



## TOWN OF MINTO

**DATE:** March 1, 2016  
**REPORT TO:** Mayor and Council  
**FROM:** Bill White, C.A.O. Clerk  
**SUBJECT:** Code of Conduct, Integrity Commissioner  
Complaints Policy, Municipal Ombudsman

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### **STRATEGIC PLAN:**

12.7 Demonstrate innovation in all aspects of municipal business acknowledging the importance of training, succession planning, transparency, communication and team-based approaches to municipal operations.

### **BACKGROUND**

As of January 1, 2016, the Ontario Ombudsman can take public complaints about the general business of 444 municipalities. According to their website: “The Ombudsman may be able to help with issues such as concerns about municipal services (e.g., snow removal, parking, garbage collection); programs (e.g., recreation programs, housing, Ontario Works), administration of taxes, municipally-owned hydro utilities, conduct of council members, conflicts of interest, or the work of local accountability officers.” This is in addition to closed meeting investigations already done for many local municipalities.

The Town had discussed implementation concerns about this oversight with Provincial representatives including the Deputy Premier before the legislation was finalized. The Ministry of Municipal Affairs denied our most recent delegation request and appear not to have been involved in implementation as there is no discussion on their website. Very little guidance is being offered at any level.

Council may recall my summary of the OGRA ROMA presentation by John Mascarin Aird and Berlis Law entitled “who will guard the guards themselves”. The new Ombudsman Paul Dube is expected to bring a professional and reasoned tone to the office, but Mr. Mascarin encouraged municipalities to upgrade their complaint tracking policies, and re-consider use of current Municipal Act tools such as the Code of Conduct and Accountability Officers to formalize complaint handling. This position is supported by the Ombudsman in a section of its website for municipal staff. <https://www.ombudsman.on.ca/About-Us/Who-We-Oversee/Municipalities.aspx#Staff>

Several sections of the Municipal Act summarized below include optional and required tools for handling complaints and guiding the conduct of municipal Council and staff.

#### *Code of Conduct*

Section 223(2).1 of the Municipal Act allows Council to adopt a Code of Conduct to govern the overall behaviour of council and local boards. The Code could set out rules and policies of the Town “governing the ethical behaviour” of Councillors.

The Act allows an Integrity Commissioner reporting to Council to be appointed to deal with complaints about violations of the Code of Conduct. The Town is not required to have a

Code of Conduct or appoint an Integrity Commissioner. If there is a Code of Conduct, Council cannot impose a reprimand or suspension unless an Integrity Commissioner is in place.

#### *Municipal Ombudsman*

Section 270 of the Municipal Act lists mandatory policies municipalities must have in place including one 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.” Section 223.13 allows Council to appoint its own Ombudsman to independently investigate any decision or recommendation made or act done or omitted in the course of the administration of the municipality. Some municipalities have appointed a local Ombudsman to report to Council on such issues.

#### *Auditor General*

Section 223.19 (1) of the Municipal Act states Council may appoint “an Auditor General who reports to council and is responsible for assisting the council in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations.” This is different than appointing an auditor under Section 296(1) which is required of all municipalities to audit financial transactions, and express an opinion on the transactions. Some larger municipalities have appointed an Auditor General.

#### *Judicial Investigation*

Another key section is 274(1) which allows a municipality to ask a judge of the Superior Court to investigate misconduct of a councillor, employee or person having a contract with a municipality. The judge can also look at the conduct of the Town’s business and the “good government” of the municipality. Often municipalities are assigned the cost of an inquiry.

#### *Role of Council*

Under Section 224 (d1) Council, among other duties, is “to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality.” Councillors must also represent the public and maintain the financial integrity of municipalities. Section 225 states the duties of the Mayor including providing leadership to Council and functioning as the chief executive officer. These responsibilities are set out in detail in the Town’s Procedural By-law, but clearly Council exercises a critical decision making role in municipal business.

#### *Role of Staff*

The Municipal Act also requires municipalities appoint a Treasurer and a Clerk, and may also appoint a Chief Administrative Officer. Duties are specified in the act and include in all cases “such other duties as are assigned by the municipality.” All positions have a responsibility to comply with obligations set out in the Municipal Act or other legislation including the by-laws and policies of the Town.

The Municipal Act states a CAO, if appointed, is responsible for the “general control and management” of municipal matters and ensuring its “efficient and effective operation.” The Clerk must record resolutions and decisions of Council without note or comment, report the name and vote on a matter if asked by a Councillor, keep originals or copies of by-laws and minutes. The Treasurer is to collect payables, issue receipts, deposit money, pay debts and

expenses, maintain account records, provide information to Council on the “financial affairs of the municipality”, and ensure investments meet applicable regulations.

