



Staff Report

Human Resources

Report To: Committee of the Whole
Meeting Date: January 16, 2019
Report Number: FAF.19.008
Subject: Council Staff Relationship Protocol
Prepared by: Jennifer Moreau, Director of Human Resources

A. Recommendations

THAT Council receive Staff Report FAF.19.008, entitled "Council Staff Relationship Protocol";

AND THAT Council approve the new policy entitled "Council Staff Relationship Protocol", POL.COR.19.XX.

B. Overview

The purpose of this report is to ensure compliance with new legislated requirements prescribing that as of March 1, 2019 all municipalities in Ontario must have a Council Staff Relationship Protocol.

C. Background

Bill 68 was tabled by the provincial government in November 2016 following a period of public consultation in 2015. The government is required by legislation to review the Municipal Act and the City of Toronto Act every five (5) years. The government reviewed both Acts at the same time, along with the Municipal Conflict of Interest Act, to address and incorporate broader themes of accountability and transparency into the review. The public consultation focused on the themes of:

- accountability and transparency;
- municipal financial sustainability; and,
- responsive and flexible municipal government

Many of the amendments being implemented with the passage of Bill 68 are based on the feedback from municipalities, the public and other organizations during the consultation period. Bill 68 received Royal Assent on May 30, 2017.

The amendments introduced through Bill 68 will:

- Increase fairness and reduce barriers for women and parents elected to municipal governments and school boards by allowing time off for pregnancy or parental leave;
- Provide broader municipal investment powers to eligible municipalities that may help raise more revenue to improve local infrastructure;
- Require all municipalities to have a policy on the relationship between members of council and the officers and employees of the municipality.
- Enhance local government accountability and integrity across the Province by requiring municipalities to have a Code of Conduct for members of municipal Councils and Local Boards; and
- Ensure the public and Members of Council have access to Integrity Commissioners with a broadened role related to conflicts of interest and municipal Codes of Conduct.

D. Analysis

As governments at all levels strive to do more with less and tackle more difficult problems, more effort has to be made to find ways of developing a mutual understanding of the traditional role of civil servants and elected officials so as to avoid unnecessary and unproductive conflict. (Constantinou, 2017)

Staff have provided Council with a policy:

- that details individual roles;
- supports the spirit of a positive working relationship between Council and Staff;
- identifies that both staff and Council are professionals who govern and direct the Town in different ways but are interdependent;
- clearly identifies that the Town functions best when Council and Staff are respectful of each other's roles; and
- if issues arise informal discussions will be our starting point to resolve conflict.

Staff sent out a call to Simcoe and Grey County HR Counterparts to research benchmark policies. The Town of Huntsville and West Grey were the only municipalities that had developed a policy that could be shared. Staff reviewed the following articles and municipal Council & Staff Relationship Protocols in developing our policy:

- AMCTO Policy and Management Briefs, Issue 02/August 17, 2015, "Successful Staff/Council Relations: Old Lessons for New Challenges", Michael Fenn.
- Canadian Journal of Local Government, November 2017, "Political Acuity and Council-Staff Relations", Peter Constantinou.
- Town of Brampton, Council Staff Relationship Protocol
- City of Nanaimo, Council – Staff Relations Protocol
- The Corporation of the Municipality of West Grey By-Law Number 22-2018, "Council Staff Relations Policy"
- The Corporation of The United Townships of Head, Clara and Maria: Council-Staff Relations Policy

- The Township of Minden Hills Policy #47 Council -Staff Relations
- The Town of Bancroft, Schedule A to By-law No. 60 – 125 Council Staff Communication Policy
- Town of Huntsville – **Draft** Council-Staff Relations

E. The Blue Mountains Strategic Plan

- Goal #4: Promote a Culture of Organizational & Operational Excellence
- Objective #1 To Be an Employer of Choice
- Objective #2 Improve Internal Communications Across our Organization
- Objective #3 To Consistently Deliver Excellent Customer Service
- Objective #4 To Be a Financially Responsible Organization
- Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

F. Financial Impact

Although there are no financial figures associated with the approval of this policy, staff note that a properly worded policy based on best municipal practice can help aid in mitigating legal costs for both the Town, Staff and Council Members.

