



The Town of Niagara-On-The-Lake

Telephone (905) 468-3266
Facsimile (905) 468-2959

1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

Report: CS-19-012B

Committee Date:

Due in Council:

April 08, 2019

Report To: Lord Mayor and Council

Subject: Council and Staff Relations Policy

1. RECOMMENDATION

It is respectfully recommended:

- 1.1 That Council receive Corporate Services Report CS-19-012A , entitled “Council and Staff Relations Policy attached to this report, and set aside the recommendations contained there in; and
- 1.2 That Council approve Policy P-CS-19-002 by way of by-law, entitled “Council and Staff Relationship Policy”, attached as Appendix I.

2. PURPOSE / PROPOSAL

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 and Staff Relationship Protocol.

3. BACKGROUND

As noted in report CS-19-012:

On November 16, 2016, Bill 68, Modernizing Ontario’s Municipal Legislation Act, 2017 (“Bill 68”), was introduced in response to the Province’s review of the Municipal Act, 2001 and Municipal Conflict of Interest Act, 1990. On May 30, 2017, Bill 68 received Royal Assent with some amendments being proclaimed upon March 1, 2019.

Bill 68 amends several Acts including, but not limited to: the Municipal Act, 2001; the City of Toronto Act, 2006; the Municipal Conflict of Interest Act; the Planning Act; and, the Building Code Act. According to a release by the Province, the amendments introduced through Bill 68 look to:

- 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;
- 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 municipal councillors have access to Integrity Commissioners with a broadened role related to conflicts of interest and municipal Codes of Conduct.

Bill 68 now requires that Municipal Council's pass a policy on Council and Staff relations that address the responsibilities of the municipal staff and their interaction with Council. Sections 224 and 227 of the Municipal Act, 2001 defines the roles and responsibilities of Council and the municipal administration respectively. The Town of Niagara-on-the-Lake currently does not have a policy specifically to address Council and Staff relations, other than what is described though the Council Code of Conduct.

The draft policy, attached as Appendix I, has been prepared and reviewed by the Town's legal counsel as well as Town Staff and the suggestions and recommendations provided have been incorporated in the attached draft policy. The policy was developed from sector best practices and has been used throughout the region.

As noted in CS-19-012A:

At the March 4, 2019 Committee of the Whole meeting, Report CS-19-012 was deferred until the April 1, 2019 meeting in order for staff to clarify with legal counsel that the draft policy does not contravene municipal law and that policy addresses items which are suggested to be included by the Ministry of Municipal Affairs and Housing.

Staff have received comments which are attached to the report. To summarize Mr. Mascarin's comments he states:

"We are not aware of any prescribed or mandatory items that are mandated to be incorporated or included within a council staff relations policy by the Ministry of Municipal Affairs and Housing or others."

Additionally, attached to Mr. Mascarin's memo is the original policy which was provided to staff. The draft policy attached for approval has minor changes to the policy. More specifically the revised policy includes changes to certain staff personnel in order to reflect the chain of command of the Corporation.

4. DISCUSSION / ANALYSIS

At the April 1, 2019 Committee of the Whole meeting, Report CS-19-012A, attached as Appendix II, was deferred in order for the comments provided by Councillor Stuart McCormack to be referred to legal counsel for review and report back at a future meeting of Council meeting.

Staff have received comments in response to the revisions from Mr. Mascarin's which are as follows:

5.1(b) - since all Town councillors are elected at large, this is likely not required for your Town. It was intended for municipalities with ward councillors. The clause can be deleted.

5.1(e)(i) & (ii) - the changes are OK.

5.1(f) - as a general statement the original language should remain - yes, staff provide advice to council but they should be used effectively.

5.1(g) - this is not contrary to earlier advisement which cautioned against providing opinions and asking everyone to provide feedback or to start a discussion. The intent here is to provide a heads-up so that everyone knows who is asking for what.

5.1(h) - I maintain this is a valid proviso into include.

5.1(i) - the latter statement is partially covered by the first part of the clause but I believe it merits inclusion only to ensure that it is clear that public criticism of staff is inappropriate behaviour.

5.1(j) - OK

5.1(l) - I don't think this clause is unnecessary not inaccurate. MFIPPA protects information from a closed session from disclosure so it is not inaccurate as worded. I think it does relate indirectly to staff-council relations in that a councillor is not entitled to request or demand that staff disclose information otherwise protected simply because a member believes he or she will be better informed or needs the information

5.1(n) - I am not certain the councillor appreciates what the clause seeks to impart - i.e. that statutory officers have duties to act that may not coincide with what their employer may want them to do

5.1(o) & (p) - these should be left in.