#### **COMMENTS:**

The Municipal Act allows an Integrity Commissioner, Municipal Ombudsman and Auditor General to be appointed to provide oversight in key areas of municipal business. Unresolved issues can be referred to Judicial Investigation for a complete independent review by a judge. This is aside from legislated obligations on Council and staff to effectively manage municipal operations in a transparent and accountable fashion.

The Ombudsman’s new oversight role applies even if a municipality has all these appointments in place. The Ombudsman cannot become involved until that local appointee has made a decision, but can review and provide an opinion once the appeal process is exhausted. The Ombudsman cannot change a local decision but makes recommendations on the process taken.

When Minto complaint policies and procedures are in order, the Town could simply accept the independent oversight from the Ombudsman. This avoids duplicating the Ombudsman’s role by appointing separate officers all reporting to Council. An alternative is a joint appointment with the County or an adjacent municipality if Council felt there was benefit from more local oversight. Currently Wellington County local municipalities share a closed meeting investigator. Another alternative is to appoint one person to serve all three roles if Council felt these positions all could add value to the Town’s complaint process.

Complaints about potholes, drainage, by-laws and customer service are relatively common. They are resolved with a process with only basic written policy. The attached Schedule includes a newly defined complaint policy supported by three key policy documents that make clear how Minto achieves transparency, good government, and fiscal accountability.

1. Code of Conduct
2. Transparency and Accountability
3. Fiscal Accountability

The policies as constituted do not call for Council to appoint an Integrity Commissioner, Municipal Ombudsman or an Auditor General. The policies make it clear how complaints are processed with a clear completion point before the public can ask the Ombudsman to assist.

#### **FINANCIAL CONSIDERATIONS:**

The policies and procedures as outlined represent current practices of the Town and will not cause significant increases in budget or staffing to implement.

#### **RECOMMENDATION:**

THAT Council receives the C.A.O. Clerk’s March 1, 2016 report regarding Code of Conduct, Integrity Commissioner, Complaints Policy, Municipal Ombudsman and provides comments on the draft policies attached prior to a by-law coming forward in open session at a subsequent meeting.

Bill White, C.A.O. Clerk

**SCHEDULE "A" TO BYLAW NO. 2016-\_\_\_**  
**Code of Conduct, Accountability, Transparency and Complaint Policy**

**1. DEFINITIONS**

**"Accountability"** - the principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as actions or inactions;  
**"Act"** is the Municipal Act, 2001, S.O. 2001, as amended, and its regulations;  
**"Council"** is the Council for the Corporation of the Town of Minto;  
**"Committees"** are committees, commissions, municipal service boards and local boards, appointed by Town of Minto Council;  
**"Municipality"** is the Corporation of the Town of Minto;  
**"Officers"** are employees of the Town of Minto and includes its officers and agents;  
**"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.

**2. LEGISLATIVE AUTHORITY**

The following sections of the Municipal Act are the authority for this policy:

- a) Section 223(2).1 allows adoption of a Code of Conduct governing overall behaviour of council and local boards.
- b) Section 223.19 (1) permits an Auditor General to be appointed to hold Council and its officers accountable for stewardship of public funds and achieving value for money in municipal operations.
- c) Section 224(d.1) stating Council must ensure the accountability and transparency of operations and activities of the senior management.
- d) Section 270.(1)5 requires a policy stating how a municipality will certify it is accountable to the public for its actions, and how its actions are transparent to the public.

**3. PURPOSE**

To establish standards of behaviour for council, staff and local boards, set expectations of personal conduct and ethical behaviour, identify methods by which the Town is accountable to the public for its actions, specify how the municipality will ensure its actions are transparent, and confirm methods by which the Town will ensure value for money and proper stewardship of public funds.

**4. APPLICATION**

This Policy includes attached Schedules that apply to Council, Committees of Council, employees and appointed agents of the Municipality.

**5. POLICY STATEMENTS**

This policy confirms the Town's commitment to the following:

- a) A high standard of behaviour for members of Council, appointed committee members, staff and agents demonstrated by strong work ethic, compliance with the law, morality, respectful debate, and accountability.
- b) Staff, Council, members and agents who conduct themselves with dignity, exemplify rural values, listen, respond, participate, question, and respect decorum and diversity.

- c) The fundamental principle that accountability and transparency create good government and decision-making must be open, transparent and made at Council and Committee meetings planned, conducted and reported on in the “public eye”.
- d) Efficient, effective and economical municipal operations that respect the environment limited resources, and short and long term needs set out in asset management plans.
- e) Supplying information that is accessible, consistent with legislative requirements, and respectful of privacy where applicable, and responding to inquiries, concerns and complaints in a timely manner.
- f) Financial management, service standards and performance reporting and all other accountability documents will be made available and accessible for public scrutiny and awareness of municipal operations.
- g) Complaint processes that respect different views, allow dialogue from all sides, proceed without delay, progress through the organization, and permit access to Council if an issue is not resolved and a written explanation has been provided.