G. In Consultation With

- Ruth Prince, Director Finance & IT Services
- Nathan Westendorp, Director Planning & Development Services
- Reg Russwurm, Director Infrastructure & Public Works
- Shawn Everitt, Interim Chief Administrative Officer
- Rob Collins, Director Enforcement and Fire Services

H. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to Jennifer Moreau, Human Resources Director, hr@thebluemountains.ca.

I. Attached

1. Draft Council Staff Relationship Protocol

Respectfully submitted,

Jennifer Moreau
Director of Human Resources

For more information, please contact:
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Policy

POL.COR.19.XX Council Staff Relationship Protocol

Policy Type:	Corporate Policy (Approved by Council)
Date Approved:	To be determined - 2019
Department:	Human Resources
Staff Report:	FAF.19.008
By-Law No.:	Not Applicable

Policy Statement

Positive relationships between Council and Staff are essential to the provision of public service excellence and effective governance in the Town of The Blue Mountains (Town). Successful relationships involve mutual understanding of roles and responsibilities, two-way communication, clarity in reporting relationships and direction from Council to Staff through the CAO. These principles can be achieved when high standards of conduct form the basis of all Council and Staff interaction.

Purpose

Town staff serve Council as a whole in order to deliver quality public services and programs and effective management of Town resources in a way that serves the greater good of all citizens.

This Protocol offers guidance on Council-Staff relationship issues which may arise, and will serve as a guide to dealing with circumstances as they may arise from time to time, and should ensure that Council Members receive objective and impartial advice and professional support from Town staff. This Protocol should be used and applied in conjunction with other guiding Town documents listed at the end of this Protocol.

Application

The guiding principals contained in this policy shall apply to all Town staff and Council Members of Town of The Blue Mountains.

Definitions

Chief Administrative Officer: the head of Town staff, as the only employee of Council, manages the day-to-day work of Town staff as directed by Town Council.

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Council Members: shall mean the members elected as the legislative body of the Town of The Blue Mountains Council.

Mayor: the head of Council and the Chief Executive Officer of the Town.

Staff: shall mean full-time, part-time, contract workers and volunteers of the Town.

Town: shall mean The Corporation of the Town of The Blue Mountains.

Procedures

Roles and Accountabilities: The role of Council is to govern. The role of staff is to advise, implement and manage public service delivery. Council and staff work in partnership with one another, while performing their respective roles. Although the roles of Council and staff are distinct, they are interdependent, each one requiring the other to fulfill the Town's mandate and purpose.

Joint Role of Council Members and Staff

- Demonstrate commitment to accountability and transparency among Council and staff and with the general public;
- Demonstrate leadership by making sound decisions based on knowledge, expert advice and sound judgment;
- Maintain confidentiality in all matters where information is protected under law and/or during the course of business, as prescribed in the Municipal Act;
- Truly, faithfully and impartially exercise their role to the best of their knowledge and ability;
- Enhance public understanding of the political process by providing information about decision making processes;
- Uphold decisions of Council as a whole, regardless of personal opinion or belief, and commit to the implementation of those decisions;
- Refrain from disparaging criticism of Council Members or Staff; and
- Seek to achieve and maintain an environment of mutual respect and trust, with respect and acknowledgement of the different roles in achieving Council's objectives.

Role of Council Members (Mayor and Councillors):

- The role of Council as a whole as expressed collectively through is three-fold:
 1. **Representative role** – to represent constituents in dealing with issues before Council, keeping the greater good of all constituents in mind
 2. **Policy role** – to make policy and establish general principles to guide future actions and decisions

