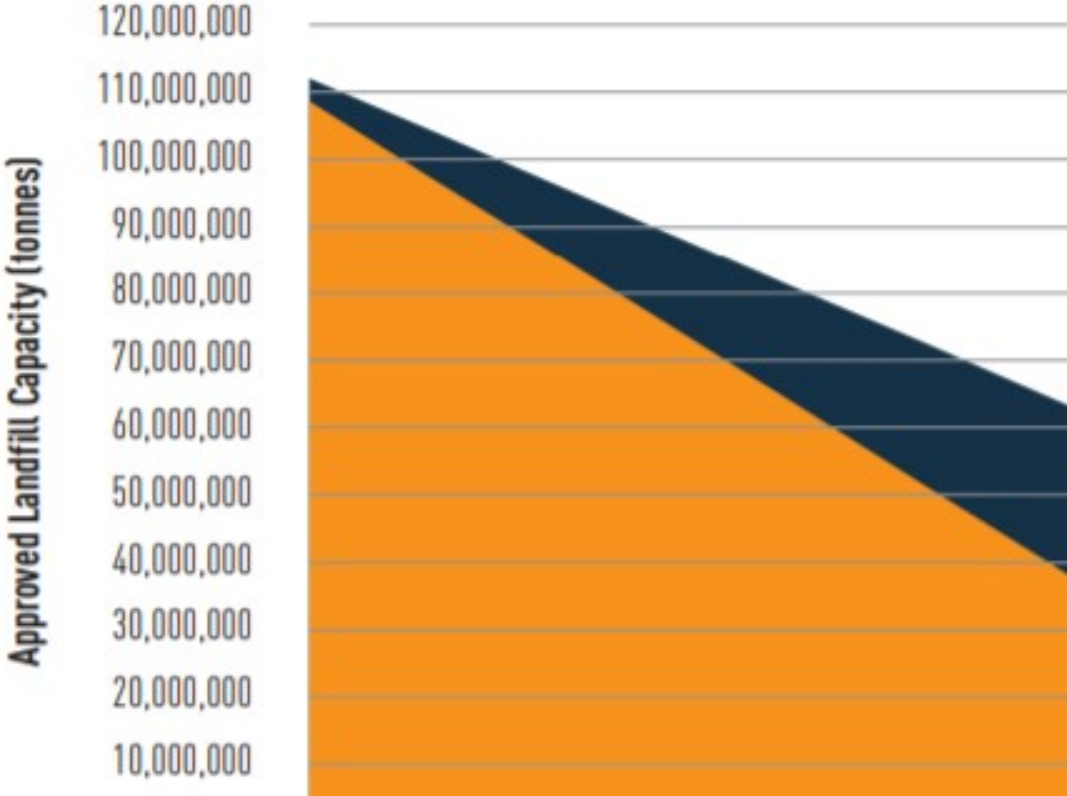
In any event, I would like to request a fee waiver due to the fact that these reports are in the public interest.

East Ferris was able to extend the life of their landfill in 2013 by some 64 years without incurring any additional expense...in fact it appears landfilling has been less expensive since 2013

	2009	2010
Solid Waste Collection	\$ 88,139	\$ 91,7
Solid Waste Disposal - Wages & Benefits	\$ 8,817	\$ 1,0
Solid Waste Disposal - Material	\$ 4,693	\$ 10,0
Solid Waste Disposal - Rents & Financial Expense	\$ 67,237	\$ 63,3
Solid Waste Disposal - Contracted Services		
Total Solid Waste Disposal	\$ 80,747	\$ 75,9
Waste Diversion - Material		
Waste Diversion - Contracted Services\	\$ 71,213	\$ 73,7
Waste Diversion - Rents & Financial Expense		\$ 3,7
Landfill Closing Costs - Rents & Financial Expense		
Landfill Liability - (Taken from Financial Statements)		\$ 1,492,0
Remaining Life - In Years - (Taken from Financial Statements)		

Given the current state of landfill capacity in Ontario, and the amount of time required to establish new landfill sites, I believe the method by which East Ferris added 64 years to the life of their landfill needs to be shared with others in the province

Figure 11 – Ontario’s Remaining Landfill Capacity in Years



Phil Koning