


POLICY

	Policy:	ACCOUNTABILITY AND TRANSPARENCY		
	Department:	Office of the CAO		
	Division:	Municipal Governance	By-Law No.:	2016-34
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1. POLICY STATEMENT

- 1.1. The Corporation of the Town of Amherstburg is committed to ensure that it is accountable to the public for its actions and that its actions are conducted in an open and transparent manner by:
- 1.1.1. Ensuring public access and participation when necessary, so that the decision making process is open and responsive to the public.
 - 1.1.2. Promoting the efficient and effective use of public resources.
 - 1.1.3. Delivering high quality services to the public.
 - 1.1.4. Providing accessibility and disclosure of public information in compliance with current legislation.
 - 1.1.5. Ensuring that all activities and services provided by the Town are conducted with integrity and ethics.
 - 1.1.6. Conducting performance management and reporting.

2. PURPOSE

- 2.1. Section 270 (1) subsection [5] of the *Municipal Act, 2001*, requires that The Corporation of the Town of Amherstburg shall 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”.

- 2.2. This policy provides guidance for the delivery of municipal activities and services in an accountable and transparent manner in accordance with the Act.

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, so as to try 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 minimum and may be exceeded by Council, Staff, Committees and Local Boards at their discretion.
- 3.3. The *Municipal Act, 2001* requires a municipality to adopt a Policy detailing how the corporation *will try* to demonstrate accountability and transparency in its actions, and any non-compliance does not constitute an offence in and of itself.
- 3.4. This policy shall be reviewed every five years from the date it becomes effective, and/or at the discretion of the CAO.

4. **DEFINITIONS**

- 4.1. **Accountability** means how Council, Staff, Committees, Agencies, Commissions and Local Boards are held to account for their actions.
- 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. **Chief Administrative Officer (CAO)** is the Chief Administrative Officer for the Corporation of the Town of Amherstburg, which includes the roles and responsibilities as laid out in Section 229 of the *Municipal Act, 2001*.
- 4.4. **Clerk** is the Municipal Clerk for the Corporation of the Town of Amherstburg, which includes the roles and responsibilities as laid out in Section 228 of the *Municipal Act, 2001*.
- 4.5. **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.
- 4.6. **Council** refers to the current elected Council for the Corporation of the Town of Amherstburg. This includes, as an entirety, the Mayor, Deputy Mayor and Councillors.
- 4.7. **Director** is the person responsible for direction and operational control of a division as defined on the Town's organizational structure.
- 4.8. **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.

- 4.9. **Manager** reports directly to a Director (or the CAO in some instances) and who is responsible for a department within a division of the Corporation, as defined on the Town's organizational structure.
- 4.10. **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.
- 4.11. **Senior Management Team (SMT)** is comprised of the Chief Administrative Officer and the Directors. If a Director is unavailable, a delegate may be assigned.
- 4.12. **Town** is the Corporation of the Town of Amherstburg.
- 4.13. **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 and implemented. The Town of Amherstburg actively encourages and fosters stakeholder participation and openness 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**

- 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. Disposition of Surplus Town Property.
 - 6.1.2. Employment.
 - 6.1.3. Procurement.
 - 6.1.4. Provision of Notice to the Public.
 - 6.1.5. Delegation of Powers and Duties.
- 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. This policy shall be passed and adopted so as to demonstrate accountability and transparency in the municipal decision-making process.
- 6.4. 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.
- 6.5. 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 of Staff positions on agenda items upon the release of the meeting agenda prior to the meeting. Council, Committee and Staff shall make every effort to minimize addendums to agendas.
- 6.6. 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.
- 6.7. 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.
- 6.8. Council and Staff are committed to providing a strong, well-managed municipal government.
- 6.9. 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 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.