## **6. POLICY REQUIREMENTS**

The following policies attached to this document address the policy statements above:

- a) Schedule “A” Code of Conduct
- b) Schedule “B” Accessibility and Transparency Policy
- c) Schedule “C” Fiscal Accountability Policy

## **7. POLICY ASSESSMENT**

The Municipality demonstrates its commitment to accountability and transparency by providing a framework of policies, practices, procedures and bylaws that create sound governance and sustainability categorized as follows:

## **8. MONITORING/CONTRAVENTIONS**

- (i) The C.A.O. Clerk or Deputy Clerk shall be responsible for receiving complaints and/or concerns related to the policies provided in the attached Schedules. Upon receipt of a complaint and/or concern, the Municipal Clerk shall notify:
  - 1. In the case of an employee, the immediate Supervisor and Director responsible for the department of the employee, and the Mayor or Deputy Mayor.
  - 2. In the case of an operational issue the Director, Committee Chair (if applicable) of the area in question and the Mayor or Deputy Mayor.
  - 3. In the case of Council, the Mayor and Deputy Mayor.
  - 4. In the case of a closed meeting, the Closed Meeting Investigator.
  - 5. The individual who filed the complaint of the date and time of receipt including documentation in Keystone Call Manager software, My311 or similar complaint tracking package.

Public complaints through a Council member shall be filed through the C.A.O. Clerk who shall respond directly to person who filed the complaint as well as the Councillor involved. The C.A.O Clerk shall determine where on the formal process a public complaint filed through a Councillor should be placed keeping in mind Town customer service goals.

- (ii) At all times staff shall respond to complaints on the basis that time is of the essence and while a complaint may not be resolved immediately; those that file the complaint should be entitled to status updates on their concern. The Town’s formal process for addressing complaints shall be as follows:

- a) File Complaint in writing, email or on-line identifying the specific details surrounding the complaint or call for service including the name of persons with the Town, if any, previously contacted.
- b) Written complaints shall be documented in the Keystone Call Manager software, My311 or similar complaint tracking package and sent to the affected Department Head.
- c) Department Heads shall speak to applicable staff about the complaint and either resolve the complaint or respond in writing, email or on-line outlining when the complaint will be resolved or why it may not be resolved. This response shall be sent directly to the person who filed the complaint and documented in Keystone, Call Manager, My311 or other applicable tracking package.
- d) Unresolved complaints or those where response is delayed may be appealed to the C.A.O. Clerk who shall first work with the Department Head to understand the reason the matter is delayed or unresolved. Upon completing a full review the C.A.O. Clerk will issue a second written response outlining the municipalities' position with respect to the unresolved or delayed complaint with such response documented in the appropriate tracking package.
- e) Within a reasonable time the person who received the C.A.O. Clerk's response may meet with the Mayor, C.A.O. Clerk, Department Head and front line staff to fully review the nature of the complaint and the Town's response. This meeting shall occur in the Town office or in a location in the municipality more acceptable to the individual involved, and shall be documented in the appropriate tracking package. Written minutes of the meeting will be taken and provided to the respective parties and action items identified.
- f) The final step in the process for unresolved or delayed requests is a delegation before Council by the member of the public or his/her representative. Following that delegation Council shall give direction by resolution which shall represent the Town's final position on the matter. The C.A.O. Clerk or Deputy Clerk shall advise the person who filed the complaint and his/her representative of the final decision of Council and that the Town's complaint process and appeal mechanisms have been exhausted.

(iii) Confidentiality

Complaints received under this policy shall be dealt with professionally and promptly. The names of individuals who file a complaint shall not be made public until such time as the individual wishes to appear before Council in open session. At that time the person who filed the complaint may choose to send an agent to speak to Council.

Staff members who are dealing with complaints who know the name of the individual who file the complaint shall not disclose that name without the written consent of that individual. Complaints of a personal nature involving individual staff members or Councillors ("identifiable individuals") will be dealt with by Council in closed session. Council may by resolution allow the person who filed the complaint to appear in closed session on that matter. No complaint will be dealt with in closed session of Council unless it qualifies for such consideration by legislation.

