

# **Governance Advisory Committee Strathcona County Governance Policy on Accountability and Transparency**

## **Part 1 - Introduction**

At the July 5, 2016 meeting, Council adopted the following resolution: "That Administration work with the Governance Advisory Committee (GAC) to prepare, by the end of Q1 2017, a draft policy for Council's consideration that would deal with Council transparency and accountability, including disclosure requirements."

A report on the various options for distributing Councillor reports initiated a broader discussion on municipal accountability and transparency especially as related to councillor disclosure and reporting practices. A number of Councillors noted a preference for having a policy that would provide accountability and transparency principles and guidelines. In light of this conversation, Council directed Administration to work with the Governance Advisory Committee to prepare a draft accountability and transparency policy for Council's consideration.

The development of a policy that addresses municipal and accountability matters requires considering the following questions:

1. What should the scope of this policy be?
2. How will this new policy complement existing Strathcona County governance policies related to accountability and transparency?
3. Are there existing municipal policies that could be used as a guide or example for Strathcona County's policy?
4. Is there an opportunity to have this new policy align with some of the expected governance changes expected as part of the Modernized Municipal Government Act?

The purpose of this report is to solicit the GAC's input on the development of an accountability and transparency policy. In order to facilitate this process, a draft outline for this new policy is provided below. Input from the GAC will be used to direct Administration as it flushes out the policy during the drafting stage. Once a draft policy has been completed, it will be presented to the GAC for additional comment.

## **Part 2 - Alberta's Modernized Municipal Government Act**

A substantive review of the Municipal Government Act (MGA) began in 2012 and has involved input from municipalities across Alberta, local citizens and businesses, community organizations, the oil and gas sector, builders and developers, and the two municipal associations. The review has focused on three key areas: assessment and taxation, governance and administration, and planning and development.

The first set of MGA changes were introduced in March 2015 (Bill 20 *Municipal Government Amendment Act*). The province noted that the changes in Bill 20 were ones which had received general consensus from the majority of stakeholders. Some of the changes included in Bill 20 relate to enhancing municipal accountability such as the requirement that municipalities develop a code of conduct for councillors through a bylaw. The second set of MGA changes were introduced in Bill 21, (*Modernized Municipal Government Act*) on May 31, 2016. Here too, a number of the changes relate to municipal accountability and transparency. However, the full impact of these changes will not be completely understood until the pending regulations are developed. Most regulations are expected to be issued in 2017 ahead of the next municipal election.

The following list is a summary of the governance changes introduced by Bill 20 and Bill 21 related to issues of accountability and transparency:

- **Public Participation Policy** - municipalities required to adopt public participation policies that outline their approaches for engaging with stakeholders.
- **Mandatory Conduct of Conduct** - municipalities required to establish a code of conduct for councillors through a bylaw.
- **Defining Council Meetings** - define "meeting" to include what matters may be closed to the public during council meetings. Describe circumstances and procedures for a "closed meeting." Clarify a duty of the chief administrative officer to provide all councillors the same information, no matter how it was requested or by whom.
- **Petitioning Process** - municipalities may, by bylaw, choose to decrease the required percentage of eligible signatories, accept online petitions, extend the time period for collecting signatures and allow petitioners to recall their signatures. Timelines would be extended for petition validation (i.e. 30 days becomes 45 days).
- **Roles and Responsibilities of Council and Administration** - provide clarity on the administrative duties and the chief administrative officer's ability to delegate.
- **Introduction of Municipal Ombudsman and Municipal Inspections** - the mandate of the Alberta Ombudsman will be expanded to include municipalities. The Alberta Ombudsman will investigate complaints to determine if a public organization has acted fairly and reasonably. The ombudsman will review the case to ensure actions and decisions were fair and consistent with relevant legislation, policies and procedures. The Alberta Ombudsman is projected to accept municipal complaints starting April 1, 2018.
- **Municipal Inspections** - other changes to the MGA's provisions on inspection and inquiry will mean citizens can petition the Minister for an audit or inspection on matters of municipal affairs, including the conduct of councillors, employees, agents and contractors of the municipality. The re-structured petitioning provisions for municipal audits and inspections will be proclaimed by October 1, 2017.

- **Composition on Local Appeal Boards** - municipal councillors will be prohibited from forming the majority of any legislated appeal board hearing panel. This will be done by aligning the existing rules for Subdivision and Development Appeal Boards with those for Assessment Review Boards.
- **Reporting Structure of the Municipal Government Board** - the Chair of the Municipal Government Board will be appointed by Cabinet and report directly to the Minister of Municipal Affairs.
- **Training for Elected Officials** - Municipalities will be required to offer orientation training within 90 days to elected officials following each municipal election and by-elections on specific matters such as: role of municipalities in Alberta; council and councillor roles and responsibilities; Chief Administrative Officer and staff roles and responsibilities; and budgeting and financial administration. Change took effect upon proclamation of the Modernized Municipal Government Act.

As Strathcona County develops its policy on accountability and transparency, the above noted governance changes should be considered. While some of the changes such as mandatory training for elected officials and composition of local appeal boards are not likely to have an impact on the County's development of this new policy since the County is already aligned with the expected requirements in these areas, other governance changes, such as those related to more definition around closed meetings, may be addressed in the new policy in addition to requiring adjustments to current practice or existing County policies.

