



Staff Report

Administration – Town Clerk

Report To: COW_Finance_Admin_Fire_Community_Services
Meeting Date: August 26, 2024
Report Number: FAF.24.096
Title: Follow Up to Public Meeting Re: Update to the “Accountability and Transparency of Town Actions to the Public Policy, POL.COR.07.01”
Prepared by: Corrina Giles, Town Clerk

A. Recommendations

THAT Council receive Staff Report FAF.24.096 entitled “Follow Up to Public Meeting Re: Update to Accountability and Transparency of Town Actions to the Public Policy, POL.COR.07.01;”

AND THAT Council approves the “Accountability and Transparency of Town Actions to the Public Policy” as attached to this staff report and directs staff to provide a By-law to Enact the Accountability Policy to the next Council Meeting, for enactment.

B. Overview

This report seeks Council direction to repeal and replace the current “Accountability and Transparency of Town Actions to the Public Policy, POL.COR.07.01” with a new updated Policy, as attached to this staff report.

C. Background

At the June 10, 2024 Committee of the Whole meeting, Council received staff report [“FAF.24.075 Update to Accountability and Transparency of Town Actions to the Public Policy, POL.COR.07.01”](#) and provided direction to staff to proceed to a Public Meeting to receive comments on the new draft policy as attached to staff report FAF.24.075.

D. Analysis

At the July 9, 2024 Public Meeting, Council sought comments from the public and in response, one verbal comment was received.

The Accountability and Transparency of Town Actions to the Public Policy is a guiding document, and in its “Procedures” section sets out the principles and practices with respect to financial matters, internal governance, public participation and information sharing. The guiding documents and practices are referenced in each of these sections and identifies how the Town will ensure it is accountable in its actions.

Regarding public engagement, staff confirm that public engagement with Council can be in many forms, including correspondence, deputation, public comment, or a comment made in response to a Public Meeting Notice at a Council Meeting. The formal ways in which a person may engage with the public are as referenced in the Procedural By-law. Information on how to address Council, is available on the Town's [Public Engagement Webpage](#), or through the Clerk's office.

In addition, the public also has the opportunity to contact Council members outside of the formal Council Meetings, to provide their concerns regarding a matter. Further to staff report [FAF.24.085 Informal Public Engagement Opportunities](#) included on the July 8, 2024 Committee of the Whole Agenda, the Communications Department have scheduled a Community BBQ with Council, and will schedule and promote the coffee/breakfast with Council events, commencing in September, 2024.

In response to the question regarding the percentage of time Council meetings are in open session and in closed session, staff confirm that all meeting minutes include the start time of meetings, the time that Council moved into and rose from closed session, and the adjournment time of the meeting. Minutes, once adopted by Council, are posted to the Town website.

Staff confirm that the Town is compliant with the provisions of the Accessibility for Ontarians with Disabilities Act, 2005 ("AODA"). The Town's [Accessibility](#) webpage provides additional information on the Town's commitment to accessibility, including how a resident may request to receive information in a different format to meet their specific needs.

With respect to communications, the Town is guided by its [Communications Strategy 2021-2025](#) that sets out how all residents and stakeholders may receive communications from the Town and how residents may communicate with the Town.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

F. Environmental Impacts

None

G. Financial Impacts

To date, through attendance at the Accountability and Transparency Committee meetings, doing research and assisting in the development of a draft policy, attending the Public Meeting, and preparation of the within staff report and bylaw, approximately eighteen hours have been spent by the Town Clerk.

H. In Consultation With

Accountability and Transparency Committee
Senior Management Team

I. Public Engagement

The topic of this Staff Report will be the subject of a Public Meeting in accordance with the following schedule:

- June 10, 2024 Committee of the Whole – Initial staff report with recommendation to proceed to public consultation;
- June 17, 2024 Public Meeting Notice will be posted to the website posted before June 17, 2024 to provide 21 days notice;
- June 24, 2024 Council – recommendation from Committee of the Whole considered by Council
- July 9, 2024 Public Meeting
- August 26, 2024 Committee of the Whole – Followup report to the Public Meeting, attaching comments received in response to the Public Meeting;
- September 9, 2024 Council – recommendation from Committee of the Whole considered by Council, and related By-law, if any

Any comments regarding this report should be submitted to Corrina Giles, Town Clerk, townclerk@thebluemountains.ca.

J. Attached

1. Attachment 1 – Accountability and Transparency of Town Actions to the Public Policy enacted December 2007
2. Attachment 2 – Draft Accountability and Transparency of Town Actions to the Public Policy
3. Attachment 3 – Draft Bylaw to enact a new Accountability and Transparency of Town Actions to the Public Policy

Respectfully submitted,

Corrina Giles
Town Clerk

For more information, please contact:
Corrina Giles, Town Clerk
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Report Approval Details

Document Title:	FAF.24.096 Follow Up to Public Meeting Re Proposed Changes to Accountability and Transparency Policy.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - POL-COR-07-01-Accountability-and-Transparency-of-Town-Action- to-the-Public.pdf- Attachment 2 - Draft Accountability and Transparency Policy as approved at Committee May 9, 2024.pdf- Attachment 3 - Accountability and Transparency By-law DRAFT.docx
Final Approval Date:	Jul 23, 2024

This report and all of its attachments were approved and signed as outlined below:

Shawn Everitt - Jul 23, 2024 - 3:51 PM



Policy

POL.COR.07.01 Accountability and Transparency of Town Actions to the Public

Policy Type:	Corporate Policy (Approved by Council)
Date Approved:	December 10, 2007
Department:	Administration
Staff Report:	A.07.33
By-Law No.:	2007-115
Revised:	06.08.09

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, 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. 2009-59, 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. 2009-59 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.

