

**REPORT TO:** Mayor and Members of Council

**PREPARED BY:** Jackie Tiedeman, Clerk

**DEPARTMENT:** Administration & Finance

**DIVISION:** Clerk

**MEETING DATE:** Wednesday, June-05-19

**SUBJECT:** Council/Staff Relations Policy

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### **RECOMMENDATION**

Be It Resolved that the Report entitled “Council Staff Relation Policy” be received; and  
That the Policy be hereby enacted as presented.

### **EXECUTIVE SUMMARY**

This policy was developed in response to new legislative requirements enacted through Bill 68 (An Act to amend various Acts in relation to municipalities) under Section 270 (1) of the *Municipal Act, 2001* as amended. The Municipality of North Middlesex is required to adopt and maintain a policy with respect to the relationship between Members of Council and the Officers and staff of their respective municipality.

### **LINK TO STRATEGIC PRIORITIES**

**To create a positive, open organizational culture that builds a stronger Municipal organization by providing open, respectful and responsible leadership.**

### **BACKGROUND**

Section 270 (1) was amended to include the need to develop several new policies. This requirement was proclaimed in force effective March 1, 2019. This is the last policy to be developed in order to be in compliance with the *Act*. Although this fulfills the requirement of mandatory policies, there is an ongoing need for review of other policies already in place and this will continue through the Policy Committee.

### **DISCUSSION**

This policy was provided to Policy Committee for their input and review on April 11 and May 16, 2019 was subsequently recommended for Council consideration at this meeting.

The policy applies to all Members of Council, CAO, Officers and all staff of the municipal organization. The intent is to ensure that the relationship is cooperative and supportive, with a clear understanding of the respective roles and responsibilities. The policy emphasizes the position that in a Council/CAO system, Council directs the organization through the CAO. The role of Council is policy focused while the CAO roles provides direction and focus to policy. The document provides guidance with respect to the Chain of Command, Members of Council role as public figures and equality between members regardless of experience or abilities. The Information Protocol section provides guidance on expectation of information between members of council but also to staff, customers and ratepayers. Information held and disclosed by the Municipality, Council and Staff must be in compliance with the Access and Privacy legislation and some requests may require access through Freedom of Information (MFIPPA) through the Clerks Department. Complaints and concern protocol are maintained through the Clerks office and the policy provides guidance as to the chain of command for handling such matters.

The policy is reflective of the practices and procedures directly provided within various sections of *Ontario's Municipal Act*.

Council will also see similarities in this relation policy that compliments what already exists within the Council Code of Conduct Policy approved on April 20, 2016.

## **FINANCIAL**

*Not Applicable*

## **ATTACHMENT**

Council Staff Relation Policy

Prepared By: Jackie Tiedeman, Clerk

Reviewed By: Jonathon Graham, Interim CAO/Director of Operations

Approved By: Jonathon Graham, Interim CAO/Director of Operations

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**Section:** Administration  
**Subject:** Staff Council Relation Policy  
**Policy Number:** TBD  
**Version:** 1  
**Review Frequency:** yearly

**Approved by:**  
**Approval Date:**  
**Application:**

**Notes:** As of March 1, 2019, amendments to Section 270 of the *Municipal Act, 2001* require municipalities to adopt and maintain a policy with respect to the relationship between Members of Council and the Officers and Staff of their respective municipality.

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**Legislative Authority:** *Ontario Municipal Act, 2001 as amended*

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## 1. INTRODUCTION

As of March 1, 2019, amendments to section 270 of the Municipal Act, 2001 require municipalities to adopt and maintain a policy with respect to the relationship between Members of Council and the Officers and Staff of their respective municipality.

## 2. INTENT

This policy shall apply to all Members of Council, CAO, Officers and Staff of the Municipality of North Middlesex. The intent of this policy is to ensure that the relationship between Members of Council and the Officers and Staff of the municipality is cooperative and supportive, with a clear understanding of the respective roles and responsibilities. The policy emphasizes the position that in a Council/CAO system, Council directs the organization through the CAO.