### **Part 3 –Review of other Canadian Jurisdictions Approach to Municipal Accountability and Transparency**

Alberta's current MGA includes a number of accountability and transparency requirements. For instance, the MGA addresses matters such as pecuniary interest of Councillors, disqualification of Councillors, notice requirements, public presence at Council meetings, process for petitions, public hearings, appeal and complaints processes, etc. As noted above, the updated MGA (i.e. *Modernized Municipal Government Act*) also aims at enhancing municipal accountability and transparency, but much of the detail is dependent upon forthcoming regulations.

Many of Alberta's municipalities do not currently have such a standalone accountability and transparency policy. For example, Edmonton, Spruce Grove, Fort Saskatchewan, Medicine Hat, Devon, Whitecourt, Camrose, Airdrie, St. Albert, Jasper, Lethbridge, Wood Buffalo, Cochrane, Taber, Wetaskiwin, and Grande Prairie do not have such a policy. This does not mean that Alberta municipalities are not committed to accountability and transparency. In fact, all of the above municipalities have policies (e.g. council roles, council remuneration, ethical codes etc.), procedures (e.g. web-based expense reports or voting records) or other things (whistleblower programs, transparency audits, open data portals etc.) aimed at providing citizens with accountable and transparent local government.

While not common amongst Alberta municipalities, there are a few municipalities, such as Calgary and Red Deer, which do have a standalone accountability and

transparency policy. These two policies as well as some additional examples from Ontario municipalities are included in **Attachment 1 – Examples of Municipal Accountability and Transparency Policies**.

While all Canadian jurisdictions have legislative requirements related to accountable and transparent municipal government, Ontario is perhaps the most rigorous since it mandates that **all** municipalities adopt such a policy. British Columbia likewise has an extensive number of requirements for municipal accountability and transparency. **Attachment 2 – Municipal Accountability and Transparency in Other Canadian Jurisdictions** provides more detailed information.

#### **Part 4 – Current Strathcona County Accountability and Transparency Measures**

Strathcona County currently has a number of bylaws, policies, procedures and practices that increase municipal accountability and transparency. For example, Strathcona County's Chief Commissioner Bylaw (21-2015) sets out the powers and accountabilities of the Chief Commissioner as well as the financial authorities and ability to delegate authority to other municipal staff. Strathcona County also has governance policies which set out guidelines for matters such as remuneration for elected officials, code of conduct for Councillors, and public engagement. Finally, Strathcona County has a number of practices, such as video streaming Council and Priorities Committee meetings, web publication of Councillor expenses, web publication of bylaw and policies, etc. that help ensure that the municipality is accountable and transparent to citizens.

Ideally, a new accountability and transparency policy will complement the existing governance policies and practices while addressing any gaps such as providing guidelines for reporting on monthly councillor activities. **Attachment 3 – Overview of Current Accountability and Transparency Policies** provides a summary of policies that are already in place that help enhance municipal accountability and transparency.

## **Draft Outline for New Accountability and Transparency Policy**

- References:**
- Municipal Government Act, RSA 2000
  - MGA s. XXX
  - MGA s. XXX
  - Freedom of Information and Protection of Privacy Act, RSA 2000
  - Strathcona County Bylaw – Meeting Procedures
- Cross-reference:** *Policies related to accountability and transparency will be listed here*

### **Policy Statement**

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Strathcona County is committed to the fundamental principles of accountability and transparency since these principles are essential to ensuring effective local government and building public trust.

Strathcona County acknowledges its responsibility to operate in a transparent and accountable manner and shall provide good governance by ensuring:

1. Council decision-making is open and transparent.
2. The County is accountable for the provision and performance of its services.
3. The County is transparent and open in its operations, subject to financial, legal, legislative and privacy constraints.
4. The County has a robust set of policies, procedures, and practices in place that enhance accountability and transparency.
5. ?
6. ?

### **Purpose**

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The purpose of this policy is to define the manner in which Council and Strathcona County will ensure that they are transparent and accountable to the public for their actions.

### **Definitions**

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Accountability – The principle that Strathcona County ensures access to clear and understandable information and is responsible to the public for decisions and actions.

Transparency – The principle that Strathcona County ensures the decision-making process is open and clear and actively encourages and fosters public participation in its decision making processes to enhance public trust.

## **Guidelines**

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### **Transparency and Accountability Mechanisms and Practices**

- Statement that notes there are a number of accountability and transparency “things” in place.

### **Financial Accountability, Oversight and Reporting**

- Section outlines financial accountabilities – i.e. annual independent audit, annual financial reporting, etc.

### **Reporting of Councillor Expenses**

- Section outlines how Councillors expenses are made available to the public – when are they published, how are they published, etc.

### **Reporting of Council Activities**

- Section outlines how public can learn about Councillor activities- when and how.
- Opportunity to note limitations of this type of reporting – i.e. not the full scope of Councillor duties

### **Council and Committee Meetings**

- Section outlines how council and committee meetings are conducted in an accountable and transparent manner in alignment with County Meeting and Procedures Bylaw, relevant Governance Policies, and relevant legislation

### **Access to Council Records and Decisions**

- Section outlines what documents/records are available and how they are made available to the public

### **Public Engagement**

- Section outlines commitment to public engagement and identifies key processes for that engagement

## **Attachment 1 – Examples of Municipal Accountability and Transparency Policies**

- Example 1 – City of Calgary, AB
- Example 2 – City of Red Deer, AB
- Example 3 – City of Kitchener, ON
- Example 4 – City of Mississauga, ON



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**Policy Title: Transparency and Accountability Policy**

**Policy Number: CC039**

**Report Number: LGT2011-09**

**Approved by: Council**

**Effective Date: 2011 October 3**

**Business Unit: City Clerk's Office**

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### **BACKGROUND**

The City of Calgary is committed to conducting business in an open and transparent manner and creating a culture wherein Council and City of Calgary employees are aware of and understand the principles of transparency and accountability articulated through this policy, and will support and contribute to the spirit and intent of the policy. This policy reflects Council and The City's ongoing effort to support open, transparent and accountable local government.