## **9. POLICY REVIEW AND INQUIRIES**

This Policy shall be reviewed by the C.A.O. Clerk once per term of Council. Inquires shall be through the C.A.O. Clerk, 5941 Highway 89, Minto ON N0G 1Z0 519-338-2511 x222 [bwhite@town.minto.on.ca](mailto:bwhite@town.minto.on.ca)

## **Schedule “A” Code of Conduct**

### **1.0 Statement of Principle:**

The Code of Conduct helps ensure Council members, staff, appointees and agents share a common basis for acceptable behaviour. These standards supplement legislative parameters which may apply to some positions. The intent is to enhance public confidence that The Town’s representatives operate from a base of integrity, justice and courtesy.

The parties to this policy pledge to make honest statements, and to not knowingly issue misdirected or misleading statements when dealing with any ratepayer, business, organization or group on any Town related manner.

### **2.0 Representing the Town of Minto**

Members of Council and staff shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed, and/or support, and further shall participate in community activities and events where possible and practical to do so as to increase the exposure of all representatives of the Town of Minto to the public and supporting agencies.

### **3.0 Conflict of Interest:**

Parties to this policy shall be aware of the potential for a conflict of interest when dealing with municipal matters. Members of Council and local Boards must comply with the Municipal Conflict of Interest Act. Some staff members are bound by codes set out by an association or designation necessary to fulfill their position. Anyone covered by this policy concerned about a conflict of interest must publically declare it and take the appropriate public action to not participate in discussion or resolution of an issue.

A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect financial interest, bias, prejudgement, close mindedness or undue influence.

When considering whether or not a conflict exists, it is important to consider whether there are grounds for a reasonable person to think that a conflict exists. It is possible to have a conflict that might not be financial. The perception of a conflict must be considered under this policy by all parties.

It is the responsibility of individuals to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest. If and to not require or attempt to burden staff members to assist in the determination of a conflict of interest for individual members of Council.

### **4.0 Acceptance of Gifts and Benefits Prohibited**

Council is remunerated according to the current Remuneration By-law, while staff is compensated according to the human resources policy of the Town including the Town’s pay policy. Members of Council and staff shall not solicit, accept, offer or agree to accept, a commission, reward, gift, advantage or benefit of any kind, personally or through a family member friend, which is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

Members of Council and staff may accept the following:

- a) Personal gifts, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance or duties of office;
- b) Political contributions to members of Council that are otherwise offered, accepted and reported in accordance with applicable law;
- c) Services provided without compensation by persons volunteering their time;
- d) Token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Corporation at an event; and
- e) Food, lodging transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- f) Communication to the offices of a member, including subscriptions to newspapers and periodicals;
- g) A reimbursement of reasonable expenses incurred in the performance of duties or office
- h) Gifts that are received as an incident of protocol or social obligation that normally and reasonable accompany the responsibility of office.

Members of Council and staff shall not engage in activities, financial or otherwise, that are incompatible or inconsistent with the ethical discharge of public duties in the public interest.

## **5.0 Confidentiality**

In general the business of the Town of Minto shall be conducted in meetings open to the public with agendas and reports disclosed minimum 24 hours prior to the meeting. Where a matter is confidential and permitted by law to be dealt with in closed session, this policy shall apply to the information brought forward in closed session. All information, documentation or deliberation received, reviewed or taken in closed meetings or portions thereof of Council and its committees is confidential.

Members of Council and staff have a duty to hold in strict confidence, all information concerning matters dealt with at closed meetings or portions thereof that are determined to be confidential by the C.A.O. Clerk or as specifically declared by Council. A Member of Council and staff shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the closed meeting to anyone, unless expressly authorized by Council or required by law (Court or Judge's Order) to do so.

Members of Council and staff shall not release information in contravention of the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M. 56;

- a) The security of the property of the municipality or local board;
- b) Personnel matters about an identifiable individual, including municipal or local board employees;



- c) A proposed or pending acquisition or disposition of land by the municipality or local board;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act

This list is provided as an example and is not exclusive. Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

## **6.0 Communications and Media Relations**

Members of Council and staff will accurately and adequately communicate the attitudes and decisions of Minto Council, even if they disagree with a majority decision of Council so that;

- a) There is respect for the decision-making process of Council, the personal opinions of individual members and professional opinions of staff
- b) Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or his/her designate
- c) Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately
- d) Confidential information will be communicated only by resolution of Council.

The C.A.O. Clerk shall approve all media releases prior to circulation and publication on the Town's website. The C.A.O. Clerk shall confirm with the Mayor or Deputy Mayor in Mayor's absence that the content of the media release are satisfactory. Department Heads may issue a media release in absence of the C.A.O. Clerk if the Mayor or Deputy Mayor approves. Media releases shall be copied to Councillors and Department Heads upon issuance.

Representations to the media shall occur primarily through the C.A.O. Clerk or Department Head responsible for the area questioned by the media. Front line staff shall not be required to respond to media and shall defer to their Department Head or the C.A.O. Clerk.

