

# POLICY

	Policy:	<b>ACCOUNTABILITY AND TRANSPARENCY</b>		
	Department:	Chief Administrative Office		
	Division:	Clerks	By-law No.:	2016-34
	Administered By:	Municipal Clerk	Approval Date:	November 25, 2019
	Replaces:	Accountability and Transparency – March 29, 2016		
	Attachment(s):	N/A		

## 1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to ensuring that it is accountable to the public for its actions and that its actions are conducted in an open and transparent manner by:

- 1.1. Encouraging public access and participation when necessary to ensure that the decision making process is open and responsive to the public;
- 1.2. Promoting the efficient and effective use of public resources;
- 1.3. Delivering high quality programs and services in an accessible manner to the public; and,
- 1.4. Providing access and disclosure of public information in compliance with current legislation.

## 2. PURPOSE

- 2.1. This policy provides guidance for the delivery of municipal activities, programs and services in an accountable and transparent manner in accordance with the *Municipal Act, 2001*.
- 2.2. This policy ensures that all activities, programs and services provided by the Town are conducted with integrity and ethics.
- 2.3. This policy ensures compliance with Section 270 (1) subsection [5] of the *Municipal Act, 2001*, requiring The Corporation of the Town of Amherstburg to adopt and maintain policies with respect to “*The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.*”

## 3. SCOPE

- 3.1. This policy applies equally to the actions or decisions to be undertaken or made by Council Staff, Committees, Agencies, Commissions and Local Boards to increase the accountability and transparency of the municipal decision making process.
  - 3.2. The provisions for accountability and transparency as contained in this Policy, as well as related Policies, are considered a standard and may be exceeded by Council, Staff, Committees and Local Boards at their discretion.
  - 3.3. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or at the discretion of the CAO or designate.
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#### **4. DEFINITIONS**

- 4.1. **Accountability** in this policy refers to the principle that the Town is obligated to demonstrate and take responsibility for its actions, decision and policies.
- 4.2. **Advisory Committee** means any Committee appointed by Council which may contain Council representation but where Council representation is less than 50 per cent of the members of Council.
- 4.3. **Committee of Council** as defined by Section 238(1) of the *Municipal Act, 2001*, means any advisory or other committee, subcommittee, or similar entity of which at least 50 per cent of the members are also members of Council.
- 4.4. **Integrity Commissioner** for the Town of Amherstburg shall investigate, in an independent manner, on a complaint made to him or her by any person, whether Council, a Committee or a Local Board has complied with the Code of Conduct for Members of Council Policy and any procedures, rules and policies of the Town and local boards governing the ethical behaviour of Council, Committees or Local Boards.
- 4.5. **Meeting** as it relates to Council, is defined in subsection 238 (1) of the Act “*means any regular, special or other meeting of council, of a local board or of a committee of either of them, where, a) a quorum of members is present, and b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of council, local board or committee.*”
- 4.6. **Ombudsman** for the Town of Amherstburg shall investigate, in an independent manner, on a complaint made to him or her by any person, whether Council, a Committee or a Local Board has complied with Section 239 of the *Municipal Act, 2001* or the Town Procedural By-law with regard to any meeting closed to the public.
- 4.7. Stakeholder means any individual person, organization or entity that has an interest or stake in the Town’s business, actions or inactions.
- 4.8. **Transparency** means how outside parties, such as the public, are able to observe how the decisions of Council, Staff, Committees and Local Boards are made. The Town of Amherstburg actively encourages and fosters stakeholder engagement in its decision making process.

#### **5. INTERPRETATIONS**

- 5.1. Any reference to this Policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a By-law or Town policy shall be deemed to be a reference to the most recent passed policy or By-law and any replacements thereto.

#### **6. GENERAL CONDITIONS**

Accountability, transparency and openness are standards of good municipal governance that enhance public trust and confidence. Through these measures, the Town will ensure, to the best of its ability, that all activities and services are delivered using a process that is open, accessible and responsible to its stakeholders. In addition, wherever possible, the Town will engage its stakeholders throughout its transparent decision making process.

- 6.1. Council, Staff, Committees, Agencies, Commissions and Local Boards shall comply with the requirements of the following policies and By-laws required by Section 270 (1) of the *Municipal Act, 2001*:
  - 6.1.1. Its sale and other disposition of land;

- 6.1.2. Its hiring of employees;
  - 6.1.3. The relationship between members of council and the officers and employees of the municipality;
  - 6.1.4. Its procurement of goods and services;
  - 6.1.5. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;
  - 6.1.6. The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;
  - 6.1.7. The delegation of its powers and duties;
  - 6.1.8. The manner in which the municipality will protect and enhance the tree canopy and vegetation in the municipality; and,
  - 6.1.9. Pregnancy and parental leaves for members of council.
- 6.2. Council, Staff, Committees, Agencies, Commissions and Local Boards shall comply with the requirements of the following other policies and by-laws including, but not limited to:
- 6.2.1. Code of Conduct for Council Members.
  - 6.2.2. Code of Conduct for Staff / Employees.
  - 6.2.3. Procedural By-law.
  - 6.2.4. Closed Meeting Policy.
  - 6.2.5. Code of Conduct for Committees of Council, Advisory Committees and Local Boards.
- 6.3. Council, Staff, Committees, and Local Boards will comply with the requirements and provisions of the Town Procedural By-law, being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of Amherstburg. This By-law also applies to meetings of Committees of Council and Local Boards. This By-law notes requirements for the giving of notice of meetings, production and release of agendas, pre-circulation of agenda items and openness of meetings.
- 6.4. Council, Committees and Local Board Meeting Agendas may contain recommendations for consideration on agenda items, and while such recommendations are not binding, members of the public will be aware upon the release of the meeting agenda prior to the meeting. Council, Committee and Staff shall make every effort to minimize addendums to agendas.
- 6.5. Council will adopt a Code of Conduct for members of Council, Committees of Council, Advisory Committees, and Local Boards, detailing the responsibilities of elected and appointed officials in the public sector.
- 6.6. Council shall appoint an Integrity Commissioner with the function to investigate, in an independent manner, on a complaint made to him or her by any person, whether Council, a Committee or a Local Board has complied with the Code of Conduct for Members of Council Policy and any procedures, rules and policies of the Town and local boards governing the ethical behaviour of Council, Committees or Local Boards, where if a contravention has taken place, the Integrity Commissioner may recommend the appropriate sanctions to Council.
- 6.7. Council and Staff are committed to providing a strong, well-managed municipal government.

- 6.8. Council and Staff are committed to practicing open and proactive communications and involving the community, business sector, developers, public partners and other in the ongoing work of the Town of Amherstburg.

## **7. RESPONSIBILITIES**

- 7.1. The **Municipal Clerk** or designate shall be responsible for the administration of this policy.
- 7.2. All elected officials, Town employees, members of Committees of Council and members of agencies, boards and commissions are responsible for adhering to this policy and for ensuring accountability and transparency in all of their municipal activities and services.

## **8. REFERENCES AND RELATED DOCUMENTS**

- 8.1. *Municipal Act, 2001*
- 8.2. *Modernizing Ontario's Municipal Legislation Act, 2017 – Bill 68*
- 8.3. Town of Amherstburg Community Based Strategic Plan 2016-2021