This policy is also aligned with and supports the governance system targets regarding access in imagineCALGARY: "Target 1 by 2016, 80 per cent of Calgarians report that they feel government activity is open, honest, inclusive and responsive."

### **PURPOSE**

- To provide policies and overarching guidance for The City's activities, programs and services as outlined herein and augment existing City of Calgary policies, procedures and practices; and
- Define the manner in which City Council and The City of Calgary will ensure that it is transparent and accountable to the public for its actions.

### **APPLICABILITY**

- This policy applies to City Council, and all City of Calgary employees.

### **SCOPE**

- The principles of transparency and accountability apply to the political process and decision-making, to the administrative management of The City of Calgary and in The City's interactions with the citizens of Calgary.



## **Definitions**

For the purposes of this policy, The City of Calgary adopts the following definitions:

### **Transparency:**

The principle that The City of Calgary ensures the decision-making process is open and clear and actively encourages and fosters public participation in its decision-making processes to enhance public trust.

### **Accountability:**

The principle that The City of Calgary ensures access to clear and understandable information and is responsible to the public for decisions and actions.

## **POLICY**

The City of Calgary acknowledges its responsibility to operate in a transparent and accountable manner and shall provide good governance by committing to the following:

- Ensuring transparency and accountability of municipal operations and decision making;
- Taking responsibility for decisions and actions;
- Encouraging public access and participation to ensure that decision making is responsive to the needs of citizens and receptive to their opinions;
- Responding to the needs and opinions of citizens;
- Delivering high quality services to citizens; and
- Ensuring responsible/appropriate/prudent stewardship and efficient use of public resources.

### **Transparency and Accountability and Openness**

Transparency, accountability, and openness are essential elements of good government that enhance public trust. They are achieved through adopting policies and establishing processes that are open and accountable, which will guide The City of Calgary throughout the course of carrying out its duties and responsibilities.

The City of Calgary will promote and enable transparent, accountable and open municipal government guided by the following.

The City of Calgary shall:

- Conduct its business openly, honestly, and with integrity.
- Ensure decision-making is open, clear, transparent and accountable.
- Ensure the business of Council is open and easily available to the public through a variety of media.
- Make information accessible so that it is consistent with legislative requirements under the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*.
- Use transparency and accountability mechanisms, including public engagement that helps to ensure that Council decisions reflect citizen needs and priorities.
- Encourage and enable a culture of proactive disclosure throughout the corporation. Make use of best practices and routinely release Council records and non-confidential information to the public, while also protecting privacy.
- Manage financial resources and all City assets in an efficient and effective manner.

- Foster a safe environment that allows all stakeholders of this policy to participate freely, without fear of reprisal or retribution, supported through the Whistleblower Policy and program.

### **Transparency and Accountability Mechanisms and Practices**

Transparency is the foundation of accountability. The City of Calgary ensures transparency and accountability by way of various policies, procedures and practices that have been divided into the following categories:

#### **Financial Accountability, Oversight and Reporting**

An ongoing commitment to accountability and transparency in financial management is one of The City of Calgary's most strongly held values. Top quality financial reporting is essential if The City is to be fully accountable to citizens and other parties with an interest in government finances. The City will ensure sound financial oversight, governance of financial assets, and demonstrate effective stewardship of public funds through the following practices:

- Comprehensive annual financial statements
- Implementing, reviewing and maintaining a suite of Council Policies that ensure sound financial governance and accountability
- Implementing, reviewing and maintaining a suite of financial Administration Policies that ensure sound financial governance and accountability
- Quarterly and annual reports to Council and citizens on department business plans and budgets
- The annual report to Calgarians

#### **Reporting of Council Expenses**

City Council is committed to transparency and accountability by reporting Ward expenses related to salaries of assistants, communications, business expenses, travel, courses and seminars.

- In accordance with Council direction, the Office of the Aldermen shall post updated Ward Expense Reports on a quarterly basis on The City's website.
- Publishing the Mayor's Office expenses on a quarterly basis on The City's website.

#### **Performance Measurement and Reporting**

The City of Calgary is accountable to citizens and enhances transparency throughout the corporation by implementing various results-orientated tools to measure progress on the achievement of performance measures, service standards, goals and Council's priorities. The City of Calgary is dedicated to producing performance information that measures how The City is doing in all areas over which it has responsibility, from financial reporting to service delivery, including:

- Quarterly and annual reports to Council and citizens on department business plans and budgets;
- Use of benchmarking, performance measures and best practices information to improve service effectiveness and efficiency and communicate to citizens the cost and value of services they receive for their tax dollars;
- Developing strategies and processes to measure and report on the Corporation's response to service requests from citizens through the 3-1-1 Customer Service Request (CSR) system; and
- Providing The City's annual report to Calgarians.