## **7.0 Use of Municipal Property, Services and Other Resources**

Members of Council or staff shall not use for personal purposes any municipal property, equipment, supplies or services of consequence other than for purposes connected with the discharge of municipal duties or associated community activities of which Town Council has been advised.

No member of Council or staff shall obtain financial gain from the use of municipally developed intellectual property, computer programs, technological innovations or other patentable items, while employed by the Town, or an elected official or thereafter. All such property remains the exclusive property of the Town of Minto.

## **8.0 Work of a Political or Personal Nature**

No member of Council or staff shall:

1. Use municipal facilities, services, or property for his or her re-election campaign use unless in accordance with township procedures and fee schedules.
2. Deploy resources or use the services of municipal employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the municipality.
3. Use municipal facilities, services or property for his or her personal or business use unless in accordance with Town procedures and fee schedules.
4. Use the services of any municipal employees for his or her personal or personal-business during the hours in which the employees are in the paid employment of the municipality.

## **9.0 Current and Prospective Employment**

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the municipality.

## **10.0 Municipal Technologies**

Members of Council and staff shall comply with the Town Policy respecting computer, e-mail, smart phone and internet use. The Town of Minto is the sole owner of all municipal hardware, software and licencing, and reserves the right to examine all files, e-mail directories and other information stored on Town computers, tapes and disks. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.

## **11.0 Expenses**

Staff and Members of Council shall comply with the Human Resources Policies and/or the Council Remuneration By-law respecting Compensation/Mileage Allowance, Conferences, Conventions, Seminars, Training Courses and Workshops. In general staff and members of Council shall recognize that public funds for such activities may be subject to detailed scrutiny and as such restraint shall be applied with respect to the limits available for certain expenses.

## **12.0 Role of Staff**

The Council directs the business of the municipality and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer and Clerk for the administration of the affairs of the municipality in accordance with the by-laws adopted. This means that under the direction of the CAO Clerk, staff has the responsibility and the authority to provide consultation, advice and recommendations to Council and to implement Council approved policy.

Accordingly, staff establishes proper administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and manage implementation with resources provided at budget. Council shall receive high quality advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

Members of Council shall be respectful of the fact that staff work for the municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any member or members of Council.

Council further understands that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any member or members of Council.

Staff understand that Councillors are elected by the public to represent their interests and as such shall not attempt to unduly influence any decision of Council except by providing clear, impartial recommendations through reports that are considered in open meetings by Council, and once a decision is made staff shall proceed to implement that decision so long as it is lawful and responsible to do so whether or not the Council's decision is consistent with a staff members own point of view.

### **13.0 Harassment or Bullying (Psychological Harassment)**

Harassment of any member of staff or council or any person associated with the business of the Town is misconduct. It is the policy of the Town that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour / activity by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

Bullying (ongoing health or career-endangering mistreatment) of any member of staff or council or any person associated with the business of the Town is misconduct. Physical violence, bullying or psychological abuse including verbal and strategic insults are intended to prevent targets from performing their roles will not be tolerated.

All parties shall comply with the Town's Policy respecting workplace, violence and harassment.

### **14.0 Employment of Relatives (Nepotism)**

Members of Council and staff shall comply with the provisions of the Town's hiring policy as it pertains to hiring relatives. While it is understood in a community the size of Minto that family relationships cannot always be avoided, everyone shall conduct themselves with a view to being as fair and transparent as possible. In general it would not be appropriate for the C.A.O. or Department Head of the municipality to be an immediate relative of a Member of Council, nor would the C.A.O. employ an immediate relative as a Department Head or supervisor. It is possible that relatives may end up working at the Town, but where possible having immediate relatives in a supervisor/employee relationship or in the same Department shall be avoided.

An immediate relative shall be defined as a parent, spouse, children, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships. Spouse shall mean the person to whom a person of the opposite or same sex is married or with whom the person is living in a conjugal relationship outside marriage.

### **15.0 Filing a Complaint**

Any member of the public, media, staff member or member of Council may file a complaint in writing with the C.A.O. Clerk or Deputy Clerk that there has been a potential violation of

this policy. The complaint shall refer to the section(s) of this policy that may have been contravened, the individual(s) responsible for the potential violation, and the grounds for which the complaint has been established, and any other relevant evidence in support.

Any complaint filed by any party referred to in this section shall be processed according to the Complaints Policy of the Town of Minto.

## **Schedule “B” Accessibility and Transparency Policy**

### **1.0 Corporate Values**

The Strategic Plan identifies the Vision and Mission for the Town of Minto and confirms transparency with public, media, and customers, high level customer service including a one working day response commitment to email or phone inquiries, and establishing a diversified, accommodating, versatile, well trained workforce with a focus on quality and affordability are important to the municipality’s success.

