

**THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA &
MARIA**

BY-LAW 2009-10

BEING a by-law to describe how the Council of the United Townships of Head, Clara & Maria will attempt to ensure accountability and transparency in all of its activities to the public.

WHEREAS under the *Municipal Act, 2001* s. as amended, every municipality shall adopt a policy with respect to ensuring that municipalities are accountable and all of their actions are transparent to the public;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS Section 227 of the *Municipal Act, 2001*, provides that it is the role of the officers and employees of the Municipal to implement Municipal Council's decisions and to establish administrative practices and procedures to carry out Council's decisions;

AND WHEREAS the Council of the Corporation of the United Townships of Head, Clara & Maria currently utilizes various tools to ensure accountability and transparency;

AND WHEREAS new tools may be implemented from time to time to facilitate accountability and transparency;

BE IT HEREBY RESOLVED THAT the Council of the Corporation of the United Townships of Head, Clara & Maria does enact as follows:

1. **THAT** the following documents will assist municipal employees in understanding, complying with and enforcing the requirements of this by-law:
 - a. Employee and Councillor Code of Conduct
 - b. Employee Confidentiality Policy
 - c. Employee Confidentiality Statement
 - d. Gift Declaration Form
 - e. Complaint Resolution Policy
 - f. Complaint Form

PURPOSE

2. **THAT** 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.

DEFINITIONS

3. **THAT** for the purpose of this By-law, the following words shall have the meaning ascribed herein, unless the context requires otherwise:
 - **Accountability** - The principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
 - **Transparency** - The principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. Additionally, transparency means that the municipality's decision-making process is open and clear to the public.
4. **THAT** the Corporation of the United Townships of Head, Clara & Maria applies the principles of accountability and transparency equally to the political process and decision-making and to the administrative management of the municipality through the adoption of the following policies:
 - Disposition and Purchase of Land By-law and Policy;
 - Council Procedural By-Law;
 - Hiring of Employees Policy;

- Procurement of Goods and Services Policy;
 - Provision of Notice Policy;
 - Delegation of Authority Policy;
 - Council/Staff Code of Conduct;
 - Building Inspector's Code of Conduct;
 - Employee Statement of Confidentiality;
 - Closed Meeting Investigator;
 - Records Management and Retention By-law.
5. **THAT** other accountability measures that the Corporation adheres to that contribute to ensuring an accountable and transparent Council include:
- Public Distribution of Council and Committee Agenda, Meeting Documentation & Minutes;
 - Public Posting on website of all Agenda, Reports to Council, By-laws and Policies;
 - Annual Audit conducted by an Independent Auditor;
 - Public Budget Process;
 - Education and adherence to the *Municipal Conflict of Interest Act*;
 - Education of and adherence to the *Municipal Freedom Information Protection and Privacy Act (MFIPPA)*.

THE POLICY

6. **THAT** the Municipality shall endeavour to operate in an open, fair and accountable manner.
7. **THAT** financial matters shall be managed efficiently and effectively, in a manner that is open and accountable to the public.
8. **THAT** all meetings of Council, and its local boards, agencies and committees, shall be open to the public, except as prescribed by the Act.
9. **THAT** information shall be disclosed, in a timely manner, by various means including print media and the Municipality's website, to enable and encourage meaningful and effective participation by the public, in the municipal decision-making process.

PRINCIPLES OF ACCOUNTABILITY AND TRANSPARENCY

10. **THAT** the Municipality of the United Townships of Head, Clara & Maria will promote accountable and transparent municipal governance guided by the following principles:
- The Council of the United Townships of Head, Clara & Maria 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.
 - Municipal operations will be conducted in an ethical and accountable manner.
 - Financial resources and physical infrastructure will be managed in an efficient and effective manner.
 - Municipal information will be accessible so that it is consistent with legislative requirements.
 - Inquiries, concerns and complaints will be responded to in a timely manner.
 - Every new delegation of power or authority will have a corresponding accountability mechanism.
11. **THAT** 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 its stakeholders. In addition, wherever possible, the municipality will engage its stakeholders throughout its decision making process which will be open, visible and transparent to the public.

FINANCIAL MATTERS

12. **THAT** 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:

- external audit;
- monthly budget and journal entry reports;
- long term financial planning-use of reserve funds;
- implementation of a formal asset management program;
- purchasing/procurement by-laws, policies and procedures;
- sale of land by-law, policies and procedures;
- formal open budget process.

INTERNAL GOVERNANCE

13. **THAT** the municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

- code of conduct for staff and elected officials;
- performance management and evaluation system;
- hiring policy;
- orientation program and support of continuing education;
- health and safety by-law, policies and procedures;
- work/life balance and flexible work schedules;
- fair compensation and benefits with annual review;
- Clerk's responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency.

PUBLIC PARTICIPATION AND INFORMATION SHARING

14. **THAT** 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.

15. **THAT** 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 that ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including notices, newsletter and the municipal website. Some specific examples include:

- procedure by-law;
- code of conduct for employees and councillors;
- delegation by-laws;
- records management and retention by-law;
- planning processes;
- public notice by-law;
- town hall style meetings.

16. **THAT** If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction the remainder of this By-law shall still continue in force.

17. **THAT** this By-law will come into force and take effect on the date it is passed by the Council of The Corporation of the United Townships of Head, Clara & Maria.

READ a first and second time this 3rd day of April 2009.

READ a third time short and passed this 17th day of April 2009.

TAMMY STEWART, REEVE

MELINDA REITH, CLERK