### **Open Government: Committee and Council Meetings**

The City of Calgary is accountable and transparent to taxpayers by providing governance in an open manner. The following are policies, procedures and practices that reflect The City of Calgary's ongoing effort to improve the ease-of-access and transparency of the legislative process to ensure citizens are aware of how decisions are made and carried out:

- The conduct of Council and Committee meetings shall be governed by The City of Calgary Procedure Bylaw 44M2006 as amended, which complies with the relevant provisions of the *Municipal Government Act*.
- The Procedure Bylaw 44M2006, as amended ensures that all meetings are open to the public, as required under the *Municipal Government Act* Section 197 (1) except where it is appropriate and permitted to consider a matter in a closed meeting as per subsection (2) or (2.1).
- Under 197, subsection 2 of the *Municipal Government Act*, Councils and Council Committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.
- A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public under 197 subsection 2.1 of the *Municipal Government Act*.
- Citizens shall be provided with a range of opportunities to participate in Committee meetings and Council Public Hearings.
- In accordance with Council's "Recordings of Legislative Meetings Policy," video recordings of Regular Council and Standing Policy Committee meetings shall be made available to the public on the Internet for a period of three (3) years from the date of the meeting.

### **Access to Council Records and Decisions**

One of City Council's priorities is to make it easier for citizens to get the information they need. The following policies and practices will enhance citizens' access to Council records and decisions.

- All Council, Standing Policy Committee, and Special Committee agendas shall be posted online on The City of Calgary's website for the public to access once published and are available for citizens to access at any time by searching the Council record.
- All reports and other documents considered by Council and Committee shall be made available to the public at the meeting at which they are being considered, except where a report or document is held confidential under the FOIP Act.
- All reports and other documents not falling into the confidential category under the FOIP Act shall be released to the public.
- All Committee and Council minutes shall be made available to the public once confirmed by Council, except any specific portions that are held confidential under the FOIP Act.
- Agenda cover pages for in-camera meetings shall be made public containing as much information as possible on the items for discussion without revealing confidential or personal information.

- All Policies adopted by Council shall be posted in the Council Policy Library on The City of Calgary's website and be made available to the public.

### **Public Engagement**

The City of Calgary recognizes the value that citizens contribute to planning, delivering and evaluating City programs and services. The City of Calgary will engage the public throughout its decision making process. This process will be open, visible and transparent, while balancing the need for the decision making process to be efficient and effective by adhering to the following:

- Wherever possible, The City shall engage citizens and provide opportunities for citizens to participate in and provide feedback on City programs and services and clarify their priorities about how tax dollars should be spent.

### **Responsibilities**

City Council and City employees are responsible for:

- Building public trust and adhering to the parameters of this policy and for ensuring accountability for their actions and transparency of municipal operations.
- Promoting and maintaining a culture of transparency and accountability at The City of Calgary.

### **PROCEDURE**

Successful implementation requires the commitment of City Council and the leadership of The City Manager and senior management to ensure the policies and practices are adhered to throughout the corporation and in all interactions with the citizens of Calgary.

### **Alignment with City of Calgary Policies, Priorities and Plans**

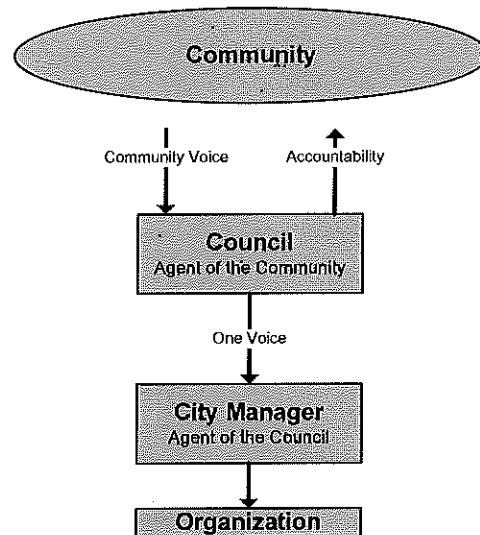
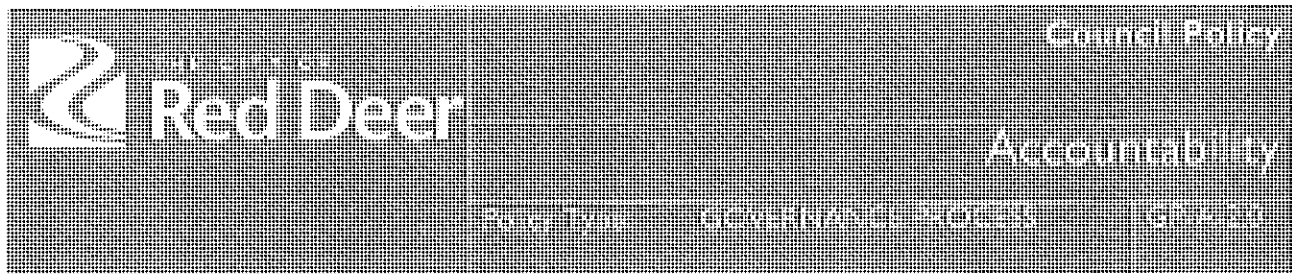
- imagineCALGARY
- Council's Fiscal Plan for Calgary 2012-2014
- Code of Conduct for City Employees
- Whistle Blower Policy
- Access Impact Assessment Policy
- Privacy Impact Assessment Policy
- Integrated Risk Management Policy
- Suite of Council Policies that ensure sound financial governance and accountability
- Suite of Financial Administration Policies that ensure sound financial governance and accountability

### **AMENDMENTS**

None. New policy.