The Town shall be accountable and transparent in all its activities which may be summarized in four key areas:

1. Financial Matters
2. Internal Governance
3. Public Participation and Information Sharing
4. Legislative Requirements

### **2.0 Financial Matters**

Minto is open, accountable and transparent to stakeholders in its financial dealings as required under legislation. Below is a list of the policies, practices, procedures and bylaws by which the Town is held accountable and transparent for financial matters:

- a) External audit
- b) Financial statements
- c) Fiscal Accountability Policy
- d) Long term financial planning
- e) Asset management, including Tangible Capital Assets Plan
- f) Municipal Performance Measures Program (MPMP)
- g) Compliance with Public Service Accounting Board (PSAB) 3150 standards
- h) Annual Budget including Business Plans by Service
- i) Purchasing and procurement Policy
- j) Sale of Lands By-law and Policy
- k) Donation requests Policy
- l) Investment Policy
- m) Development Charges Study and Bylaw
- n) Fees and charges approvals by bylaw or resolution
- o) Leasing Policy

Implementation of open, accountable and transparent financial policies shall rest with Council, the Chair of Finance Committee, C.A.O. Clerk, Treasurer and Department Head responsible for the respective business areas of the municipality.

### **3.0 Internal Governance**

Minto’s administrative practices ensure specific accountability on the part of its employees through the following initiatives:

- a) Strategic Plan
- b) Budget Business Plans
- c) Human Resource Policies employees
- d) Code of Conduct
- e) Information Technology and smart phone usage policy
- f) Computer, internet, email, telephone and facsimile use policy

- g) Conference and Convention policies for Council and staff
- h) Delegation of powers and duties of council policy
- i) Workplace Violence and Harassment policy
- j) Hiring procedures including hiring of relatives policy
- k) Hiring procedure policy

The C.A.O. Clerk shall be responsible for ensuring administrative practices and procedures recognize Council's commitment to accountability and transparency, as outlined in the various policies of the Town.

#### **4.0 Public Participation and Information Sharing**

The Town certifies that it is open and accountable to its stakeholders by ensuring that with few exceptions all of its meetings are held in open, publically accessible locations according to pre-approved schedule so that members of the community have an opportunity to attend and participate in meetings.

Council meetings shall be conducted according to the Procedural By-law of the Town, and no meeting shall be closed to the public unless one of the statutory reasons for a closed session applies. If a closed meeting is needed the general reason for the session will be disclosed on the agenda in open including specific information on the issue to be discussed. Following the closed session any required resolutions shall be read into the record for consideration in open Council. Open Council meetings will be recorded on YouTube and made available on the Town's website. Rebroadcast of these meetings by local cable companies is to be encouraged.

Committees of Council are discouraged from going into closed session, especially on an impromptu basis during a regularly scheduled open meeting. If a Committee of Council requires a closed session it should be scheduled for the next available open committee meeting and ensure the statutory reason for the closed session is disclosed along with the general reason or topic of discussion. The Committee should not pass resolutions in closed and must report any recommendations to Council in open session.

Council agendas and reports shall be provided on the Town website a minimum of 24 hours prior to a meeting wherever possible. Accessible formats for agendas are available upon request. Committees of Council shall be encouraged to provide agendas and reports on the Town website in advance of meetings. The Escribe software shall be used to produce Council and Committee meeting agendas and minutes wherever possible.

Members of the public can attend all meetings and request a delegation at a subsequent meeting to make comments regarding a specific issue. Comments received in writing regarding specific items at meetings shall be provided to Council as correspondence. In addition, the Town 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, social media and the following:

- a) Procedure bylaw for council and committees
- b) Public notice policy
- c) Closed meeting investigations policy and appointment of closed meeting investigator
- d) Proclamation policy
- e) Accountability and transparency policy

- f) Delegation of powers and duties of council policy
- g) Records retention bylaw
- h) Planning processes
- i) Publication of agendas, reports and minutes on website
- j) Publication of commonly referenced bylaws on the Municipal website
- k) Publication of municipal information on the Municipal website
- l) Communication via social media in accordance with Town social media policy
- m) Ad mail/Regular Mail

The C.A.O. Clerk, Deputy Clerk and respective Department Heads shall be required to ensure public participation and information sharing is supported and encouraged within all aspects of municipal operations.

