

CORPORATION OF THE TOWN OF GANANOQUE

BYLAW NO. 2011-113

BEING A BY-LAW TO ESTABLISH A
CLOSED MEETING INVESTIGATION POLICY.

WHEREAS by Section 5 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 2 of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of every Council are to be exercised by Bylaw; and

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, section 270, makes provision in part, that a Municipality adopt and maintain policies for circumstances in which the Municipality shall establish a Transparency & Openness Policy;

AND WHEREAS the Municipal Act, S.O. 2011, c. 25, section 8 (1) provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate.

NOW THEREFORE the Council of the Corporation of the Town of Gananoque hereby enact as follows;

1. That the Closed Meeting Investigation Policy attached hereto as Schedule 'A' and forming part of this by-law is hereby adopted.
2. That this by-law come into force and effect on January 01, 2012.


READ A FIRST, SECOND, AND THIRD TIME, passed, signed, and sealed with the corporate seal this 01st day of November, 2011.



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall

		The Corporation of the Town of Gananoque	
POLICY AND PROCEDURE MANUAL			
POLICY NO.	ADM 07-2011	POLICY TYPE:	Administrative
AUTHORITY	Council	APPROVAL DATE:	October 18, 2011
		EFFECTIVE DATE:	October 18, 2011
		LAST REVISION DATE:	
SUBJECT	TRANSPARENCY & OPENNESS POLICY		

PURPOSE:

Section 270 of the Municipal Act, S.O. 2001 (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 Town activities and services in accordance with the principles set out herein. This policy has been developed in accordance with the Act.

POLICY:

Council of the Town of Gananoque acknowledges that it is responsible to provide good government and to further the public interest. A well-managed and accountable government is judged not only on its service delivery role, but also on its representative and democratic role. Accountability and transparency are two of the principles that guide public sector governance.

Definitions (Merriam Webster Dictionary)

"Accountable" – means subject to giving an account; answerable; capable of being accounted for; and explainable.

"Transparent" – means to be free from pretence or deceit; frank; easily detected or seen through; obvious; readily understood; characterized by visibility or accessibility of information especially concerning business;

In the municipal setting, this is meant to include how Members of Council and staff are held to account for their actions, how actions are explained and the level of details is provided in justification of certain actions Members of Council and staff.

"Accountability" – means as the quality or state of being accountable; especially an obligation or willingness to accept responsibility or to account for one's actions.

"Transparency" - means the quality or state of being transparent.

There are three main reasons why there is a need for accountability in public service. They are as follows:

1. To ensure the responsible and appropriate exercise of powers;
2. To provide assurance in respect to the effective and efficient use of public resources and an adherence to the public interest; and
3. To ensure a process of continuous improvement regarding public administration and governance.

Transparency and Accountability will be accomplished by:

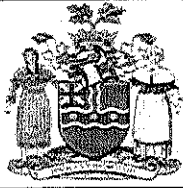
1. Providing the resources to keep the public and its elected representatives fully informed;
2. Encouraging public participation and consultation to ensure that decision making is open, visible, inclusive and responsive to citizen preferences and needs;

3. Delivering high quality services to our citizens;
4. Promoting the efficient and effective use of public resources; and
5. Ensuring political, administrative and financial accountability, as provided for below; and
6. A commitment to full information disclosure.

The chart attached hereto as Schedule 'A' provides a list of actions on how the Council of the Town of Gananoque will ensure transparency and accountability.

LIST OF TRANSPARENCY & ACCOUNTABILITY ACTIONS

ACTION	RESULT
Public Notice Requirements	Council currently has a policy requiring notification to the public (By-law 2011-92)
Disposition of Land	Council currently has a policy requiring notification to the public (By-law 2011-105)
Appointment of Relatives of Council members to Committees	Council currently has a nepotism policy which limits the appointment of immediate family members to sit on Committees (Procedural By-law)
Open/Closed Meeting Requirements	Council currently has a Council meeting Procedural By-law 2011- 104
Decision Making Process	Council has appointed Committees to make recommendations to Council and staff provide written reports to Council which are posted on the Town's website. Through these avenues the public are kept abreast of how and when Council makes decisions.
Meeting Investigator	Council has appointed an investigator for the purpose of responding to complaints relating to closed meeting procedures.
Delegation of Powers	Council currently has a policy for limited delegation of powers and the method to be used to delegate that authority
Purchasing and reporting	Council currently has a policy for the Procurement of Goods and Services (By-law 2009-45)
Financial Reporting & Statements	Annual Financial Statements are reviewed in a public meeting of Council and posted on the Town's website. Submission of the Financial Information Return (FIR) to the Province.
Performance Measures	Each year, the Treasurer prepares and submits a municipal performance measures report to the Province. Information on these measures is available to the public.
Capital Asset Accounting	The Town is compliant with the public sector accounting board standards PSAB3150 for the accounting of tangible capital assets
Long Term Financial Planning	Council has developed a 10 Year Capital Forecast which sets specific markers and costing related thereto.
Municipal Website	The Town has developed a comprehensive website which is available 24 hours a day, seven days a week to provide the public with information they need to be kept informed of and as a vehicle to communicate to the public through electronic distribution of Council meeting agendas, minutes, notices, forms, financial reports and other information relevant to the operation of the Town.
Municipal Conflict of Interest Act	Council members follow provisions of this Act when conducting the business of the Town and their Procedural By-law provides specific guidelines related thereto.
Municipal Freedom of Information and Protection of Privacy Act	The right of access to information under the control of the Town while protecting the privacy of individuals with respect to personal information that is held by the Town.
Media	The Town provides the local written media when specific notification on specific matters.
Bill Inserts	On numerous occasions throughout the year the water and sewer, and tax billing processes have a newsletter and specific notices included with the bills. Thus providing notice to the public of specific indicia's which have are or will be occurring in the Town.