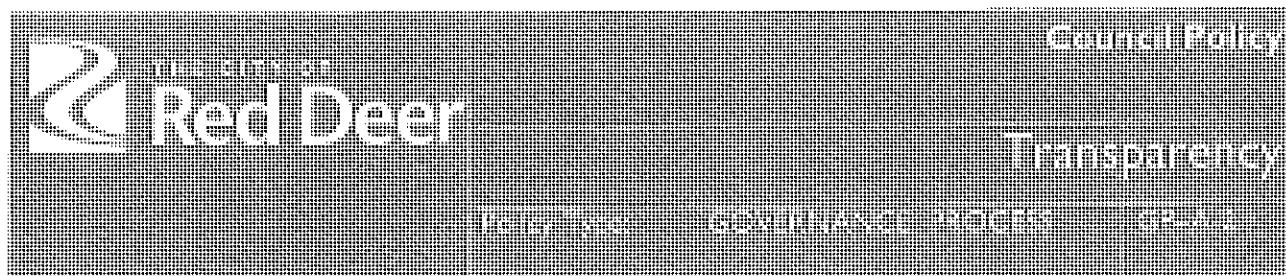
Members of Council will hold themselves accountable to their community, the organization and other members of Council for their decisions and actions.

1. Council as a whole is the sole position at The City of Red Deer to exercise the community representative role with respect to its citizens. This role cannot be delegated.
2. Council members individually are accountable to their electors; recognizing the primacy of the Council table in decision making.
3. Accountability to the community will be accomplished primarily through Council's creation of Purpose Statement policies and Executive Limitation policies, holding the City Manager accountable to Council for fulfillment.
4. Council will establish and adhere to a Council Code of Conduct.
5. Council will self-monitor, discuss and evaluate Council's processes and performance on a regular basis.



### Document History

Policy Adopted	October 15, 2012
Policy Revised and Approved	March 18, 2013
Policy Revised and Approved	July 8, 2013



Council will practice transparent governance by providing the public with information about what Council is doing.

1. Formal Council meetings are open to the public, as required under the Municipal Government Act except where it is appropriate and permitted to consider a matter in a closed meeting.
2. Council will make Council policies, decisions, and non-confidential information available to the public through a variety of media, and in a timely manner.
3. Council will disclose Council's financial activities.
4. Council attendance at Council meetings, workshops and committees will be reported to the public on a quarterly basis.

#### **Document History**

Policy Adopted	October 15, 2012
Policy Revised and Approved	March 18, 2013
Policy Revised and Approved	July 8, 2013

## **COUNCIL POLICY RESOLUTION**

**POLICY NUMBER:** I-15

**DATE:** DECEMBER 10, 2007  
**AMENDED:** OCTOBER 6, 2008  
**AMENDED:** MARCH 3, 2014

**POLICY TYPE:** ADMINISTRATION

**SUBJECT:** CORPORATE ACCOUNTABILITY & TRANSPARENCY

### **1. POLICY STATEMENT**

The City of Kitchener ('the City') is committed to the fundamental principles of accountability and transparency as they are key values within the City's Open Government Framework. The City has adopted the following as its Vision for Open Government: *"To provide a City government that is transparent and accountable to its citizens, with opportunities for meaningful, accessible public participation, made possible through innovation, technology and collaboration."*

The City of Kitchener is committed to creating a culture where Council, staff and citizens of Kitchener are aware of and understand the principles of accountability and transparency, and their roles in upholding these essential standards of good government that enhance public trust.

In support of the open government principles of accountability and transparency, this Policy outlines the City's commitments which will ensure:

- The City is open by default, subject to financial, legal, legislative and privacy constraints
- Council decision-making is open and transparent
- The City is accountable for the provision and performance of its services

### **2. DEFINITIONS**

**Accountability:** the City has established rules and guidelines that ensure the City is able to explain its actions to the public

**Transparency:** City information is accurate, timely, and freely available and decisions are open for public review and discussion.



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POLICY TYPE: ADMINISTRATION

SUBJECT: CORPORATE ACCOUNTABILITY & TRANSPARENCY

### **3. LEGISLATIVE AUTHORITY**

Section 270 of 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 ensure it is accountable to the public for its actions, and the manner in which its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of municipal activities and services in an accountable and transparent manner in accordance with the Municipal Act.

### **4. APPLICATION**

This Policy applies to all City employees and members of City Council.

### **5. POLICY COMPONENTS**

In order to ensure the principles of Accountability and Transparency are practiced and adhered to as a matter of good governance, the following represent overarching guidance for the provision of City activities, services and programs in support of the principles.

#### **Accountability Components:**

**The roles and responsibilities of the City must be clearly defined.** In the context of other levels of government, it should be clearly explained as to which government is responsible for what services. Within the City, the roles of Council and staff, and the responsibility for services provided, need to be easily understood. The roles and responsibilities of stakeholders – including citizens, customers and businesses - that utilize the services of the City must also be clearly defined in order to ensure the service is provided in a fair, equitable and timely manner and that the anticipated outcomes are achieved.

**Actions will be consistent with clearly understood expectations.** Services offered by the City should be clearly explained and outlined to include what is expected from the customer and what the customer can expect from the City. In setting expectations and reaching agreement, expectations may be implied or explicit. In many cases there will be a reasonable expectation based on common sense or normal practices and in other cases the outcome or expectation will need to be specifically given and acknowledged. Wherever possible the anticipated outcome of any service provided by the City will be given to provide clarity on what the citizen, customer or business can expect.

