The Corporation of the Town of South Bruce Peninsula

By-Law Number 100-2016

Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Council Correspondence)

Whereas Section 8 of the Municipal Act, 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas Section 11 of the Municipal Act, 2001, c.25, as amended, authorizes municipalities to pass by-laws regarding the accountability and transparency of the municipality and its operations;

And whereas Section 270 (1) 5 of the Municipal Act, 2011, c.25, as amended authorizes the municipality to adopt and maintain policies 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;

And whereas the Council of the Corporation of the Town of South Bruce Peninsula adopted a Municipal Policy Manual and desires to amend said by-law by amending the policy with regard to Council Correspondence.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

1) That the policy named Council Correspondence (A.3.2) be amended as attached hereto and shall hereby be included in the Municipal Policy Manual.

2) That all by-laws and polices inconsistent with this by-law are hereby repealed.

3) That this by-law shall come into full force and effect upon the final passing thereof.

Read a first and second time this 1st day of November, 2016.

Mayor

Clerk

Read a third time and finally passed this 1st day of November, 2016.

Mayor

Clerk
Council Correspondence

Purpose

The purpose of this policy is to ensure that any official correspondence from Council is prepared and approved in a manner acceptable to Council prior to distribution.

Policy

1. Staff are permitted to relay Council’s position by way of correspondence on Town letterhead at any time, without Council having first reviewed the correspondence.

2. Any member of Council wishing to relay Council’s position on Town letterhead is permitted to do so provided that:

   2.1 A member of staff prepares the correspondence; and
   2.2 A member of staff distributes the correspondence; and
   2.3 The member of Council signs the correspondence; and
   2.4 Council has previously discussed the topic and the position being relayed in the correspondence is reflective of the majority position of Council on the topic; and
   2.5 The Mayor and/or Deputy Mayor have reviewed the correspondence prior to it being sent and identified any concerns which will be corrected prior to distribution.

3. Where Council has by resolution or by-law assigned any specific task to a member of Council, that member of Council will be permitted to send correspondence on behalf of the Town without prior Council approval provided that:

   3.1 A member of staff prepares the correspondence; and
   3.2 A member of staff distributes the correspondence; and
   3.3 The member of Council signs the correspondence.
4.1 The Mayor as spokesperson for the Town is permitted to issue statements on behalf of the Town, as required. Official statements are issued using Town letterhead.

4.2 Where the Mayor and/or Deputy Mayor are given authority to act on behalf of the Town by way of any law, statute, regulation or legislative provision, the position of the Town may be relayed on letterhead without first being communicated through Council.

4.3 The Mayor and/or Deputy Mayor are permitted to send correspondence on Town letterhead when it is of a ceremonial or congratulatory nature without first being communicated through Council.

5. Any member of Council having concern with any correspondence which has been sent under the signature of a member of Council will:

5.1 Bring the correspondence to the attention of Council as a whole in an open or closed session, as the case may be; and

5.2 Request that Council reviews the correspondence to ensure adherence to policy; and

5.3 Request that Council votes to support the correspondence or direct that alternate action be taken.