

CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO. 2013-11

**BEING A BY-LAW TO ADOPT A ACCOUNTABILITY AND
TRANSPARENCY POLICY AND A POLICY FOR THE
DELEGATION OF POWERS AND DUTIES**

WHEREAS Section 270(1) 5 of the *Municipal Act S.O. 2001* as amended provides that every municipality shall adopt and maintain policies with respect to accountability and transparency;

AND WHEREAS Section 270(1) 6 of the *Municipal Act S.O. 2001* as amended provides that every municipality shall adopt policies with respect to the delegation of its powers and duties;

NOW THEREFORE the Council of the Township of McKellar hereby enacts as follows:

1. That the Policy for Accountability and Transparency, attached hereto as Schedule ‘A’ to this By-law is hereby adopted.
2. That the Policy for Delegation of Powers and Duties, attached hereto as Schedule ‘B’ to this By-law is hereby adopted.
2. That this by-law shall come into force and take effect upon passage by Council.

READ a FIRST and SECOND time this 4th day of March, 2013.

“original signed by Reeve”

“original signed by Clerk”

READ a THIRD and FINAL time and **PASSED** in **OPEN COUNCIL** this 18th day of March, 2013.

“original signed by Reeve”

“original signed by Clerk”

TOWNSHIP OF MCKELLAR

SCHEDULE 'A' TO BY-LAW NO. 2013 - 11

ACCOUNTABILITY AND TRANSPARENCY POLICY

PURPOSE

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 section 270(1) 5 of the Municipal Act, S.O. 2001 as amended.

This policy outlines the manner in which the Municipality will ensure that it is accountable to the public for its actions, and the manner in which the municipality will ensure that its actions are transparent to the public.

DEFINITIONS

Accountability: The principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions and 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 to the public.

POLICY STATEMENT

The Council of the Corporation of the Township of McKellar acknowledges its responsibility and duty to provide good municipal governance to those it serves 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 responsive to their opinions;
- Delivering high quality services to our citizens, and;
- 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 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.

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.

Some examples of how the Council and Staff of the municipality provide such accountability and transparency are as follows:

1. Financial Information Returns filed annually with the Ministry of Municipal Affairs and Housing. Annual Financial Statements received and adopted by Council. Notice of their availability given to the public.
2. External audits are completed on an annual basis by independent accredited Chartered Accountants.
3. Code of Conduct policies
4. Procurement policies, advertising of tenders and RFP documents
5. Disposal of Real Property By-law

6. Financial reports and updates
7. User Fee By-law
8. Hiring Policy
9. Health and Safety Policy
10. Council Procedural By-law
11. Municipal Conflict of Interest Act
12. Planning Act
13. Appointment of the Ontario Ombudsman as the closed meeting investigator
14. Processes under the Municipal Freedom of Information and Protection of Privacy Act
15. Records Retention By-law
16. Notice By-law
17. Publication of agendas and minutes on web site
18. Posting of Public notices, job ads, announcements, public participation opportunities, activities, By-laws, general information, etc. on web site
19. Municipal newsletters sent out with tax billing
20. Harassment and Violence Policy
21. Donation Policy
22. Criminal Records Check policy
23. Appoint signing officers
24. Asset Management Policies
25. Staff orientation and continuing education
26. Regular web site updates

TOWNSHIP OF MCKELLAR

SCHEDULE 'B' TO BY-LAW NO. 2013 - 11

DELEGATION OF POWERS AND DUTIES POLICY

PURPOSE

The affairs of the Township of McKellar are governed by its duly elected Council. However, Council's administrative and/or legislative authority may from time to time, for various reasons, be delegated to a person and/or a body in accordance with, and subject to the restrictions of Ontario's *Municipal Act, S.O. 2001* as amended.

This policy sets out the scope of those powers and duties that Council may delegate from time to time to another person and/or body, and establishes general guidelines governing such delegation.

DEFINITIONS

For the purpose of this Policy:

- a) "Act" means the Municipal Act, S.O. 2001, as amended
- b) "administrative powers" means decisions and actions exercised in and for the administration and management of the Corporation and its affairs but does not include Legislative Powers.
- c) "Corporation" means the Corporation of the Township of McKellar.
- d) "Council" means the duly elected Council of the Corporation of the Township of McKellar.
- e) "Legislative powers" means any and all decisions and actions of a legislative or quasi-judicial nature such as, inter alia, the enactment of by-laws and resolutions.

POLICY

Council, as a duly elected municipal government, is at all times directly accountable to those it serves for its decisions and policies which are generally adopted or taken by way of by-law or resolution.

For various reasons, such as for instance ensuring the efficient management of the Corporation and responding to issues in a timely fashion, Council will from time to time delegate certain of its powers and associated duties to committees, officers, employees and/or agents of the Council and/or the Corporation while concurrently maintaining accountability. In doing so, Council shall adhere to the provisions of the Act with respect to the delegation of its authorities and any restrictions and/or prohibitions contained therein.

DELEGATION POLICY

It is Council and the Corporation's policy that:

- a) All delegations of Council powers, duties or functions, where permitted by law, shall be confirmed by written by-law or resolution and shall be subject to the terms and conditions of the delegating by-law or resolution.
- b) Unless a power, duty or function of Council has been expressly delegated by by-law or resolution, such power, duty, or function shall remain with Council.
- c) A delegation of power, duty or function under any by-law or resolution to any officer, employee or agent of the Corporation includes a delegation to a person who is appointed by the Clerk Administrator of the Corporation to act in the capacity of the original delegate in the original delegate's absence.
- d) Subject to paragraph c) above, a person to whom a power, duty or function has been delegated by by-law or resolution has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted in the applicable by-law.

- e) Subject to the provisions of the Act, Legislative powers may be delegated by Council only where they are minor in nature (as defined in the Act) or where Council has explicitly provided the terms and conditions under which the delegated Legislative powers shall be exercised.

All by-laws and resolutions of the Corporation delegating authority of the Council in effect as of the date of the adoption of this Policy remain in full force and effect.

In exercising any delegated power, the person or body to whom the power is delegated shall comply with the following:

- a) Apparent or actual conflicts of interest shall be declared as soon as possible upon the earliest of accepting, receiving and/or exercising any delegated authority.
- b) Any expenditure related to the delegated matter shall have been provided for in the Corporation's current years budget (or otherwise specifically authorized by by-law or resolution).
- c) The delegate shall not exceed the scope of the delegated authority and shall at all times act in the Corporation's best interest.
- d) Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this Policy.
- e) Delegate(s) shall observe all of the Corporation's and Council's policy guidelines exercising the delegation.
- f) Without limiting the generality of paragraph e) above, all insurance and risk management policies shall be complied with in the exercise of the delegation.