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**There must be a reasonable balance between expectations and capacities.** Customer and citizen expectations may change from time to time, and all expectations must be balanced against the City's authority, available skills and resources required to achieve the expected outcome.

**There must be clear and timely reporting on actions.** Reporting must be credible, the information useful, accurate, timely and accessible. Reporting on actions taken or not taken shall be clear and easy to understand.

**There must be reasonable review and adjustment.** Accountable reporting will highlight areas where expectations have been met, as well as those which have not. Achievements should be recognized, and where expectations have not been met, adjustment and corrective actions may need to be made.

#### **Transparency Components:**

**City information must be fully accessible within legal limitations.** Providing information that citizens or others require in order to comment on the City's services and activities, allows for the influencing of City activities and decisions and initiating change. This results in trust, enabling the City to manage its services and activities more effectively and efficiently. Information provided by the City must be accessible, understandable, and provided in the appropriate format. In providing information or data, the City must balance this obligation with other legal and regulatory obligations. The City will continue to comply with legislation that protects certain information. Whenever meaningful information is withheld, an explanation will be given as to why.

**All information should be provided in clear, simple language.** City information that is provided publicly should be provided in clear, plain language. Whenever there is a requirement to provide information in a certain way in order to satisfy legal or regulatory obligations, a plain language description will also be provided.

**Information deemed to be in the public interest is to be updated regularly, consistently and as much as possible, proactively.** Processes will be established to ensure information is updated and remains relevant following initial provision of the information. The City is committed to evolving the culture of the organization toward being 'open by default', where meaningful information is provided to the public proactively and not based on reaction to requests.

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## **6. POLICY COMMITMENTS**

The City has put and/or is putting in place a number of activities and actions supporting Accountability and Transparency. Following is a summary of the key methods through which the principles are practiced and adhered to. The City strives to meet these commitments and it must be understood that City resources – human, financial and technical – have limitations based on operating and capital budgets, which are developed with public consultation.

### **Council Meetings**

The City provides the public with information on the role and responsibilities of the Mayor and city Councillors. The time and dates of meetings, agendas and reports under consideration are made available to the public in advance of public deliberations. All staff reports to Council or Committees of Council are written using a standard report template in clear non-technical language where possible, providing the reader with full information on the topic. A digital repository is used to maintain up-to-date records of Council by-laws, reports and minutes and is openly accessible to the general public. All meetings of Council and Committees of Council are open to the public, with exceptions as permitted by the Municipal Act, and members of the public are invited to be delegations to Council to ask questions or discuss specific issues. Agendas for closed meetings of Council provide as much information as possible without revealing confidential information.

### **Budgets and Business Plans**

The City publishes the annual proposed budget and business plan written in plain language in both print and digital formats, which is replaced by the annual approved budget once it has been ratified by Council. Budget deliberations are held in public sessions in Council, and members of the public are encouraged to provide input and comments. Budget variance reports, financial indicators and business plan status updates are published throughout the year with explanations provided for deviations. Proposed and actual expenditures of development charges are reported regularly. Audited financial statements accompanied by plain language explanations are published annually.

### **Public Services**

The City proactively provides information to the public on the services that are provided, the processes for accessing public services including fees and timelines, and contact information for key personnel, making the information easily accessible and using plain language. The City has expanded its internet and social media presence including online services. Feedback and complaint mechanisms are in place using a range of channels. The City's internal audit function has a broad mandate to review the efficiency and effectiveness of City operations under Council's direction.

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### **Procurement**

The City has a comprehensive, clear and understandable framework for the open and transparent procurement of goods and services. Opportunities are openly advertised and bids are opened publicly. Selection criteria are clear, awards are fully disclosed, and mechanisms are in place to dispute a contract award. Standardized documents and e-procurement technology are used to provide simple, secure and efficient processes and provide accurate and timely disclosure of information for potential contractors and the general public. The City has in place by-laws and procedures guiding the authority of staff to enter into contractual agreements within defined limits. By-laws and procedures also provide guidance for City land acquisition and sale.

### **Conflict of Interest**

The City applies clear rules and guidelines for the disclosure and management of conflicts of interest to ensure decisions are not improperly affected by self-interest. Direction is provided for offers of gifts and hospitality to prevent special interests from attempting to offer staff or members of Council items or services of value in return for favours. A code of conduct has been established for members of Council. Employment of relatives of staff and members of Council is limited through policy. The Integrity Commissioner role has been established to review potential conflicts of interest.

### **Records Management and Access to Information**

The City maintains sound records management practices, ensuring that accurate and reliable records are created and remain accessible, usable and authentic for as long as they are needed. A wide range of information and records are proactively made available to the public online, and routinely available information that is not available online can be requested directly from the service area or division responsible for the information. Records or information that is not routinely disclosed can be requested by making a Freedom of Information Request and the City will make every attempt to provide appropriate access to records while respecting the need for privacy, in accordance with legislation.

### **Open Data**

In support of transparency, the City is making its data "open by default". The prioritization for publishing open data is complemented by community engagement with citizens, businesses and other public sector organizations. The City strives to make this data machine and human readable, and releases public information that helps reveal and inform decision-making as open datasets. The City has created specific requirements, which are evolving, for ongoing updates of open data, and aims to release its data in a timely manner, dependent on the nature of the data. Open data is seen as a

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collaborative community undertaking to meet the needs of the community, and to monitor changes within the open government data community.

