



CORPORATE SERVICES *Staff Report*

REPORT NO: COR-2024-28

TO: Council

SUBMITTED BY: Greg Clark, Director of Corporate Services/Chief Financial Officer

PREPARED BY: Greg Clark, Director of Corporate Services/Chief Financial Officer

REVIEWED BY: Greg Clark, Acting Chief Administrative Officer

DATE: November 4, 2024

SUBJECT: Council-Staff Relations Policy Review

RECOMMENDATION:

THAT Report COR-2024-28 Council-Staff Relations Policy Review, be received for information; and,

THAT Staff be directed to bring back the Council-Staff Relations Policy for approval at the November 25, 2024 Council Meeting.

SUMMARY:

- The Municipal Act requires municipalities to have a policy regarding the relationship between Council and Staff.
- The existing policy was approved in 2019 and does not clearly address the expectations of relations between Council and Staff.
- The proposed policy is based on a review of comparators, combining best practices into a comprehensive policy.

BACKGROUND:

The Municipal Act, 2001 S.O. 2001, c.2, s. 270(1) requires that all municipalities adopt and maintain a policy regarding the relationship between Members of Council and staff. The Act

also sets out the core responsibilities of the Head of Council (Mayor) in s. 225 and s.226, Members of Council in s.224, and staff in s.227.

In 2019, Council adopted Policy #CA-007 Council-Staff Relations Policy. As part of staffs ongoing review of existing policies staff are recommending changes to provide clarity around the roles and responsibilities of Council and Staff, and better align the policy with municipal best practices.

REPORT:

In local governments across Ontario, Council and Staff have complimentary but exclusive roles in maintaining good governance and the provision of exemplary public services. Mutual respect for these roles and the boundaries between them, and clear and supportive communication between Members of Council and Staff are essential to achieving the Township's objectives.

The purpose of a Council-Staff relation policy is to ensure that the relationship between Members of Council and Staff of the Corporation is co-operative, supportive and positive with a clear understanding of the respective roles and responsibilities.

Pursuant to section 270 (1) of the Municipal Act, 2001, a Municipality must have a policy with respect to the relationships between Members of Council and employees of the Township of Wilmot. That framework supports a cooperative relationship that is critical to the successful development and implementation of the strategic and policy decisions by Council and the effective administration and delivery of municipal services by Staff. The attached draft policy (Schedule A) describing the relationship between Members of Council and Staff complements their roles as defined by legislation, prescribed by the Township's By-laws, the Code of Conduct for Members of Council, and guided by other approved corporate policies, procedures and professional standards.

The draft policy includes guiding principles to help support a clear understanding of the roles and responsibilities, including among others, supporting open and clear communications between Council and Staff; support for a respectful workplace and mutual respect; professionalism and supporting formal relationships; and, ensuring the effective use of Council time.

Section seven of the Policy lays out the expectations of both staff and council. This is the section that is critical to ensuring a positive working relationship.

7. Policy

The flow of information between Staff and Council should promote the principles of transparency, accountability and when appropriate, confidentiality.

Members of Council have the same rights of access to information as members of the community.

It is expected that Members of Council will:

- 7.1 Request Corporate Leadership Team input prior to making policy decisions;
- 7.2 Discuss issues with the Corporate Leadership Team and advise them of questions prior to Council/Committee meetings, whenever possible, for better informed debate and evidence-based decision making;
- 7.3 Understand their discussions with Staff may be communicated to others within the organization and that a Member of Council cannot compel Township Staff to confidentiality;
- 7.4 Request advice from the appropriate Director about the appropriate wording of motions, amendments, and formal direction to Staff in accordance with the Procedural By-law; and,
- 7.5 Consult with the appropriate Director prior to responding to constituents concerns or requests to ensure accurate information regarding Township policies, services levels, budgets and work plans.

Members of Council should refrain from:

- 7.6 Directing, instructing, or influencing Staff other than by giving appropriate direction by way of a Council resolution;
- 7.7 Contacting Staff on Council related business prior to consulting Director of that department;
- 7.8 Expecting or requesting a waiver of standard process in their dealings with Staff;
- 7.9 Attending technical meetings between Staff and consultants, applicants, contractors or legal advisors; or
- 7.10 Issuing instructions to the same parties as noted above.

It is expected that Staff will:

- 7.11 Ensure that Council is apprised of known issues that may impact upon their decision-making process in a timely manner;
- 7.12 Provide advice based on political neutrality and objectivity utilizing their professional expertise;
- 7.13 Notify Council in a timely fashion of changes to legislation and any unintended or unexpected consequences of policy decisions through written reports or presentations;

- 7.14 Provide Council with the implications of recommendations which may impact services or corporate wide work plans and related capacity issues;
- 7.15 Give effect to the lawful decisions, policies and procedures of the Council, whether or not the Staff member agrees with or approves of them;
- 7.16 Provide all Members of Council with the briefing materials, reports and information requested by individual Members of Council; and,
- 7.17 Provide a written response to inquiries from Members of Council in one working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Comparator Review

To aid staffs review, the following municipalities and their respective policies were included in the municipal scan for best practices: City of Brampton; Town of Oakville; Town of Halton Hills; Region of Waterloo; City of Kitchener; City of Waterloo; Township of Woolwich; County of Dufferin; Simcoe County; York Region; Township of Centre Wellington; Town of Fort Erie; municipality of Middlesex; City of Stratford; Town of Tillsonburg.

The attached policy is consistent with comparators in its structure and content. The majority of comparators also include similar language related to complaints in that it refers to existing corporate policies specifically designed to deal with the respective issues.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Trustworthy Leadership - Foster a positive and respectful working environment engaging and serving our community

FINANCIAL CONSIDERATIONS:

There are no direct financial impacts of this policy.

ATTACHMENTS:

- Attachment 1 – Council-Staff Relations Policy
- Attachment 2 – CA-007 Council-Staff Relations Policy (2019)
- Attachment 3 – OHS-043-03 Violence and Harassment