## **5.0 Legislative Requirements**

Minto is accountable and transparent to its stakeholders by fulfilling its legislated responsibilities and through disclosure of information. The following are some of the provincial statutes that govern how the Municipality conducts its business in a public, accountable and transparent manner:

- a) Municipal Act, 2001
- b) Building Code Act
- c) Cemeteries Act
- d) Fire Prevention and Protection Act
- e) Municipal Elections Act
- f) Emergency Management and Civil Protection Act
- g) Municipal Conflict of Interest Act
- h) Occupational Health and Safety Act
- i) Planning Act
- j) Municipal Freedom of Information and Protection of Privacy Act
- k) Public Salary Disclosure Act
- l) Safe Drinking Water Act
- m) Provincial Offenses Act

Although the list of policies, practices, procedures, bylaws and referenced legislation in this Policy are not complete Council is committed to being accountable and transparent to its stakeholders in every aspect of its operations.

## **6.0 Communicating Financial, Governance, Public Participation, Legislative Requirements and Other Information**

The Town shall use all reasonable means to communicate with the public including but not limited to the following:

- a) Fully Integrated and Accessible Website
- b) Social Media (Facebook, Twitter, YouTube)
- c) Email, Email Blasts or Integrated Email communication systems
- d) Regular Council and Committee of the Whole Meetings
- e) Rebroadcast of Council meeting on local cable where applicable
- f) Standing Committee Meetings including volunteer appointments
- g) Public Meetings, Open Houses and Information sessions legislated or otherwise
- h) Downtown or Farmer's Market Committee
- i) LaunchIt Minto
- j) Public Information Sessions

- k) Education Sessions
- l) Special Events and Openings

This list of communication tools is not comprehensive and is subject to change as technology and platforms evolve. As a rule, tools, technology and platforms selected shall increase communication, grow audience and reach more people of all ages and abilities wherever possible keeping in mind the financial limitations of the municipality.

Methods that reach the maximum number of people at the most reasonable cost shall be favoured. The Town will be responsive and accommodating to the needs of persons of all abilities when requested.

## **7.0 Performance Measures and Reporting**

The Town is accountable to ratepayers, businesses and the Province through results-orientated tools to measure progress on performance and the achievement of corporate service standards and goals.

The primary performance measurement tool is the legislated performance measurement program in which indicators are published on the Town website as per provincial standards.

A second performance measurement tool will be the Budget Business Plans which will contain information on the cost, benefit and performance of major service areas. These will be presented annually at budget and made available on the Town website.

The Town Strategic Plan shall be a third performance measurement tool including review and monitoring provisions that access compatibility every two years and public reconsideration every five years.

Performance of Council will be measured every four years at elections. Staff performance shall be monitored annually through administrative procedures.

## **8.0 Filing a Complaint**

Any member of the public, media, staff member or member of Council may file a complaint in writing with the C.A.O. Clerk or Deputy Clerk that there has been a potential violation of this policy. The complaint shall refer to the section(s) of this policy that may have been contravened, the individual(s) responsible for the potential violation, and the grounds for which the complaint has been established, and any other relevant evidence in support. Any complaint filed by any party referred to in this section shall be processed according to the Complaints Policy of the Town of Minto.



## **Schedule “C” Fiscal Accountability Policy**

### **1.0 Financial Statement**

Minto shall manage funds collected through user fees and taxation in a responsible manner that demonstrates good stewardship of public funds and value for money in municipal operations. Water and sewer user fees shall be used only for sustaining the short and long term operation of these systems. Funds raised by property tax shall not subsidize water or sewer utilities in any way.

### **2.0 Responsibility**

- a) The Treasurer is responsible for the financial affairs of the municipality, ensures investments meet applicable regulations, and shall post all accounts as prescribed in the Municipal Act.
- b) The C.A.O. Clerk is responsible for the general control and management of funds allocated to municipal operations through the various Departments.
- c) Council shall ensure the financial integrity of the municipality is maintained and policies, practices and procedures are in place to ensure the accountability of itself and the senior management team.
- d) All representatives of the Town of Minto shall comply with the Code of Conduct and Accessibility and Transparency Policy as it applies to the finances of the municipality.
- e) The Town Auditor shall report on the annual financial position of the municipality according to applicable legislation.

### **3.0 Spending Principles**

The Town of Minto shall apply short and long term budgeting tools, financial plans and asset management practices to support services, operations and infrastructure in a balanced and sustainable fashion with a view to bringing forward low to moderate user fee, rate and property tax increases that respect ratepayers ability to pay.

Until the Town’s identified infrastructure deficit is addressed, major savings and increases shall be directed wherever possible into the Town’s capital plan.

The Town shall show value for money by focusing spending on three key areas:

- a) Maintaining tangible capital assets (water, sewer, roads, facilities, parks etc.) in the short and long term.
- b) Sustaining operations in the areas of public works, treasury, recreation, economic development, facilities, building and by-law, and fire protection according to community and legislated standards of quality.
- c) Retaining, attracting, training and developing quality representatives (staff, Council, volunteers) with compensation, remuneration and recognition practices consistent with the median or middle of comparators.