### **Citizen Engagement**

The City has adopted a commitment to effectively involving the community in public decision-making processes. A community engagement framework has been established and training is provided for city staff, to provide direction and guidance on the development and implementation of community engagement processes. As standard practice, staff reports to Council are required to indicate the way in which members of the community will be/have been involved in the issue at hand, if applicable. The City has a current policy regarding public notice requirements. Citizens and community members can also get involved through various citizen committees and boards. Citizen committees provide advice and feedback to City Council and standing committees on a variety of issues or topics, including arts and culture, accessibility, downtown, the environment and the City's strategic plan; whereas boards have the autonomy to make decisions for the good of their organizations.

## **7. ROLES AND RESPONSIBILITIES**

The City Clerk holds an oversight role for this Policy and is the first point of contact regarding the Policy. Staff and Council have responsibility for various actions and activities related to the policy and in support of the open government principles of accountability and transparency.

## **8. APPOINTMENTS**

Under part VI of the Municipal Act, the City is authorized to appoint the following: Integrity Commissioner, Lobbyist registry, Ombudsman, and Auditor General. New appointments are reviewed as deemed required by staff or Council. Continuations or renewals of existing appointments are reviewed before the expiration of the current contract term(s).

## **9. REVIEW AND REPORTING**

This Policy will be reviewed once during each term of Council for relevance, currency and accuracy including the review of activities and commitments in place to support accountability and transparency. The Policy is intended to provide general and relevant direction, on which to build supporting actions.

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Progress toward becoming more accountable and transparent will be reported through reporting on actions in the upcoming 4-year action plan, supporting the City's Open Government Framework.

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SECTION: GOVERNANCE  
SUBJECT: ACCOUNTABILITY AND TRANSPARENCY

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## POLICY STATEMENT

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

- encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- delivering high quality services to our citizens; and
- promoting the efficient use of public resources.

## PURPOSE

Accountability and transparency are standards of good government that enhance public trust. They are achieved through the City 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 its stakeholders. In addition, wherever possible, the City will engage its stakeholders throughout its decision making processes which will be open, visible and 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.

## LEGISLATIVE AUTHORITY

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. This policy has been developed in accordance with Section 270 of

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the Act.

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) governs access to information and protection of privacy for municipalities. This policy complies with MFIPPA.

## SCOPE

The principles of accountability and transparency shall apply equally to both the City's political and administrative management and decision making.

## DEFINITIONS

"Accountability" – The principle that the City will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.

"Transparency" – The principle that the City encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the City's decision making process is open and clear to the public.

## CORPORATE VALUES

The City of Mississauga's core values are fundamental to the City's relationship with our stakeholders and serve as a guiding principle to the City's corporate decision making process. They reflect the City's determination to provide good governance in an accountable and transparent manner. The City's core corporate values are:

- Trust – meaning the public trust that the City upholds, the open and responsive manner in which the City is governed.
- Quality – meaning the quality of life that the City provides to our taxpayers, delivering the right services that add value to our citizens' lives.
- Excellence – meaning the delivery of excellence in public administration and delivery of services in a superior way, at a reasonable cost.



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## ACCOUNTABILITY AND TRANSPARENCY IN FINANCIAL MATTERS

The City will be accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples in which the municipality provides such accountability and transparency are as follows:

- internal and external audit
- reporting statements
- long term financial planning
- asset management
- Purchasing By-law
- sale of land
- budget processes

## ACCOUNTABILITY AND TRANSPARENCY IN INTERNAL GOVERNANCE

The City's administrative practices ensure specific accountability on the part of its employees through initiatives including, but not limited to:

- policies on employment standards and employee conduct, including the Respectful Workplace policy
- performance management and evaluation processes
- recruitment policies, including hiring practices
- orientation/continuing education programs
- health and safety policies
- compensation policies and benefits programs
- creating administrative policies, practices and procedures that recognize Council's commitment to accountability and transparency, including the Whistleblower Program policy.

## ACCOUNTABILITY AND TRANSPARENCY IN PUBLIC PARTICIPATION AND INFORMATION SHARING

The City ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. Meetings will be open to the public when and as required under the Act,

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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 City has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, etc.

The City has a long-standing practice of routine disclosure in response to requests for information. The City also endeavours to respond to formal information requests within the parameters established by MFIPPA.

Some specific examples include:

- Procedure By-law
- Strategic Plan
- delegation by-laws and policies
- records retention policies
- planning processes
- Public Notice By-law
- Matters Considered In Camera policy
- information routinely released without formal request under MFIPPA

REFERENCE: GC-0775-2007 – 2007 12 12  
2014 07 14 – housekeeping – added reference to Whistleblower Program policy.

LAST REVIEW DATE: July, 2014

CONTACT: For more information, contact the Office of the City Clerk,  
Legislative Services Division, Corporate Services Department.

## Attachment 2 – Municipal Accountability and Transparency in Canada

**Ontario:** The Municipal Act (2001) and other legislation include provisions about openness and transparency in municipal decision making and service delivery.