The Corporation of the Town of Gananoque

POLICY AND PROCEDURE MANUAL			
POLICY NO.	ADM 04-2011	POLICY TYPE:	Administrative
AUTHORITY	Council	APPROVAL DATE:	October 04, 2011
		EFFECTIVE DATE:	
		LAST REVISION DATE:	
SUBJECT	CLOSED MEETING INVESTIGATION POLICY		

PURPOSE:

The purpose of this By-law is to provide guidance and direction as it relates to individuals wishing to request an investigation into a closed meeting of Council and/or a Council appointed Committee, under the authority of the Municipal Act.

POLICY:

The Town of Gananoque (Town) is committed to ensuring that any request for an investigation under Section 239 of the Municipal Act, 2001, as amended (the Act) is dealt with in a fair, open and expeditious manner.

This policy shall apply to all Committees and Boards appoint by the Council of the Town; with the exception of the Police Services Board, and the Gananoque Public Library Board

The Town commits to full co-operation including the provision of all information requested by the Municipal Closed Session Investigator (Investigator), either written or through interviews, to assist the Town Investigator in his investigations.

The Town shall ensure any report received from the Investigator related to an investigation under the Act, is placed on a public agenda of Council, and that consideration of such report/s is conducted in an open public session of Council and/or a Committee of Council.

This policy shall be posted on the Town's website and available from the Clerk's Office at 30 King St. E., Gananoque, ON K7G 1E9; or by contacting the Clerk's Department at 613.382.2149 Ext. 115; or through e-mail at bdingwall@gananoque.ca.

Complaint Procedure:

Members of the public, including corporations, may submit complaints to the Investigator relating to compliance with the ACT or the Municipal Procedure By-law for meetings or part of meetings that have been closed to the public.

Complaints may be submitted on the established Complaint Form or via written request. The Complaint Form may be downloaded from the Town's website; and/or available in the Clerk's Office at 30 King St E., Gananoque, ON K7G 1E9.

All complaints must contain the following information:

- Name of Municipality;
- Complainant's name, mailing address, telephone number and e-mail address (later if applicable);
- Date of closed meeting under consideration;
- Nature, subject matter, and background of the particular occurrence;
- Any activities undertaken (if any) to resolve the concern;
- Any other relevant information; and
- Original signature of complainant.

Complaints may be submitted to:

The Town Clerk in a sealed envelope clearly identified as a complaint under Section 239 of the Municipal Act. The Clerk and/or his/her designate shall

forward the sealed complaint to the appointed Investigator within five (5) business days of the date of receipt of the complaint.

When complaints are submitted directly to the Clerk, the Clerk shall follow the following procedure:

- 1) Take all measure to ensure the envelope remains sealed and its contents remain confidential;
- 2) Assign a file number and record the file number on the envelope;
- 3) Log the file number together with the date and time received; and
- 4) Forward, forthwith to the Town's Investigator by regular mail.

Complainants will be notified within three (3) business days of the receipt of their complaint by the Town's Investigator.

For all complaints the Town shall supply forthwith the following or any other information or documentation, related to a complaint, as requested to do so by the Investigator:

- Certified copy of Meeting Notice.
- Certified copy of Agenda.
- Certified copy of Meeting Notice.
- Relevant Resolutions.
- Town contact list.
- Other relevant information as required.



TOWN OF GANANOQUE
CLOSED MEETING COMPLAINT FORM
 (Section 239 – Municipal Act, 2001, as amended)

COMPLAINANT'S NAME	
ADDRESS	
TELEPHONE	HOME: WORK:
E-MAIL	

Can your identity be revealed during the investigation? YES: NO:

PLEASE NOTE: Personal information is collected under the Authority of section 239 of the Municipal Act, 2001, as amended and will be used by the Town's Investigator for the sole purpose of carrying out and reporting on an investigation under the Act.

NAME OF MUNICIPALITY	The Corporation of The Town of Gananoque
NAME AND DATE OF CLOSED MEETING	
TOWN CONTACT NAME	
TELEPHONE	

BACKGROUND AND NATURE OF COMPLAINT	Please provide as much information as possible to explain the nature and background of your complaint, i.e. the occurrence and subject matter, date and timing of the meeting, and municipal contact or explanation provided, any action taken to resolve the complaint.

 DATE OF SIGNATURE

 SIGNATURE OF COMPLAINANT