

DRAFT ACCOUNTABILITY AND TRANSPARENCY POLICY

BACKGROUND

At its May 24, 2017 meeting, council received a report on Municipal Legislation Updates – Bill 68. The Bill received Royal Assent on May 30, 2017 with some provisions coming into force upon Royal Assent and others coming into force upon proclamation. Council passed the following resolution at its May 24, 2017 meeting:

THAT staff be directed to provide recommendations on a municipal code of conduct and integrity commissioner regime; and
THAT staff be directed to review existing policies related to section 270 of the *Municipal Act, 2001* and provide recommendations for amendments and revisions; and
THAT staff be directed to research and provide recommendations related to new mandatory policies upon the passage of the *Modernizing Municipal Legislation Act*.

Staff have been reviewing existing policies and will be providing recommendations for updating those policies and will be providing recommendations for new policies for council's consideration.

Staff have been working with other local Middlesex County senior staff to look at opportunities to work together on education and training and policy development related to council codes of conduct and how best to meet the requirement to provide access to an integrity commissioner.

At this stage, staff are planning to bring forward draft policies in a phased approach to allow an opportunity for council to provide feedback and comment. It is proposed that each of the nine policies required under section 270 of the *Municipal Act, 2001* be brought to council before the end of 2017.

Staff are proposing that council begin by reviewing a draft updated policy related to accountability and transparency, which provides the overarching guidance on how the municipality will be accountable and transparent to the public. Ensuring appropriate accountability mechanisms are in place is an important aspect for each of the policies.

ANALYSIS

The draft policy for accountability and transparency is written, as much as possible, in plain language, and includes references to statutory requirements and existing and proposed municipal policies and practices which support and promote accountability and transparency.

Submitted By: Jill Bellchamber-Glazier for June 28, 2107 Council Meeting
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Each of the draft policies will include the following sections:

- Policy Statement
- Definitions
- Purpose
- Application
- Policy Requirements
- Responsibilities
- Monitoring
- Legislation and Administrative Authorities
- Enquiries

A municipal policy on accountability and transparency looks at two broad concepts, both which cut across multiple aspects of municipal government. The policy deals at a high level with matters such as ethical behavior and conduct, delegation, procurement and financial matters, hiring, how the municipality shares information with the public, and open meetings. Being accountable for decision-making and being transparent in our actions serves the public so that they are better informed of the value that they receive from their local government.

As described, the proposed plan is to bring forward drafts of the required policies to council, and once council has had the opportunity to consider all of the drafts, staff would then bring back all of the new and revised policies so that they can be passed by by-law.

RECOMMENDATION

THAT council receive the Draft Accountability and Transparency Policy; and

THAT council direct staff to develop a by-law which updates the Municipality of Southwest Middlesex's policies required under Section 270 of the *Municipal Act, 2001*, and include the draft Accountability and Transparency Policy as a schedule to such a by-law.

Attachments:

Draft Accountability and Transparency Policy

Existing Accountability and Transparency Policy

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SOUTHWEST MIDDLESEX

ACCOUNTABILITY AND TRANSPARENCY POLICY

(Schedule "A" to By-law No. 2009/056)

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy 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. The purpose of this policy is to provide guidance for the delivery of the municipality's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with Section 270.

1. Definitions

- a) **Accountability** - The principle that the Municipality will be responsible to the public for its actions, decisions and policies as implemented and may be required to explain them or be answerable for resulting consequences.
- b) **Transparency** - The principle that the Municipality actively encourages and fosters the public's participation and openness in its decision making process. Additionally, transparency means that the Municipality's decision making process is open and clear to the public.
- c) **Municipality** – The Corporation of the Municipality of Southwest Middlesex.

2. Policy Statement

The Council of the Municipality acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner by:

- a) Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- b) Delivering high quality services to our citizens; and

- c) Promoting the efficient use of public resources.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the Municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to the public. In addition, wherever possible, the Municipality will engage the public throughout its decision making process which will be open, visible and transparent to the public.

3. Policy Requirements

The principles of accountability and transparency shall apply equally to the political process and decision making and to the administrative management of the Municipality.

- a) **Financial Matters**

The Municipality will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the Municipality provides such accountability and transparency are as follows:

1. External audit
2. Reporting financial statements
3. Long term financial planning
4. Asset management
5. Purchasing/procurement
6. Sale of land
7. Budget process
8. Fees and charges by-law

- b) **Internal Governance**

The Municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

1. Performance management and evaluation
2. Hiring policy
3. Orientation/continuing education
4. Health and safety
5. Work/life balance
6. Compensation/benefit

7. Responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency (CAO)

c) **Public Participation and Information Sharing**

The Municipality ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The Municipality's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings. In addition, the Municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including notices, print media, websites, etc. Some specific examples include:

1. Procedure by-law
2. Strategic plan
3. Delegation rules
4. Records retention
5. Planning processes
6. Public notice by-law or policy
7. Access to agendas and minutes of council and committee of adjustment