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3. **Stewardship role** – to be stewards of municipal resources, and to ensure financial and administrative resources are being used efficiently, consistent with established policy, legislation and the objectives of Council.
 - Councillor requests for information or service that are readily available to the public shall be provided to Members in the same manner as it is provided to the public.
 - Councillor requests for new information or service, requiring a commitment of resources (e.g., investigation, analysis, expenditures) beyond the normal course of public service delivery levels shall only be provided after being authorized by the whole of Council through a resolution.
 - Councillor requests for staff participation and attendance at Councillor-organized community events or meetings shall be in keeping with existing procedures and service levels and shall ensure that the Chief Administrative Officer is aware of and in agreement with the community meeting logistics, purpose and outcomes.
 - Councillor direction or requests to staff to undertake an action, expend funds, commit resources beyond the normal course of public service delivery levels, or prepare a staff report to Council or a committee, shall only be acted upon by staff when authorized by the whole of Council through a resolution.
 - The Mayor, an individual Councillor or informal groups of Councillors cannot make a decision on behalf of the Council unless authorized by Council or statute.
 - Council Members should, to the extent possible:
 - discuss issues with staff and advise staff of questions prior to public meetings where the issue will be heard;
 - request advice from the Town Clerk about the appropriate wording of motions, amendments and formal staff directions in accordance with the Procedural By-law;

Role of Town Staff:

The role of Town staff is to provide advice, support and recommendations to Council collectively and to Council Members individually, and to implement Council decisions in keeping with legislation, Town policy and procedures.

- Staff responses to a Councillor on specific issues (e.g., complaints, questions, requests) will be provided to all Councillors for consistency.
- Staff responses to a Councillor on Town or Corporate issues will be provided to all Council Members for consistency.
- Staff responses to requests from Council Members for readily-available public information shall be provided within 2 business days whenever possible.

Respectful Reporting Relationship

The formal relationship between Council Members and Staff must be respected to ensure equal treatment. For significant or sensitive issues, Council Members and Staff are encouraged to primarily direct questions and concerns to the Mayor and/or CAO for their consideration. Any request for information from a Council Member that is not received and answered at a

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Committee or Council meeting is to be circulated and responded to in writing and copied to all Council Members.

Respect for Time Priorities

Timelines must be respected by all Council Members and staff. It is expected that all participants will be well prepared for meetings and will prioritize appropriately, according to direction given by management or Council. Staff will spend time on significant projects only once direction is given by Council to do so. Appointments will be made for meetings between staff and Council Members in order to ensure that all parties are available and prepared for the discussion.

Expectations of Information Flow Outside of Regular Business Hours

It will not be expected that responses will be sent or actions taken by staff outside of regular administrative business hours, with the exception of emergencies as defined by the Emergency Response Plan for the Town.

Input and Direction from Council Members

Council Members are required under the Municipal Act to represent the public and to consider the well-being and interests of the municipality as a whole.

The chart below provides an outline of staff actions to be taken in response to Councillor input and Council direction.

Council Input	Staff Requirement to Report Back	Staff Requirement to Take Action
An individual member of Council provides input on administrative/operational matters (e.g. informally or during a meeting)	No	At staff's discretion or at the direction of the CAO.
A Committee or Council gives direction to staff through the CAO regarding an administrative/operational matter through a resolution	Yes	Yes
A Committee or Council approves a staff recommendation	As directed by Council/CAO	Yes

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While a report in writing back to Council may not be required, it is often in the interest of relationship building and/or accountability to do so, either informally (i.e. email) or formally, as each circumstance dictates.

Exclusions

There are no exclusions to this protocol except as required by law or for matters that are restricted to Closed Meetings as per the Municipal Act.

References and Related Policies

This Protocol shall be read and applied in conjunction with the following Corporate documents, as updated from time to time:

POL.COR.07.07 Code of Conduct for Members of Council and Local Boards

POL.COR.18.04 Protocol Policy for Complaints Related to Council Members and Local Boards

POL.COR.18.08 Workplace Violence and Harassment

2018-60 Procedural By-law

POL.COR.18.01 Use of Corporate Resources for Election

Consequences of Non-Compliance

In the interest of strengthening staff and Council relationships both staff and Council are encouraged to consider informal discussions and/or mediation prior to the submittal of a formal complaint. The following policies will be referenced for all complaints:

1. Protocol Policy for Complaints Related to Council Members and Local Boards
2. Code of Conduct for Council Members and Local Boards
3. Workplace Violence and Harassment

Review Cycle

This policy will be reviewed once per term of Council or as required due to legislative change.