


POLICY

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|  | Policy: | Accountability and Transparency | | |
| | Department: | Office of the CAO | | |
| | Division: | Clerks | By-law No.: | 2024-083 |
| | Administered By: | Municipal Clerk | Approval Date: | Dec. 16, 2024 |
| | Replaces: | Accountability and Transparency – November 25, 2019 | | |
| | 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 Town 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)(5) of the Municipal Act, 2001, requiring Town 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 Town 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.

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. **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.
- 4.3. **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.*”
- 4.4. **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.
- 4.5. **Stakeholder** means any individual person, organization or entity that has an interest or stake in the Town’s business, actions or inactions.
- 4.6. **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.

Common definitions, acronyms, and terms are available in the Glossary located on the Town’s Policies webpage.

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. 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.
- 6.2. Council, Staff, Committees, Agencies, Commissions, and Local Boards shall comply with the adoption and maintenance of the following policy matters as required by Section 270 (1) of the Municipal Act, 2001:

- 6.2.1. Its sale and other disposition of land;
 - 6.2.2. Its hiring of employees;
 - 6.2.2.1. The relationship between members of council and the officers and employees of the municipality;
 - 6.2.3. Its procurement of goods and services;
 - 6.2.4. 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;
 - 6.2.5. 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;
 - 6.2.6. The delegation of its powers and duties;
 - 6.2.7. The manner in which the municipality will protect and enhance the tree canopy and vegetation in the municipality; and,
 - 6.2.8. Pregnancy and parental leaves for members of council.
- 6.3. 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:
- 6.3.1. Code of Conduct - Committees of Council, Advisory Committees and Local Boards
 - 6.3.2. Code of Conduct - Staff / Employees
 - 6.3.3. Procedural By-law
 - 6.3.4. Council Staff Relations
 - 6.3.5. Appointment to Local Boards and Committees
 - 6.3.6.
- 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 Town Council. The Procedural By-law also applies to meetings of Committees of Council and Local Boards. The 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 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 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 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.

7. RESPONSIBILITIES

- 7.1. **Council** has the authority and responsibility to:
 - 7.1.1. Adopt the Accountability and Transparency Policy.
- 7.2. The **CAO** has the authority and responsibility to:
 - 7.2.1. Ensure appropriate oversight is in place within respective areas of responsibility to ensure compliance with the Accountability and Transparency Policy.
- 7.3. The **Clerk** or designate has the authority and responsibility to:
 - 7.3.1. Ensure the Accountability and Transparency Policy is followed and where clarification is required, provide to ensure policy compliance.
- 7.4. **Staff** have the responsibility to:
 - 7.4.1. Ensure their understanding and compliance with the Accountability and Transparency Policy and seek clarification where needed to follow the policy expectations.

8. LEGISLATIVE REFERENCES AND RELATED DOCUMENTS

- 8.1. Municipal Act, 2001
- 8.2. Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017