

Governance and Accountability Guidelines

INTERIM GOVERNANCE AND ACCOUNTABILITY GUIDELINES FOR DISTRICT SOCIAL SERVICES ADMINISTRATION BOARDS (DSSABs)

SUMMARY OF POLICY

The Interim Governance and Accountability Guidelines for District Social Services Administration Boards (DSSABs) clarify and confirm the Ministry's governance and accountability requirements for DSSABs.

LEGISLATIVE AUTHORITY

District Social Services Administration Boards Act
Ontario Regulation 278/98 of the Act
Section 19, 269, 270, 271, 321 of the Municipal Act, 2001

SUMMARY OF INTERIM GUIDELINES

These guidelines clarify and confirm governance and accountability requirements for DSSABs. The guidelines represent the minimum governance and accountability provisions that shall be in place for each DSSAB. These guidelines do not require legislative or regulatory amendments for implementation.

INTENT OF POLICY

To ensure that there are consistent governance and accountability provisions in place for each DSSAB.

APPLICATION OF POLICY

The Interim Governance and Accountability Guidelines for DSSABs represent the Ministry's governance and accountability requirements for DSSABs. The requirements are based on the *DSSAB Act*, regulations and ministry policy together with the *Municipal Act, 2001* and other legislation affecting municipalities, and/or local boards and their council and board members, as applicable to DSSABs.

The Guidelines focus on those matters which will allow for improved governance and accountability for DSSABs. The Guidelines only address those matters which do not require legislative or regulatory amendments for implementation. The focus on governance and accountability matters excludes any operational-related requirements that may be imposed through other Acts which are applicable to DSSABs, e.g., *Ambulance Act*.

GUIDELINE #1: ROLE OF THE DSSAB BOARD, CHAIR, OFFICERS AND EMPLOYEES

The Role of the DSSAB board is to provide overall governance responsibility in order to be accountable for and to carry out the duties of the board, including:

- to represent the public and to consider the well-being and interests of all of the member municipalities and Territories Without Municipal Organization (TWOMOs);
- to develop and abide by the policies and programs of the board;
- to determine which services the board provides;
- to ensure that administrative practices and procedures are in place to implement the decisions of the board;
- to maintain the financial integrity of the board;
- to carry out the duties of the board under the *District Social Services Administration Boards Act*, the *Ontario Works Act 1997*, the *Day Nurseries Act*, the *Social Housing Reform Act, 2000*, the *Municipal Act, 2001* and the related Regulations or any other Act as required, and including the legislation of the Ministry of Health and Long-Term Care where applicable
- designating a spokesperson, when required, regarding the actions and plans of the board;
- to ensure open communication channels with provincial government ministries, specifically MCSS, MMAH and MOHLTC through fostering positive working relationships.

The Role of the Chair is:

- to carry out the duties of the Chair under the *DSSAB Act* or any other Act;
- to preside over board meetings.

Members of the board who are appointed as chairs may be re-appointed as chairs for the next year.

The role of the officers and employees of the DSSAB is:

- to implement the board's decisions and establish administrative practices and procedures to carry out the board's decisions;
- to undertake research and provide advice to the board on the policies and programs of the board;
- to carry out other duties required under the *DSSAB Act* or any Act and other duties assigned by the board.

GUIDELINE #2: CLOSED MEETINGS

DSSABs may only hold a closed meeting if the matter relates to:

- the security of the property of the board;
- personal matters about an identifiable individual, including employees of the board;
- a proposed or pending acquisition or disposition of land by the board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

DSSABs must hold a closed meeting if the matter relates to:

- the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the board is the head of an institution for the purposes of that Act.

Before holding a closed meeting, or part of a meeting which is closed, the DSSAB shall state by resolution, the fact of the holding of the closed meeting, and the general nature of the matter to be considered at the closed meeting.

GUIDELINE #3: PROCEDURE BY-LAW

A procedure by-law governing the calling of meetings, place and proceedings of meetings shall be adopted. The procedure by-law should set out the decision-making structure for the Board, for example, whether there will be a committee system, the role of staff within the decision-making structure, and/or how the public would provide input. The Board may choose a model that it decides is most appropriate.

GUIDELINE #4: NOTICE POLICY

A notice policy shall be adopted in which the board gives notice in a form and in a manner and at the times that the board considers adequate to give reasonable notice for each of those matters.

At a minimum, the following matters shall be covered by the notice policy:

- before adopting or amending all or part of the budget;
- before enacting or amending its procedure by-law;
- before adopting or amending its notice policy;
- before establishing or amending any fee or charge.

GUIDELINE #5: MUNICIPAL CONFLICT OF INTEREST ACT

The *Municipal Conflict of Interest Act* applies to all members of a DSSAB board, including the members representing Territories Without Municipal Organization. The Act imposes a statutory duty on members to declare pecuniary interests, direct or indirect, and refrain from participating and voting on any matter in which they have a pecuniary interest. It also prohibits influencing others before, during or after the meeting. Members should refer to the *Municipal Conflict of Interest Act* and should obtain legal advice if they have any questions about these provisions.

GUIDELINE #6: AUDIT REQUIREMENTS

The accounts and transactions of DSSABs are to be audited by an auditor of the municipality that is responsible for the largest share of the operating costs of the DSSAB, unless the board decides otherwise.

In the event that the board determines not to use the auditor of the largest municipality, an appropriate tendering process is to be followed (i.e., in the year prior to the audit year in question).

GUIDELINE #7: FINANCIAL STATEMENTS

Audited financial statements are prepared in accordance with Public Sector Accounting Board (PSAB) recommendations

In accordance with the terms of the Service Contract, Reconciliation Report and Audited Financial Statements are submitted within 4 months of the DSSAB's fiscal year end.

GUIDELINE #8: TWOMO ELECTION ADMINISTRATION

DSSABs are responsible for administering the TWOMO election. However DSSABs may contract out administration to a third party. DSSABs would be responsible for the costs of administering the election.

Subject to approval by municipal council, the clerk of a member municipality may be appointed the DSSAB election clerk. The clerk of the largest municipality may be in the best position to oversee the DSSAB election. However, there may be a better choice of municipality for a particular board. For example, an adjacent municipality may be more appropriate to take on the role.

GUIDELINE #9: TRANSITION PERIOD FOLLOWING ELECTION

Any action described below should not be taken after Election Day for new municipal council or TWOMO representatives and up to the first day of the term of the new board:

- appointment or removal from office of any member of the board;
- hiring or dismissal of any employee of the board;

- disposition of any real or personal property of the DSSAB which had a value exceeding \$50,000 when it was acquired by the DSSAB (unless the disposition was included in the most recent budget adopted by the DSSAB before nomination day);
- making any expenditures or incurring any other liability which exceeds \$50,000 (unless the liability was included in the most recent budget adopted by the DSSAB before nomination day), excluding normal day to day business expenditures e.g. Ontario Works.

GUIDELINE #10: FILLING A TWOMO MEMBER VACANCY

DSSABs may appoint a new member to fill a vacancy of a TWOMO member according to the following criteria:

- the person is qualified to be elected as a representative of a TWOMO;
- has consented to accept the office if appointed;
- if more than one person is nominated to fill a vacancy, the board votes to determine which person shall fill it:
- a person who receives more than half the votes shall fill the vacancy;
- if no person receives more than half the votes, another vote is taken which excludes the person who received fewest votes in the previous vote;
- if two or more persons received fewest votes, the person to be excluded is chosen by lot.

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