

COUNCIL POLICY RESOLUTION

POLICY NUMBER: I-15

DATE: DECEMBER 10, 2007
AMENDED: OCTOBER 6, 2008
AMENDED: MARCH 3, 2014

POLICY TYPE: ADMINISTRATION

SUBJECT: CORPORATE ACCOUNTABILITY & TRANSPARENCY

1. POLICY STATEMENT

The City of Kitchener ('the City') is committed to the fundamental principles of accountability and transparency as they are key values within the City's Open Government Framework. The City has adopted the following as its Vision for Open Government: *"To provide a City government that is transparent and accountable to its citizens, with opportunities for meaningful, accessible public participation, made possible through innovation, technology and collaboration."*

The City of Kitchener is committed to creating a culture where Council, staff and citizens of Kitchener are aware of and understand the principles of accountability and transparency, and their roles in upholding these essential standards of good government that enhance public trust.

In support of the open government principles of accountability and transparency, this Policy outlines the City's commitments which will ensure:

- The City is open by default, subject to financial, legal, legislative and privacy constraints
- Council decision-making is open and transparent
- The City is accountable for the provision and performance of its services

2. DEFINITIONS

Accountability: the City has established rules and guidelines that ensure the City is able to explain its actions to the public

Transparency: City information is accurate, timely, and freely available and decisions are open for public review and discussion.

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3. LEGISLATIVE AUTHORITY

Section 270 of 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 ensure it is accountable to the public for its actions, and the manner in which its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of municipal activities and services in an accountable and transparent manner in accordance with the Municipal Act.

4. APPLICATION

This Policy applies to all City employees and members of City Council.

5. POLICY COMPONENTS

In order to ensure the principles of Accountability and Transparency are practiced and adhered to as a matter of good governance, the following represent overarching guidance for the provision of City activities, services and programs in support of the principles.

Accountability Components:

The roles and responsibilities of the City must be clearly defined. In the context of other levels of government, it should be clearly explained as to which government is responsible for what services. Within the City, the roles of Council and staff, and the responsibility for services provided, need to be easily understood. The roles and responsibilities of stakeholders – including citizens, customers and businesses - that utilize the services of the City must also be clearly defined in order to ensure the service is provided in a fair, equitable and timely manner and that the anticipated outcomes are achieved.

Actions will be consistent with clearly understood expectations. Services offered by the City should be clearly explained and outlined to include what is expected from the customer and what the customer can expect from the City. In setting expectations and reaching agreement, expectations may be implied or explicit. In many cases there will be a reasonable expectation based on common sense or normal practices and in other cases the outcome or expectation will need to be specifically given and acknowledged. Wherever possible the anticipated outcome of any service provided by the City will be given to provide clarity on what the citizen, customer or business can expect.

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There must be a reasonable balance between expectations and capacities. Customer and citizen expectations may change from time to time, and all expectations must be balanced against the City's authority, available skills and resources required to achieve the expected outcome.

There must be clear and timely reporting on actions. Reporting must be credible, the information useful, accurate, timely and accessible. Reporting on actions taken or not taken shall be clear and easy to understand.

There must be reasonable review and adjustment. Accountable reporting will highlight areas where expectations have been met, as well as those which have not. Achievements should be recognized, and where expectations have not been met, adjustment and corrective actions may need to be made.

Transparency Components:

City information must be fully accessible within legal limitations. Providing information that citizens or others require in order to comment on the City's services and activities, allows for the influencing of City activities and decisions and initiating change. This results in trust, enabling the City to manage its services and activities more effectively and efficiently. Information provided by the City must be accessible, understandable, and provided in the appropriate format. In providing information or data, the City must balance this obligation with other legal and regulatory obligations. The City will continue to comply with legislation that protects certain information. Whenever meaningful information is withheld, an explanation will be given as to why.

All information should be provided in clear, simple language. City information that is provided publicly should be provided in clear, plain language. Whenever there is a requirement to provide information in a certain way in order to satisfy legal or regulatory obligations, a plain language description will also be provided.

Information deemed to be in the public interest is to be updated regularly, consistently and as much as possible, proactively. Processes will be established to ensure information is updated and remains relevant following initial provision of the information. The City is committed to evolving the culture of the organization toward being 'open by default', where meaningful information is provided to the public proactively and not based on reaction to requests.

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6. POLICY COMMITMENTS

The City has put and/or is putting in place a number of activities and actions supporting Accountability and Transparency. Following is a summary of the key methods through which the principles are practiced and adhered to. The City strives to meet these commitments and it must be understood that City resources – human, financial and technical – have limitations based on operating and capital budgets, which are developed with public consultation.