### **4.0 Annual Budget and Quarterly Reporting**

The Annual Budget shall be the primary vehicle the Town shall use to exhibit value for money and otherwise demonstrate fiscal accountability.

Council shall consider the Annual Budget in meetings open to the public that are video recorded for posting on the Town website and rebroadcast by local cable companies.

Staff shall assist Council in making decisions around the annual budget by providing a budget document that contains business plans for each strategic service for the Town followed by back up accounting information showing previous year budget and actual amounts. Business plans for each service shall include the following:

- a) Strategic Actions supporting the Service
- b) Staff allocation and accountability
- c) Previous year budget, statement of proposed cost increases and/or savings
- d) Reasons for budget overages, if any
- e) Five year budget estimates and identification of key issues
- f) Performance Measures of service level
- g) Recommendation

The information in the Budget Document including business plans for each service shall be made available on the Town website and in alternate accessible formats if requested prior to budget deliberations.

Council may consider its operating and capital budgets in the same meeting or have each considered separately so long as both meetings are open, accessible and transparent and recorded on YouTube for rebroadcast. When considering capital budget, Council shall rely on the contents of its asset management plans, five year projected needs, available grant programs and the capacity of the Town to complete capital works.

Council shall provide an opportunity for public comments to be providing by email, in writing or other method and shall hold no less than one public open house or public meeting for which notice is given prior to adopting the budget.

Department Heads shall be responsible for implementing the approved budget. The Treasurer shall provide no less than two reports which outline performance by quarter including any required recommendations to limit the possibility of exceeding budget.

## **5.0 Investments and Borrowing**

The Town shall make all efforts to sustain sufficient reserves to cover two years of operations or twice the annual tax supported budget, and to ensure total annual borrowing is less than total annual reserves.

Reserves will be accumulated through various methods such as contributions from operations, development charges, user fees and donations. Reserves can be dedicated or discretionary and shall only be used accordingly and in compliance with applicable legislation.

Investments shall be made according to the Town's Investment Policy as approved from time to time, and at all times comply with applicable legislation. The Town shall favour low risk long term investments over those of high risk and high return.

Borrowing shall be directed almost exclusively to match or augment Federal or Provincial infrastructure grant programs for replacing, improving or extending the life of the Town's tangible capital assets. Borrowing shall be discouraged simply to sustain operations.

## **6.0 Expenditure Control**

Department Heads shall ensure approved funds are spent primarily in the budget areas where they are allocated. No spending over a budgeted amount shall be permitted without approval which may be given by the Treasurer and C.A.O. Clerk for minor overages where there is an offsetting under expenditure in the same departmental area.

Individual accounts shall be reported as overspent or underspent as the case may be so that there is an accurate budget to actual figure to help prepare the Annual Budget. The Treasurer shall implement a purchase order system to assist with controlling expenditures within budget.

The Town's Procurement By-law and purchasing policies shall be used to ensure value for money is received for vehicles, equipment, goods and services acquired by the Town. The Procurement process shall encourage competitive bidding with comparisons having regard to quality, proven performance, maintenance cost, proximity of servicing, and similar judgements used to determine value.

Expenses for Councillors and staff conferences, training and similar shall be subject to the provisions of the Code of Conduct bearing in mind the need for restraint and recognition of the source of funds for is not unlimited.

## **7.0 Adjudication**

Members of Council and staff are accountable to the public for the spending associated with the Town.

In addition to reporting annual Council expenses and salary disclosures required by law, the Treasurer shall accommodate reasonable requests for information on expenditures by providing monthly reports on accounts in open Council for approval. Along with the accounts a verbal explanation of major expenditures shall be provided by the Treasurer.

Where a member of the public has a question about Town expenditures or a specific account the Treasurer shall provide the information so long as it is legally and reasonably available keeping in mind the requirements of the Municipal Freedom of Information and Privacy Act.

The Treasurer may request a member of the public make a request for information through the Finance Committee and/or Council where there are multiple requests that require time for investigation, or if the matter simply cannot wait until budget deliberations.

The Town may wish to extend the responsibilities of its auditor or engage legal counsel to assist in responding to such information requests or if an independent perspective is required. Such appointments shall be made under the Municipal Act of Ontario.

## **8.0 Filing a Complaint**

Any member of the public, media, staff member or member of Council may file a complaint in writing with the C.A.O. Clerk or Deputy Clerk that there has been a potential violation of this policy. The complaint shall refer to the section(s) of this policy that may have been contravened, the individual(s) responsible for the potential violation, and the grounds for which the complaint has been established, and any other relevant evidence in support. Any complaint filed by any party referred to in this section shall be processed according to the Complaints Policy of the Town of Minto.