Accountability and Transparency of Town Actions to the Public

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.



Policy

POL.COR.24.XX

Accountability and Transparency of Town Actions to the Public

Policy Type: Corporate Policy (Approved by Council)

Date Approved: Month, 00, 2024

Department: Administration

Staff Report:

By-Law No.: 2024-xx

Policy Statement

The Town of The Blue Mountains is committed to providing efficient, accessible government services to its residents and being accountable and transparent to those it serves in its affairs.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the Town 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 residents. In addition, wherever possible, the Town will engage its residents throughout its decision-making process which will be open, visible and transparent to the public.

Purpose

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 Town of The Blue Mountains activities and services in accordance with the principles as outlined herein, the Municipal Act, 2001, S.O. 2001, c.25 and any other applicable law.

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

Definitions

“Act” means the Municipal Act, 2001. S.O. 2001, c.25 as amended.

“Accountability” means the Town of The Blue Mountains and its elected Council’s commitment, undertaking and duty to answer to those it serves for its actions, inactions and general state of affairs.

“Committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 percent of the members are also members of one or more Councils or Local Boards.

“Corporation” means The Corporation of the Town of The Blue Mountains.

“Council” means The Council of the Town of The Blue Mountains.

“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.

“Town” means The Corporation of the Town of The Blue Mountains.

“Transparency” means the Corporation and its Council’s commitment and undertaking to be open to those it serves in the execution of its offices, duties and activities and its commitment to public participation and input in its decisions and activities.

Application

The Council of the Town of The Blue Mountains acknowledges its duty to provide good municipal governance to those it serves. It further acknowledges that good governance is tied to and measured by its commitment to transparency in its affairs.

Accordingly, the Council of the Town of The Blue Mountains hereby affirms its commitment to accountability and transparency in its affairs. It intends to achieve these goals by:

- encouraging and permitting, where appropriate, public access to and participation in its processes, debates and meetings to ensure that its decisions and actions are responsive to the needs of its residents and receptive to their opinions,
- delivering high quality services to those it serves; and,
- promoting and monitoring the efficient use and expenditure of public resources

Accountability, transparency and openness are standards of good government that enhance public trust in municipalities and its elected officials. They are achieved through the Town adopting measures ensuring, to the best of its ability, that all activities and services are

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undertaken utilizing a process that is open and accessible to its stakeholders and compliant with the Act and any other relevant legislation.

The Town will promote accountable and transparent municipal governance guided by the following principles:

- i. Decision-making will be open, fair and transparent;
- ii. Municipal operations will be conducted in an ethical and accountable manner;
- iii. Financial resources and physical infrastructure shall be managed in an efficient and effective manner;
- iv. Municipal information will be accessible so that it is consistent with legislative requirements;
- v. Inquiries, concerns and complaints will be responded to in a timely manner;
- vi. Public access and participation will be encouraged to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- vii. An open, responsive meeting process will ensure that residents have access to and awareness of the Council/Committee business being discussed;
- viii. Every new delegation of power or authority will include appropriate accountability mechanisms;

Wherever possible, the Town will engage those that it serves throughout its decision-making process which will be open, visible and transparent to the public, as follows:

- i. **Open Council Sessions:** All discussions related to official council business, including policy deliberations, decision-making processes, and relevant matters, shall take place during open council sessions. Closed-door meetings (that are not included on a meeting agenda) among council or committee members are strictly prohibited for official business.
- ii. **Public Accessibility:** Council sessions, committee meetings, and any other gatherings related to official business shall be accessible to the public. Meetings may be live-streamed or recorded to facilitate broader public engagement.
- iii. **Documentation and Records:** Comprehensive records of all council discussions, decisions and supporting documents shall be maintained and made available to the public upon request. This includes meeting minutes, reports, and any other relevant materials.
- iv. **Notification of Meetings:** Advance notice of all Council sessions and Committee meetings, along with the agenda items, shall be provided to the public.
- v. **Confidential Matters Exception:** While promoting transparency, certain matters may be confidential due to legal, personnel, or sensitive issues. In such cases, closed sessions may be held but the nature of discussions and decisions may be disclosed to the public once the confidentiality concerns are resolved.
- vi. **Ethical Conduct:** Council members are expected to uphold the highest standards of ethical conduct in all interactions related to official business. Any attempt to circumvent the open and transparency process outlined in this policy will be considered

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a breach of conduct and should be reported to the Council's Integrity Commissioner for investigation.