Municipalities in Ontario may pass bylaws to establish:

- an **Integrity Commissioner** whose role is to perform, in an independent manner, the functions assigned by council with respect to the application of: (1) a code of conduct for members of council and local boards; and (2) the procedures, rules and policies governing the ethical behaviour of members of council and local boards. The Commissioner's functions may include conducting inquiries into requests from the public or local members about whether a local member has contravened the applicable code of conduct. If a member is found to have contravened the code of conduct, the municipality may impose a penalty of a reprimand or a suspension of pay for a period of up to 90 days.
- a **Municipal Ombudsman** whose function is to investigate, in an independent manner, decisions and recommendations made and acts done or not done in the course of the administration of a municipality, local boards or certain municipal corporations, as the municipality specifies.
- an **Auditor General** who may assist council in holding itself and municipal administrators accountable for the quality of stewardship over public funds and achieving value for money in municipal operations. The Auditor General must also perform their duties in an independent manner. The Auditor General's responsibilities do not include the responsibilities of the municipal auditor.

Municipalities in Ontario may adopt **codes of conduct** and are free to determine the content and style of their codes of conduct. Some common issues that codes address include use of municipal resources, gifts and benefits and conduct at council meetings. The Ontario *Municipal Act* includes provisions related to the **conduct of meetings** and the public's right to attend them. The term "meeting" is partly defined in the Act, which currently provides that a meeting means "any regular, special or other meeting of a council, of a local board or of a committee of either of them." Anyone may request an investigation of whether a closed meeting complied with the Act or a municipal procedural bylaw. Municipalities may appoint an independent investigator who may report with recommendations to council. If a municipality does not appoint an investigator, the Ontario Ombudsman may investigate.

Councillors and members of local boards have legal and ethical duties to consider in relation to **conflict of interest**. Some of these are found in the *Municipal Conflict of Interest Act*, but other related rules or codes may also apply. The *Municipal Conflict of Interest Act* sets out what may be regarded as a primary set of ethical rules for council and local board members. These rules apply, with some

exceptions, to council and local board members if they have a pecuniary interest in a matter that is before a council (or a local board) at a meeting.

Primarily through amendments to the *Ombudsman Act*, the role of the Ontario Ombudsman expanded beginning January 1, 2016 to include all Ontario municipalities. The Ontario Ombudsman's general role includes investigating complaints and making recommendations. As part of this, the Ontario Ombudsman may include any municipality in a broad-ranging, systemic investigation on his or her own initiative.

The Ontario Ombudsman may investigate municipal complaints to municipal integrity officers (except the Toronto Ombudsman) only after local complaint resolution processes, if any, have been completed. The Ontario Ombudsman will not be able to investigate complaints within the jurisdiction of the Toronto Ombudsman. Municipalities other than Toronto may appoint their own ombudsman if they choose. The City of Toronto is the only municipality in Ontario required by law to have an ombudsman. While the Ontario Ombudsman cannot compel municipalities to take action, the Ombudsman could make recommendations to council and the municipality.

**British Columbia:** Municipalities operate primarily under the *Community Charter*. Part 4 of the *Community Charter* addresses a broad range of accountability and transparency issues including: closed meetings, public engagement, public notice and access to records, reporting, conflict of interest, and challenge of council member qualification for office.

A person who contravenes the ethical standards provisions in the *Community Charter* may be disqualified from holding public office unless the contravention was done inadvertently or because of an error in judgement made in good faith. Section 110 of the *Charter* sets out that a person who is disqualified cannot run until the next general local election if the Supreme Court finds that he or she is found to be in contravention of the rules related to the: restrictions on participation if in conflict; exercise of inside influence; exercise of outside influence; acceptance of gifts; disclosure of gifts over \$250 in value; disclosure of contracts; and use of insider information.

A municipality, by a 2/3 vote of council, or 10 or more electors of the municipality may make the application to the Supreme Court to have a person disqualified. The *Community Charter* introduces the ability of the municipality or an elector to apply to the Supreme Court for an order requiring a member, or former member, to pay to the municipality all or part of the member's financial gain that was obtained as a result of contravening the rules governing ethical conduct.

### Attachment 3 – Overview of Current Accountability and Transparency Policies\*

Policy	Purpose
GOV-001-013 Elected Officials' Remuneration	Details remuneration for elected officials and process for increases and evaluation or remuneration rates.
GOV-001-024 Authorization and Verification of Unbudgeted Expenditures	Specifies that the County may only make expenditures that have been included in an operating budget, a capital budget or are otherwise authorized by Council resolution and provides guidelines for addressing unbudgeted expenditures.
GOV-001-026 Elected Officials Business Expense Policy	Provides clarity in determining what elected official expenses will be covered by the municipality and what expenses are considered to be personal expenses.
GOV-001-028 Council Code of Conduct	Provides guidelines for Elected Officials so that they may carry out their powers, duties and functions with impartiality and dignity, recognizing that the function of council members is, at all times, service to their community and the public.
GOV-001-029 Organizational Roles and Responsibilities	Outlines the roles and responsibilities for council and the Chief Commissioner/Administration and provides guidelines on the separation of the governance and administrative functions.**
GOV-001-031 Election Campaigns	Sets out guidelines respecting the use of County resources for election related purposes to promote public confidence in local government elections and to protect incumbent candidates from allegations of benefit or privilege or inappropriate use of County resources by taxpayers or other candidates.
GOV-002-025 Public Engagement	Establishes the foundation for the County's reasons, guidelines and procedures for conducting public engagement.

\* This list is not exhaustive but provides an overview of some of the obvious examples of accountability and transparency policies currently in place

\*\* Policy is currently under review by the GAC

