

BY-LAW 2007-299

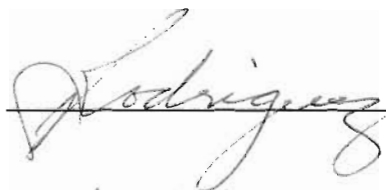
**A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT
A POLICY REGARDING ACCOUNTABILITY AND TRANSPARENCY
AND A POLICY REGARDING DELEGATION OF POWERS AND DUTIES**

WHEREAS the Council of the City of Greater Sudbury deems it advisable to adopt a Policy regarding Accountability and Transparency and a Policy regarding Delegation of Powers and Duties for the City of Greater Sudbury as required pursuant to the *Municipal Act, 2001*, S. O. 2001, c. 25;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. The Policy Regarding Accountability and Transparency attached hereto as Schedule "A" is hereby adopted.
2. The Policy Regarding Delegation of Powers and Duties attached hereto as Schedule "B" is hereby adopted.
3. This By-law shall come into force and take effect immediately upon final passing of same.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 12th day of December, 2007.

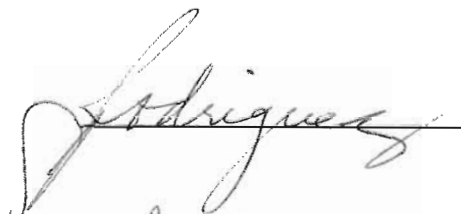


A. Haché

Clerk

Mayor

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN
COUNCIL** this 12th day of December, 2007.



A. Haché

Clerk

Mayor

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CITY OF GREATER SUDBURY

Accountability and Transparency Policy

I. Purpose/Application

The *Municipal Act*, 2001 (the *Act*) requires that all Municipalities adopt and maintain a policy with respect to the manner in which the Municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the Municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the Municipality's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the *Act* to comply with Section 270.

II. Definition(s): Accountability; Transparency

- i) Accountability - The principle that the Municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- ii) 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.

III. Policy Statement

The City of Greater Sudbury conducts business within the municipality in a way that is open, transparent and accountable to the public. The City is committed to creating policies, guidelines and positions for delegation in a transparent manner for all staff of the Corporation.

Mapping the Vision has been adopted by the City of Greater Sudbury as a policy statement of its Vision, Mission, Values, Broad Goals and Strategies. In part, that document provides:

Mission:

We provide excellent access to quality municipal services and leadership in the social, environmental and economic development of the City of Greater Sudbury.

Values:

We are committed to:

- providing high quality service with a citizen focus;
- managing the resources in our trust efficiently, responsibly and effectively;

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- encouraging innovation and accepting risks;
- developing organization excellence;
- maintaining honest and open communication;
- creating a climate of trust and a collegial working environment;
- acting today in the interests of tomorrow.

IV. Policy Requirements

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

i. Financial Matters

The City will be open, accountable and transparent to its stakeholders in its financial dealings as required under the *Act*. Some examples of how the City provides such accountability and transparency are as follows:

1. External audit;
2. Reporting statements;
3. Long term financial planning;
4. Annual Financial Statements;
5. Budget to actual variance analysis;
6. Budget process;
7. Auditor General;
8. Asset management;
9. Purchasing/procurement including tendering for goods and services;
10. Sale of land and other assets;
11. Adoption of policies / procedures / processes, such as Financial Information Returns

ii. Internal Governance

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

1. Employee Handbook;
2. Salary Administration Plan;
3. Supervisor's Guidebook;
4. Performance management and evaluation;
5. Hiring policy;
6. Recruitment Guidebook;
7. Orientation/continuing education;
8. Health and Safety:
 - Joint Health and Safety Committee
 - Health and Safety Handbook
 - Annual Health and Safety Due Diligence Training
 - Harassment Policy which includes anti-bullying and anti-harassment training;
9. Work/life balance;
 - Employee Wellness Committee
10. Compensation/benefit;
11. Continuous Improvement Plan;
12. Employee Recognition Trial Program;
13. Responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency.

iii. Public Participation and Information Sharing

The City ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The City's meetings will be open to the public when and required under the *Act*, and members of the public will have an opportunity to make delegations or comments in writing

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on specific items at these meetings. In addition, the City 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, etc. Some specific examples include:

1. Procedure By-law;
2. Code of Conduct for Councillors
Procedure By-law, Schedule "D"
3. Strategic Priorities embedded in the Business Plans;
4. Delegation By-law;
5. Records Retention By-law, including archival facilities;
6. Planning processes;
7. Public notice By-law or policy;
8. 3 -1 -1;
9. Customer Relationship Management System;
10. Provincial/Municipal Benchmarking;
 - Ontario Municipal Benchmarking Initiative
 - Municipal Performance Measurement Program

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CITY OF GREATER SUDBURY

Policy Regarding Delegation of Powers and Duties

1. Purpose/Application

The *Municipal Act, 2001* (the *Act*) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the *Act* in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

II. Definition(s):

- i) Legislative Powers - Includes all matters where Council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority.
- ii) Administrative Powers - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

III. Policy Statement

The Council of the City, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decision are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the *Act* and will respect the applicable restrictions outlined in the *Act*.

IV. Policy Requirements

1. All delegations of Council powers, duties or functions shall be exercised by By-law.
2. Unless a power, duty, or function of Council has been expressly delegated by By-law, all of the powers, duties and functions of Council remain with Council.
3. A delegation of a power, duty or function under any By-law to any member of staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
4. Subject to Section 3, a person to whom a power, duty or function has been delegated by By-law has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.

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5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the *Act*.
6. Administrative matters may generally be delegated to staff subject to the conditions set out in the *Delegation* and in this *Policy*, and must take into account the limitations set out in the *Act*.
7. Council has authorized the delegation of specific administrative matters to those individuals listed in the *Delegation By-law* subject to the terms set out therein.

In exercising any delegated power, the delegate shall ensure the following:

- Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the *Purchasing By-law*);
- The scope of the delegated authority shall not be exceeded by the delegate;
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy;
- all practices regarding insurance and risk management shall be complied with;
- delegates shall ensure the consistent and equitable application of Council policies and guidelines;
- any undertaking or contract with a third party will be reviewed by Legal Services as appropriate.