5. STRATEGIC PLAN

N/A

6. OPTIONS

N/A

7. FINANCIAL IMPLICATIONS

N/A

8. COMMUNICATIONS

If approved, staff will make the policy available on the Town's website.

9. CONCLUSION

Staff recommend that as per Bill 68, Council approve the attached Council and Staff Relationship Policy.

Respectfully submitted,



Peter Todd
Town Clerk



Kyle Freeborn
Director, Corporate Services (A)



Holly Dowd
Chief Administrative Officer

ATTACHMENTS



NEW P-CS-19-002.pdf



CS-19-012A.pdf

WEB ATTACHMENTS

ATTACHMENTS FOR LINK

First Capital of Upper Canada - 1792



The Town of Niagara-On-The-Lake

Telephone (905) 468-3266
Facsimile (905) 468-2959

1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

POLICY

Policy No.: P-CS-19-002

Approved on:

February 20, 2019

By-Law No.:

Effective on:

Supersedes:

Report To: Corporate Services Advisory Committee
Title/Subject: Council and Staff Relationship Policy

1.0 Application & Purpose

- 1.1 This Council and Staff Relationship Policy applies to all Members of the Council of the Town of Niagara-on-the-Lake, including the Lord Mayor, and all members of Staff of the Town of Niagara-on-the-Lake, including the Chief Administrative Officer (CAO)
- 1.2 The purpose of this Policy is set out a general standard to ensure that Council and Staff share a common understanding of their respective roles and responsibilities as well as a common basis of their relationship, and to set out acceptable standards to govern their relationship and to which all Members and Staff are expected to adhere to and comply with.
- 1.3 The purpose of this Policy is to establish a policy to govern the relationship between Members of Council and Staff of the Town in accordance with paragraph 2.1 of subsection 270(1) of the *Municipal Act, 2001* .

2.0 Statement of Principles

- 2.1 This Policy is intended to set a high standard for relations between Council and Staff in order to provide good governance and instill a high level of public confidence in the administration of the Town by its Members as duly elected public representatives and its Staff as public administrators.
- 2.2 The following key statements of principle are intended to guide Council and Staff

and to assist with the interpretation of the Policy:

- Council and Staff shall recognize that positive internal relations are central to the collective ability of Members and Staff to provide good governance and instill a high level of public confidence in the administration of the Town;
- Members and Staff shall relate to one another in a respectful, professional and courteous manner;
- Members and Staff shall understand and respect each other's respective roles and responsibilities; and
- Members and Staff shall work together in furtherance of the common goal of serving the public good.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Policy – these principles are not operative provisions of the Policy.

3.0 Definitions

3.1 The following terms shall have the following meanings in this Policy:

- (a) "Clerk" means the Clerk of the Town;
- (b) "Council" means the council for the Town;
- (c) "Lord Mayor" means the head of Council;
- (d) "Member" means a Member of Council;
- (e) "Policy" means this Council and Staff Relationship Policy;
- (f) "Staff" means all officers, directors, managers, supervisors and all other employees, whether full-time, part-time, contract, seasonal or volunteer employees, as well as agents and consultants acting in furtherance of the Town's business and interests; and
- (g) "Town" means The Corporation of the Town of Niagara-on-the-Lake.

4.0 General Obligations

4.1 In all respects, Members and Staff shall:

- (a) relate to one another in a courteous, respectful and professional manner;

- (b) maintain formal working relationships in order to promote equality and discourage favouritism, which includes but is not limited to using proper titles and avoiding first names during public meetings or formal business dealings;
- (c) understand their respective roles and responsibilities, and appreciate and respect the roles and responsibilities of the other;
- (d) work together to produce the best results and outcomes for the Town and always for the collective public interest of the Town; and
- (e) act in a manner that enhances public confidence in local government.

5.0 Roles and Responsibilities of Members

5.1 Members acknowledge and agree that:

- (a) Council as a whole is the governing body of the Town and that it comprises a collective decision-making body;
- (b) Staff serve the whole of Council rather than any individual Member;
- (c) they govern, provide political direction and make decisions as Council;
- (d) they will respect the administrative and managerial chain of command by:
 - (i) directing any questions or concerns in relation to the proper administration or management of the Town to the Lord Mayor or the CAO for their attention; and
 - (ii) giving direction to Staff only through Council, or as delegated by Council; and
 - (iii) refraining from becoming involved in the management of Staff;
- (e) they shall use Staff time effectively, which includes but is not limited to only referring essential matters to Staff for reports;
- (f) they ensure any requests for information to Staff that were not received at a meeting of Council are made in writing and circulated in writing to all Members;
- (g) they understand that Staff will undertake significant projects only if they have been directed to do so by Council through the CAO;
- (h) whenever possible, they shall notify Staff if an action or position of Staff is to be questioned or criticized at a public meeting to ensure Staff has sufficient time to formulate an intelligent, informed and helpful response for the consideration of