Council Meetings

The City provides the public with information on the role and responsibilities of the Mayor and city Councillors. The time and dates of meetings, agendas and reports under consideration are made available to the public in advance of public deliberations. All staff reports to Council or Committees of Council are written using a standard report template in clear non-technical language where possible, providing the reader with full information on the topic. A digital repository is used to maintain up-to-date records of Council by-laws, reports and minutes and is openly accessible to the general public. All meetings of Council and Committees of Council are open to the public, with exceptions as permitted by the Municipal Act, and members of the public are invited to be delegations to Council to ask questions or discuss specific issues. Agendas for closed meetings of Council provide as much information as possible without revealing confidential information.

Budgets and Business Plans

The City publishes the annual proposed budget and business plan written in plain language in both print and digital formats, which is replaced by the annual approved budget once it has been ratified by Council. Budget deliberations are held in public sessions in Council, and members of the public are encouraged to provide input and comments. Budget variance reports, financial indicators and business plan status updates are published throughout the year with explanations provided for deviations. Proposed and actual expenditures of development charges are reported regularly. Audited financial statements accompanied by plain language explanations are published annually.

Public Services

The City proactively provides information to the public on the services that are provided, the processes for accessing public services including fees and timelines, and contact information for key personnel, making the information easily accessible and using plain language. The City has expanded its internet and social media presence including online services. Feedback and complaint mechanisms are in place using a range of channels. The City's internal audit function has a broad mandate to review the efficiency and effectiveness of City operations under Council's direction.

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Procurement

The City has a comprehensive, clear and understandable framework for the open and transparent procurement of goods and services. Opportunities are openly advertised and bids are opened publicly. Selection criteria are clear, awards are fully disclosed, and mechanisms are in place to dispute a contract award. Standardized documents and e-procurement technology are used to provide simple, secure and efficient processes and provide accurate and timely disclosure of information for potential contractors and the general public. The City has in place by-laws and procedures guiding the authority of staff to enter into contractual agreements within defined limits. By-laws and procedures also provide guidance for City land acquisition and sale.

Conflict of Interest

The City applies clear rules and guidelines for the disclosure and management of conflicts of interest to ensure decisions are not improperly affected by self-interest. Direction is provided for offers of gifts and hospitality to prevent special interests from attempting to offer staff or members of Council items or services of value in return for favours. A code of conduct has been established for members of Council. Employment of relatives of staff and members of Council is limited through policy. The Integrity Commissioner role has been established to review potential conflicts of interest.

Records Management and Access to Information

The City maintains sound records management practices, ensuring that accurate and reliable records are created and remain accessible, usable and authentic for as long as they are needed. A wide range of information and records are proactively made available to the public online, and routinely available information that is not available online can be requested directly from the service area or division responsible for the information. Records or information that is not routinely disclosed can be requested by making a Freedom of Information Request and the City will make every attempt to provide appropriate access to records while respecting the need for privacy, in accordance with legislation.

Open Data

In support of transparency, the City is making its data “open by default”. The prioritization for publishing open data is complemented by community engagement with citizens, businesses and other public sector organizations. The City strives to make this data machine and human readable, and releases public information that helps reveal and inform decision-making as open datasets. The City has created specific requirements, which are evolving, for ongoing updates of open data, and aims to release its data in a timely manner, dependent on the nature of the data. Open data is seen as a

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collaborative community undertaking to meet the needs of the community, and to monitor changes within the open government data community.

Citizen Engagement

The City has adopted a commitment to effectively involving the community in public decision-making processes. A community engagement framework has been established and training is provided for city staff, to provide direction and guidance on the development and implementation of community engagement processes. As standard practice, staff reports to Council are required to indicate the way in which members of the community will be/have been involved in the issue at hand, if applicable. The City has a current policy regarding public notice requirements. Citizens and community members can also get involved through various citizen committees and boards. Citizen committees provide advice and feedback to City Council and standing committees on a variety of issues or topics, including arts and culture, accessibility, downtown, the environment and the City's strategic plan; whereas boards have the autonomy to make decisions for the good of their organizations.

7. ROLES AND RESPONSIBILITIES

The City Clerk holds an oversight role for this Policy and is the first point of contact regarding the Policy. Staff and Council have responsibility for various actions and activities related to the policy and in support of the open government principles of accountability and transparency.

8. APPOINTMENTS

Under part VI of the Municipal Act, the City is authorized to appoint the following: Integrity Commissioner, Lobbyist registry, Ombudsman, and Auditor General. New appointments are reviewed as deemed required by staff or Council. Continuations or renewals of existing appointments are reviewed before the expiration of the current contact term(s).

9. REVIEW AND REPORTING

This Policy will be reviewed once during each term of Council for relevance, currency and accuracy including the review of activities and commitments in place to support accountability and transparency. The Policy is intended to provide general and relevant direction, on which to build supporting actions.

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Progress toward becoming more accountable and transparent will be reported through reporting on actions in the upcoming 4-year action plan, supporting the City's Open Government Framework.