## 3. DEFINITIONS

“Chief Administrative Officer (or CAO)” means the appointed employee of Municipality who is responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the Municipality, and for performing such other duties as are assigned by the Council;

“Member(s) of Council” means a member or members of the elected municipal Council of the Municipality of North Middlesex;

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“Officers” means a person who holds a position of responsibility with definite rights and duties as prescribed by statute or by-law;

“Staff” means any of the following:

- A person, not including Members of Council, who performs work for the Municipality for wages;
- A person who supplies services to the Municipality for wages;
- Such other persons as may be prescribed who perform work or supply services to the Municipality for no monetary compensation.

“Municipality” means the Municipality of North Middlesex.

#### 4. ROLES AND RESPONSIBILITIES

a) **Role of Council – Policy Focus:**

- I. Represent the Municipality, provide direction and create policy.
- II. Council directs the CAO to achieve outputs. Direction is given through Council’s goals and objectives.
- III. Council as a whole directs the CAO.
- IV. Council monitors the performance of the organization by monitoring the performance of the CAO.

b) **Role of Chief Administrative Officer (CAO) – Direction Focus:**

- I. Liaison between Council, and Staff and Officers,
- II. Overall direction and management of the organization
- III. Direct implementation of Council’s policies based on interpretation. The CAO has the authority to develop action plan to achieve goals/objectives. Where there are multiple interpretations, any questions should be referred back to Council for decision.
- IV. Deal with Human Resources matters, including hiring and disciplinary process.
- V. The CAO will do his/her best to accommodate requests from individual council members which shall be made available to all Council. However, if these requests are, in the opinion of the CAO, onerous or inappropriate and outside the sphere of Council’s goals and objectives then these shall be deferred and discussed with the Head of Council and a response would then be provided to the council member. If further discussion is deemed necessary it would be referred to the whole of Council for direction.

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- c) **Role of Officers and Staff** – Implementation Focus: Research policy and programs, give best professional advice, implement decisions of Council, fulfil statutory duties, follow direction of the CAO.
  - d) **All Members of Council, Officers and Employees** of the Municipality are required to adhere to this policy and its governing provisions in addition to: Council Code of Conduct Policy, Workplace Violence and Harassment Policy and the Procedural By-law.

## 5. GUIDELINES

- a) **Respect the Chain of Command** Members of Council shall understand they have no individual capacity to direct Staff and Officers to perform - or not perform - functions or duties. The CAO is responsible for Staff and Officers. However, Members of Council may generally engage with Staff and as such may also act as a conduit between public and staff to ensure that complaints, concerns, suggestions are passed on to Staff to take appropriate steps. This would include both in person, verbal, written and electronic messages.
- b) **Members of Council are Public Figures**, not Staff and Officers. Once a matter is proposed or decided, Staff and Officers should only comment on matters of fact or history in discussing issues with the public and the media and should comply with the Press Releases policy.
- c) **All Members of Council are Equal** regardless of how they interrelate. Members of Council, Staff and Officers must avoid favoritism and the appearance of favoritism. Differences in experience and abilities amongst Members of Council are irrelevant - they all must be treated equally.
- d) **Respect for Time** Priorities and timelines must be respected by all members of Council 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. It is expected that appointments will be made for meetings between staff members and Council members in order to ensure that all parties are available and prepared for the discussion.
- e) **Represent the Whole Community** Members of Council, together with the Municipality's Staff and Officers, work for the public good. Decision making by

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Members of Council should be based on complete information and unbiased recommendations from Staff and Officers. Members of Council, in addition to such information and recommendations, may rely on their own judgment and leadership in their decision making.