Council and that any such questioning or criticism shall be undertaken with courtesy, respect and professionalism, and in no event shall there be any attempt to humiliate, berate, disparage or denigrate Staff and that they shall refrain from publicly criticizing members of Staff in relation to their intelligence, integrity, competence or otherwise;

- (i) they shall, as needed, request advice from the Clerk and the Clerk shall provide the appropriate wording of motions, amendments, and formal directions of Staff;
- (j) they shall request information regarding meeting agendas or minutes from the Clerk;
- (k) as individual Members, they have no greater access to records or information held by the Town than any member of the public and that they cannot access records or information otherwise protected from disclosure by the *Municipal Freedom of Information and Protection of Privacy Act* or in accordance with the process set out in that statute;
- (l) they shall recognize Staff are not expected to provide information or take action in outside of regular administrative business hours, except in extenuating circumstances;
- (m) certain members of Staff are statutory officers and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or derogated from;
- (n) they shall at all times comply with the Town's Code of Conduct for Members of Council; and
- (o) they shall at all times comply with any policies relating to Council that the Council may implement from time to time.

6.0 Roles and Responsibilities of Staff

6.1 Staff acknowledge and agree that:

- (a) Council is the collective decision-making and governing body of the Town and is ultimately responsible to the electorate for the good governance of the Town;
- (b) they shall implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions and any duties specifically assigned to them by Council;
- (c) they shall assist Council in their decision-making process with respect to its decision, policies and programs by providing Council with information based on professional expertise, research and good judgment in a professional and timely

manner;

- (d) they shall serve the whole of Council rather than any individual Member;
- (e) all Members are equal and shall be treated as such and always with courtesy, respect and professionalism;
- (f) they shall respond to inquiries from Council and provide appropriate and timely follow-up to such inquiries as necessary;
- (g) they shall ensure any responses to requests for information by a Member that were not received at a meeting of Council are circulated to all Members;
- (h) they shall refrain from becoming involved in the policy and decision-making process of Council, outside of ensuring that Council is provided with the information necessary in order to make their decisions and that Council is aware of any issues that may impact such decisions;
- (i) they shall diligently and impartially implement Council's decisions;
- (j) they shall notify the CAO, as appropriate, of any issues that may impact the Town and of ongoing activities in each department;
- (k) they shall not speak publicly on any matter respecting any Council decisions or policies without authorization to do so, and without limiting the generality of the foregoing, shall not publicly criticize any decision or policy of Council;
- (l) they shall refrain from publicly criticizing decisions of Council or Members in relation to their intelligence, integrity, competence or otherwise; and
- (m) they shall at all times comply with any policies relating to Staff that the Council may implement from time to time.

ATTACHMENTS

WEB ATTACHMENTS

ATTACHMENTS FOR LINK



The Town of Niagara-On-The-Lake

Telephone (905) 468-3266
Facsimile (905) 468-2959

1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

Report:	CS-19-012A	Committee Date:	April 01, 2019
		Due in Council:	April 08, 2019
Report To:	Corporate Services Advisory Committee		
Subject:	Council and Staff Relations Policy		

1. RECOMMENDATION

It is respectfully recommended:

- 1.1 That Council receive Corporate Services Report CS-19-012 , entitled “Council and Staff Relations Policy attached to this report, and set aside the recommendations contained there in; and
- 1.2 That Council approve Policy P-CS-19-002 by way of by-law, entitled “Council and Staff Relationship Policy”, attached as Appendix I.

2. PURPOSE / PROPOSAL

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 and Staff Relationship Protocol.

3. BACKGROUND

As noted in report CS-19-012:

On November 16, 2016, Bill 68, Modernizing Ontario’s Municipal Legislation Act, 2017 (“Bill 68”), was introduced in response to the Province’s review of the Municipal Act, 2001 and Municipal Conflict of Interest Act, 1990. On May 30, 2017, Bill 68 received Royal Assent with some amendments being proclaimed upon March 1, 2019.

Bill 68 amends several Acts including, but not limited to: the Municipal Act, 2001; the City of Toronto Act, 2006; the Municipal Conflict of Interest Act; the Planning Act; and, the Building Code Act. According to a release by the Province, the amendments introduced through Bill 68 look to:

- 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;

- 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 municipal councillors have access to Integrity Commissioners with a broadened role related to conflicts of interest and municipal Codes of Conduct.

