

STAFF REPORT: Administration



REPORT TO: Council
MEETING DATE: May 25, 2009
REPORT NO.: A.09.05
SUBJECT: Accountability and Transparency Policy Review
PREPARED BY: Stephen Keast, Clerk

A. Recommendations

THAT Council receive Staff Report A.09.05, "Accountability and Transparency Policy Review" and direct Staff to proceed with recommended revisions; and

THAT Council further consider and give direction as to the preparation of a Council Code of Conduct Policy.

B. Background

Revisions to the *Municipal Act, 2001* as proclaimed on January 1, 2007, included a requirement for a municipality to adopt Policies in six fields, including Accountability and transparency of actions to the public to be in effect in 2008. Council adopted Corporate Policy POL.COR.07.01, Accountability and Transparency of Town Actions to the Public by By-law on December 10, 2007.

POL.COR.07.01 included an annual review cycle by Council in open session and consideration of this Report together with related debate would meet that requirement. Revisions to the Policy as proposed by Staff include:

- reference to the Policy applying to Committees of Council
- a definition of Committee as proposed for the revised Procedural By-law
- a new definition of Local Board as proposed for the revised Procedural By-law

Section 270 requires a *municipality* to adopt Policies in six areas relating to 1) Sale and other disposition of land, 2) Hiring of employees, 3) Procurement of goods and services, 4) Provision of notice to the public, 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 and 6) Delegation of powers and duties. *Local Boards* are then required to adopt Policies in areas 1), 2) and 3). The Town Policies are more expansive in that they require Council, Staff, Committees and Local Boards to comply with all Policies, with noted exceptions.

The definition of Committee is as contained in the *Municipal Act, 2001* (the Act), section 238 (Closed meeting section). There is no other definition in the Act that the writer is aware of.

The definition of Local Board is from the Act, Section 1, Definitions, together with the specific exclusion of police, library, school and hospital boards and conservation authorities. Section 1 of the Act excludes school boards and conservation authorities. Section 238 of the Act excludes police and library boards. Section 269 of the Act excludes police and hospital boards from application of any Section 270 Policy requirements (Accountability and Transparency, etc.). The various exclusions were all collected into the proposed definition.

It should also be noted the current Policy contemplates preparation of a Council Code of Conduct Policy. While initial work proceeded on such a Policy the project was never finalized and Council should consider direction to proceed with such a Policy or delete the reference from the subject Policy.

C. The Blue Mountains' Strategic Plan

Providing a strong, well-managed municipal government.

D. Environmental Impacts

None

E. Budget Impact

None

F. Attached

Corporate Policy POL.COR.07.01, Accountability and Transparency of Town Actions to the Public (revised)

Respectfully submitted,

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TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Accountability and Transparency of Town Actions to the Public

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.07.01
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	2007-115
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved: December 10, 2007		Staff Report:	A.07.33

Policy Statement

Policy direction for the manner in which the municipality will try to ensure that it is accountable to the public for its actions and that its actions, including decisions, are transparent to the public.

Purpose

Compliance with Section 270 of the *Municipal Act, 2001*.

Application

This Policy applies to the actions or decisions to be undertaken or made by the municipal Council, its Senior Management Team, **Committees** and Local Boards as defined in subsection 269.1 of the *Municipal Act, 2001*, all collectively called the "municipality", for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy in which it demonstrates to the public that its processes for decision-making are transparent and that it is accountable to the public for the decision made.

Definitions

Accountability: means the municipality accepts the responsibility for their actions and are prepared to account to the public for same, and demonstrate that its actions are appropriate within its procedures, policies and applicable legislation.

Transparency: means the municipality, through its Council and Staff, will ensure that the public has the ability to observe its actions and decision-making in public.

Committee: means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.

Local Board: means a local board **established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities but does not include The Blue Mountains Police Services Board or The Blue Mountains Public Library Board, a school board, a hospital board or a conservation authority.**

Procedures

1. Council, Staff, **Committees** and Local Boards will comply with the requirements of this Policy document and:

Town Policy POL.COR.07.02, Sale and Other Disposition of Land,
Town Policy POL.COR.07.03, Provision of Notice to the Public,
Town Policy POL.COR.07.04, Delegation of Powers and Duties,
Town Policy POL.COR.07.05, Procurement of Goods and Services,
Town Policy POL.COR.07.06, Hiring of Employees, and
Town Policy POL.COR.07.07, Council Code of Conduct

as they are approved, so as to demonstrate accountability and transparency in the municipal decision-making process.

2. Council, Staff, **Committees** and Local Boards will comply with the requirements and provisions of By-law No. 2007- 29, being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Town of The Blue Mountains. This By-law also applies to meetings of Local Boards. By-law No. 2007- 29 contains extensive requirements for the giving of notice of meetings, early production and release of Agendas, pre-circulation of Agenda items and openness of meetings.

3. Council, **Committee** and Local Board Meeting Agendas shall contain a Staff Recommendation for consideration on every Agenda item and while such Recommendations are not binding, members of the public will be aware of Staff Recommendations on Agenda items upon the release of the meeting Agendas prior to the meeting. Council and Staff shall make every effort to minimize addendums to Agendas.

4. Council and Staff will be open, accountable and transparent in financial decision-making as required by the *Municipal Act, 2001*. Examples would include completion of an annual external audit by an independent auditor and reporting of a Financial Information Return to the Province, as well as production of Monthly Budget Variance Summary Reports. A Public Consultation is also scheduled and advertised annually prior to any final consideration of a corporate budget.

5. Council, **Committees** and Local Boards may schedule public meetings or public information sessions from time to time to hear public input on various matters. These public meetings or public information sessions may be conducted to comply with a statutory requirement or may be optional where Council is seeking public input on any matter or action, and where such a public meeting is scheduled to hear input on a matter, no decision shall be considered or made on the matter until a subsequent meeting of the convening body or Council.

6. Council will adopt a Code of Conduct for members of Council, **Committees** and Local Boards detailing the responsibilities of elected, hired and appointed officials in the public sector.

7. Council will appoint a Closed Meeting Investigator with the function to investigate in an independent manner, on a complaint made, whether Council or a Local Board has complied with Section 239 of the *Municipal Act, 2001* with regard to any meeting closed to the public.

8. Council and Staff are committed to providing a strong, well-managed municipal government.

9. Council and Staff are committed to practicing open and proactive communications and involving the community, business sector, developers, public partners and others in the ongoing work of the municipality.

Exclusions

This Policy would apply to all actions and decisions of the municipality without exclusion or exception, unless otherwise provided for by statute.

References and Related Policies

The *Municipal Act, 2001*, Town Policies POL.AD.07.02 through POL.AD.07.06 inclusive and POL.FS.07.01, as approved, together with this Policy document and the Town of The Blue Mountains Strategic Plan.

Consequences of Non-Compliance

Non-compliance with the *Municipal Act, 2001* is subject to the remedies prescribed therein.

Review Cycle

This policy will be reviewed annually by the C.A.O., Senior Management Team and Council in open session.