4. **Additional Accountability Measures**

Other accountable measures that the Municipality must follow to contribute to ensuring an accountable and transparent Council include:

1. Accountability and Transparency Policy
2. OMBUDSMAN/Investigator
3. Municipal conflict of interest
4. MFIPPA (Municipal Freedom of Information Protection and Privacy Act)
5. Ontario Municipal Board Inquiries and other performance or outcome measurements and report
6. Building Code Act
7. Cemeteries Act
8. Planning Act
9. Fire Prevention and Protection Act
10. Municipal Elections Act
11. Emergency Management and Civil Protection Act

SCHEDULE “X”

Accountability and Transparency to the Public Policy

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Policy Statement

The Municipality of Southwest Middlesex will promote accountable and transparent municipal governance as guided by the following principles:

- Decision-making will be open and transparent
- Municipal operations will be conducted in an ethical and accountable manner
- Municipal resources will be managed efficiently and effectively
- Inquiries, concerns and complaints about accountability and transparency of the municipality will be responded to in a timely manner
- Reports on service standards, financial information, and municipal performance will be made available to the public to encourage public involvement in municipal government
- Delegations of powers and duties will have appropriate corresponding accountability mechanisms

Definitions

“Accountability” means that Southwest Middlesex is responsible to the public for demonstrating and taking responsibility for its actions, decisions, and policies implemented;

“Municipality” means the Corporation of the Municipality of Southwest Middlesex;

“Transparency” means that Southwest Middlesex will conduct its business in a manner that is open to the public in order to encourage public participation and so that accountability is possible.

Purpose

This policy provides guidance on how the Municipality of Southwest Middlesex is accountable for the actions and decisions it undertakes, and ensuring that those actions are transparent to the public in order to allow that accountability to take place.

Application

This policy is required by Section 270 of the *Municipal Act, 2001*, and applies to all operations for the Municipality of Southwest Middlesex.

Policy Requirements

Requirements for municipal accountability and transparency policies, procedures and practices in the Municipality of Southwest Middlesex include:

- Legislated Accountability and Transparency Requirements
- Financial Accountability and Transparency Framework
- Open Government
- Administrative Accountability Framework
- Council Accountability Framework

Legislated Accountability and Transparency Requirements

Various pieces of legislation govern how the Municipality of Southwest Middlesex conducts its business to ensure that it is being accountable and transparent to the public, including:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Ombudsman Act*
- *Provincial Offences Act*
- *Public Sector Salary Disclosure Act*

Financial Accountability and Transparency Framework

The Municipality of Southwest Middlesex provides information about taxation and how municipal funds are used to provide services to the public, including future financial projections. Tools for reporting financial information include:

- External Auditing and Reporting
- Annual Financial Statements
- Quarterly Variance Reports and Forecasting
- Long-Range Capital and Operating Budgeting
- Procurement Policy
- Delegation of Powers and Duties
- Asset Management Plan
- Long-Term Financial Plan

Open Government

The Municipality of Southwest Middlesex has developed policies, procedures and practices in order to promote local democracy, including:

- Procedure By-law
- Public Notice Policy
- Delegation of Powers and Duties Policy
- Accessible Formats of Documents
- Website and Social Media Use

Administrative Accountability Framework

Municipal Staff follow approved policies, procedures and practices that support accountability and ethical behaviour, including:

- Respect in the Workplace (Violence and Sexual Harassment Prevention)
- Progressive Discipline
- Performance Standards
- Corporate Financial Policies
- Employee Code of Conduct
- Hiring Policy

Southwest Middlesex Council's Accountability Framework

Council members follow established policies, procedures and practices that support accountability and ethical behaviour, including:

- Procedure By-law
- Council Code of Conduct
- Delegation of Powers and Duties Policy
- Respect in the Workplace (Violence and Sexual Harassment Prevention)

Responsibilities

Southwest Middlesex Council and staff are responsible for adhering to the parameters of this policy and for ensuring accountability for their actions and the transparency of municipal decision-making and operations.

Monitoring

The Chief Administrative Officer-Clerk for the Municipality of Southwest Middlesex shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaints and/or concern, the Chief Administrative Officer-Clerk shall notify:

- For staff, the Chief Administrative Officer-Clerk shall notify the appropriate Department Head or Supervisor responsible
- In relation to complaints related to improperly closed meetings, the municipality's Meeting Investigator
- For council members, the Mayor, Deputy Mayor, council, and/or the Integrity Commissioner, as appropriate

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the municipality adopt and maintain a policy with respect to ensuring that the municipality is accountable and transparent for its actions and decisions.

The Accountability and Transparency Policy for Southwest Middlesex identifies various legislative, policy, procedural, and practices that council and staff are to comply with to promote accountability and transparency.

Enquiries

Chief Administrative Officer, Southwest Middlesex, cao@southwestmiddlesex.ca