- f) **Intergovernmental Communications** The Mayor is the spokesperson for Council regarding communications with other governments or agencies. If a member of Council is interested in formally communicating with another government or agency, they should take their request to the Mayor and/or the CAO through Notice of Motion to Council. Members of Council should not directly contact any regulatory bodies regarding any regulatory compliance concerns.
- g) **Avoid Public Criticism** Members of Council should avoid the temptation to play up divisions or conflicts. Staff and Officers shall carry out, to the very best of their abilities and without negativity, all decisions and directions of Council. Staff and Officers shall not be targets of derisive/ vexatious comments/ behavior/ conduct. Comments on Staff and Officer performance shall be directed through the appropriate confidential performance reviews.
- h) **Politics or Management – Not Both** Council provides direction, while Staff and Officers give professional advice and implement Council's directives. Members of Council are not elected to be technical experts, nor to act in their professional capacities. Likewise, Staff and Officers are not politicians. Advice comes from Staff, with policy and service delivery decisions made by Council.
- i) **Professionalism** Members of Council, Staff and Officers shall treat each other with professionalism. When Council requests that Staff and Officers appear before Council, they must comply and be prepared for any questions Council has. Advance notice of questions to Staff and Officers provides an opportunity to provide quality reports and advice to Council.
- j) **Respect** Members of Council, Staff and Officers shall work hard at fostering a climate of mutual respect. Each shall be respectful of others' intelligence and professional duties. Members of Council, Staff and Officers shall understand that they all face different, and often unique, challenges and recognize their overarching goal is to serve the best interests of North Middlesex.

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### 6. INFORMATION PROTOCOL

- a) **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.
- b) **Input and Direction from Members of Council:** Members of Council are required under the Municipal Act is to represent the public and to consider the well-being and interests of the municipality as a whole. Council acts as a conduit between public and staff to ensure that complaints, concerns, suggestions are passed on to Staff to take appropriate steps.
- c) **Internal protocol between Members of Council:** Members of council who receive a call, email or in-person inquiry from a resident that lives within another members' ward shall direct the inquirer to the appropriate ward member. A courteous email or phone call outlining the nature of the matter, will also be sent/made to that appropriate ward member and applicable staff member, that the inquirer was referred. This is intended to ensure that open communication is maintained at all times between council members and staff throughout the entire municipal organization while respecting the ward boundaries. It also confirms information being provided remains consistent between all members and staff
- d) **Access and Privacy (MFIPPA):** MFIPPA establishes a general right of access to records held by an organization. The guiding principles of MFIPPA include:
  - The public has the right to information held by North Middlesex;
  - Any member of the public can submit a request for information held by the Municipality of North Middlesex
  - Individuals have a right of protection of personal information held by the Municipality of North Middlesex
  - Decisions to refuse information are reviewed independently by the Information and Privacy Commissioner of Ontario
- e) **Freedom of Information (FOI) Requests:** FOI requests are processed by the Clerk. All information must be collected and delivered within the prescribed timelines. All requests are kept confidential, including the name of the requestor. Every attempt is made to respond to FOI requests within the legislated 30 day timeline, however, incremental 30 day extensions can be sought if the request is too complex or there are other factors that delay its delivery.
- f) **Individual Customer, Ratepayer, and Employee Information:** Members of Council are not provided access to information that is protected under MFIPPA, PHIPA, or other relevant privacy legislation. FOI and MFIPPA requests can be made by any member of the public, including council and staff members.

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- g) **Human Resources Management:** Human Resources Management has been put into the care and control of the CAO and as such Council will get updates, where appropriate regarding HR issues, from the CAO or other appropriate designate.
- h) **Media Relations:** Media releases, with expressed public effect, will be sent to members of Council immediately in advance of their public release. Members of Council will accurately and adequately communicate the decisions of North Middlesex Council, even if they disagree with a majority decision of Council so that;
- There is respect for the decision making processes of Council;
  - Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or designate;
  - Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately; and
  - Confidential information will be communicated only when and after determined by Council.

## 7. COMPLAINTS AND CONCERNS

The Municipal Clerk shall be responsible for receiving complaints and/or concerns related to this Policy. Upon receipt of a complaint and/or concern, the Clerk shall notify:

- a. In the case of Staff and Officers other than the CAO, the CAO;
- b. In the case of the CAO, Head of Council; or
- c. In the case of a Member of Council, the Integrity Commissioner.

Handling of complaints and concerns shall be done in the manner set out in the Code of Conduct or other applicable policy. Where there is a discrepancy between this Policy and the Code of Conduct, the Code of Conduct prevails.