By adhering to this policy, the Council aims to build public trust, encourage civic participation, and uphold the principles of open and transparent governance.

Procedures

Principles of accountability and transparency apply equally to the political process, exercise of municipal authority and prerogatives and the Corporation's administration.

The Corporation shall meet its duties and responsibilities and prerogatives prescribed in the Act and any other applicable law in the exercise of its affairs and appoint such officials to review its practices as required by the Act.

More specifically, but without limiting the generality of the foregoing, the Council and Corporation shall adhere to the following principles and practices with respect to the following subject matters:

Financial Matters

The Corporation will be open, accountable and transparent to those it serves in its financial dealings as required by the Act and all other applicable law.

Rigor will be applied and achievement will occur through:

1. Regular review of its activities and finances;
2. Reporting of its finances and preparation of relevant financial statements;
3. Long term financial planning;
4. Fees and Charges By-Law;
5. Managing its assets in a fiscally prudent and open manner;
6. Adopting and/or adhering to appropriate purchasing/procurement policies and/or bylaws adopted or amended from time to time;
7. Adopting and/or adhering to appropriate policies with respect to the sale of the Corporation's land; and
8. Forecasting and adhering to established budgets.

Internal Governance

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

1. Appointment and retention of competent leadership, including without limitation a Chief Administrative Officer;
2. Adoption of a Code of Conduct for all the Corporation's employees;

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3. Establishment of a fair and consistent performance management and evaluation process;
4. Fair and transparent hiring practices and policies;
5. Adoption of consultative policies and practices; and
6. Adherence to a continuous improvement philosophy in regards to accountability and transparency

Public Participation and Information Sharing

The Corporation strives to be open, transparent and accountable to those it serves through the implementation of processes outlining how, when and under what rules meetings will take place.

Council and its Committee 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 deputations or comments in writing or verbally on specific items at these meetings in accordance with the Corporation's Procedural By-law.

The Town's information shall be readily available to the public subject to the requirements of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

The Corporation welcomes the public's participation in its affairs and commits to providing policies and procedures to assist and support the public to participate. Its communication policies and strategies will ensure timely dissemination of notices, decisions and other matters concerning the Corporation and its affairs. Such information will be made publicly available through print material, the Corporation's website, social media platforms and the media.

Examples of available materials addressing the Council and Town's commitment to accountability and transparency include, but are not limited to the Corporation's:

1. Procedural bylaw
2. Strategic plan/priorities
3. Deputation rules
4. Records retention policies
5. Appointment of Integrity Commissioner and Closed Meeting Investigator
6. Budget
7. Planning processes
8. Provision of Notice and Manner of Providing Notice to the Public Policy; and
9. Agendas and minutes posted to the Town's website.
10. Lobbyist Registry, once approved.

Exclusions

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

References and Related Policies

Municipal Act, 2001

Provision of Notice and Manner of Providing Notice to the Public Policy, POL.COR.07.03

Delegation by Council or Powers and Duties Policy, POL.COR.07.04

Sale and Other Disposition of Land Policy, POL.COR.07.02

Closed Session Meeting Policy, POL.COR.09.08

Purchasing of Goods and Services Policy, POL.COR.07.05

Hiring of Employees Policy, POL.COR.22.02

Performance Management Program Policy, POL.COR.22.03

Town Procedural By-law 2023-62

Consequences of Non-Compliance

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

Review Cycle

Council and the Senior Management Team will review this policy once per term of Council in open session.

The Corporation of the Town of The Blue Mountains

By-Law Number 2024 –

Being a By-law to adopt a policy of the Town detailing accountability and transparency of Town actions to the Public

WHEREAS subsection 5(3) of the *Municipal Act, 2001* states a municipal power, including a municipality's capacity, rights, powers and privileges of a natural person, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS section 270 of the *Municipal Act, 2001* states that a municipality shall adopt and maintain a policy describing 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 WHEREAS Council considered and adopted the recommendations in staff report FAF.24.075 Accountability and Transparency of Town Actions to the Public Policy, POL.COR.07.01 at the June 24, 2024 Council Meeting to proceed with a Public Meeting on July 9, 2024;

AND WHEREAS Council considered staff report FAF.24.096 at the August 26, 2024 Committee of the Whole Meeting and at the September 9, 2024 Council Meeting, adopted the recommendation, to proceed with the enactment of a new updated Accountability and Transparency of Town Actions to the Public Policy and associated By-law;

NOW THEREFORE Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT Town Policy POL.COR.24.XX, "Accountability and Transparency of Town Actions to the Public" is hereby adopted and directed for application as a Corporate Policy in all spheres of municipal business;
2. THAT Corporate Policy POL.COR.07.01 is hereby repealed and replaced by Policy POL.COR.24.XX;

THAT, with the enactment of the within By-law, By-law 2007-15 being a By-law to adopt a policy of the Town detailing accountability and transparency of Town actions to the Public, is hereby repealed and replaced.

Enacted and passed this 9th day of September, 2024.

Andrea Matrosovs, Mayor

Corrina Giles, Town Clerk