Bill 68 now requires that Municipal Council's pass a policy on Council and Staff relations that address the responsibilities of the municipal staff and their interaction with Council. Sections 224 and 227 of the Municipal Act, 2001 defines the roles and responsibilities of Council and the municipal administration respectively. The Town of Niagara-on-the-Lake currently does not have a policy specifically to address Council and Staff relations, other than what is described though the Council Code of Conduct.

The draft policy, attached as Appendix I, has been prepared and reviewed by the Town's legal counsel as well as Town Staff and the suggestions and recommendations provided have been incorporated in the attached draft policy. The policy was developed from sector best practices and has been used throughout the region.

4. DISCUSSION / ANALYSIS

At the March 4, 2019 Committee of the Whole meeting, Report CS-19-012, attached as Appendix II, was deferred until the April 1, 2019 meeting in order for staff to clarify with legal counsel that the draft policy does not contravene municipal law and that policy addresses items which are suggested to be included by the Ministry of Municipal Affairs and Housing.

Staff have received comments which are attached to the report as Appendix III. To summarize Mr. Mascarin's comments he states:

"We are not aware of any prescribed or mandatory items that are mandated to be incorporated or included within a council staff relations policy by the Ministry of Municipal Affairs and Housing or others."

Additionally, attached to Mr. Mascarin's memo is the original policy which was provided to staff. The draft policy attached for approval has minor changes to the policy. More specifically the revised policy includes changes to certain staff personnel in order to reflect the chain of command of the Corporation.

5. STRATEGIC PLAN

N/A

6. OPTIONS

N/A

7. FINANCIAL IMPLICATIONS

N/A

8. COMMUNICATIONS

If approved, staff will make the policy available on the Town's website.

9. CONCLUSION

Staff recommend that as per Bill 68, Council approve the attached Council and Staff Relationship Policy.

Respectfully submitted,



Peter Todd
Town Clerk



Kyle Freeborn
Director, Corporate Services (A)



Holly Dowd
Chief Administrative Officer

ATTACHMENTS



Appendix I - Policy P-CS-19-002.pdf CS-19-012.pdf Appendix III - Memo form John Mascarin.pdf

WEB ATTACHMENTS

ATTACHMENTS FOR LINK

First Capital of Upper Canada - 1792



The Town of Niagara-On-The-Lake

Telephone (905) 468-3266
Facsimile (905) 468-2959

1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

POLICY

Policy No.: P-CS-19-002

Approved on:

February 20, 2019

By-Law No.:

Effective on:

Supersedes:

Report To: Corporate Services Advisory Committee
Title/Subject: Council and Staff Relationship Policy

1.0 Application & Purpose

- 1.1 This Council and Staff Relationship Policy applies to all Members of the Council of the Town of Niagara-on-the-Lake, including the Lord Mayor, and all members of Staff of the Town of Niagara-on-the-Lake, including the Chief Administrative Officer (CAO)
- 1.2 The purpose of this Policy is set out a general standard to ensure that Council and Staff share a common understanding of their respective roles and responsibilities as well as a common basis of their relationship, and to set out acceptable standards to govern their relationship and to which all Members and Staff are expected to adhere to and comply with.
- 1.3 The purpose of this Policy is to establish a policy to govern the relationship between Members of Council and Staff of the Town in accordance with paragraph 2.1 of subsection 270(1) of the *Municipal Act, 2001* .

2.0 Statement of Principles

- 2.1 This Policy is intended to set a high standard for relations between Council and Staff in order to provide good governance and instill a high level of public confidence in the administration of the Town by its Members as duly elected public representatives and its Staff as public administrators.
- 2.2 The following key statements of principle are intended to guide Council and Staff

and to assist with the interpretation of the Policy:

- Council and Staff shall recognize that positive internal relations are central to the collective ability of Members and Staff to provide good governance and instill a high level of public confidence in the administration of the Town;
- Members and Staff shall relate to one another in a respectful, professional and courteous manner;
- Members and Staff shall understand and respect each other's respective roles and responsibilities; and
- Members and Staff shall work together in furtherance of the common goal of serving the public good.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Policy – these principles are not operative provisions of the Policy.

3.0 Definitions

3.1 The following terms shall have the following meanings in this Policy:

- (a) "Clerk" means the Clerk of the Town;
- (b) "Council" means the council for the Town;
- (c) "Lord Mayor" means the head of Council;
- (d) "Member" means a Member of Council;
- (e) "Policy" means this Council and Staff Relationship Policy;
- (f) "Staff" means all officers, directors, managers, supervisors and all other employees, whether full-time, part-time, contract, seasonal or volunteer employees, as well as agents and consultants acting in furtherance of the Town's business and interests; and
- (g) "Town" means The Corporation of the Town of Niagara-on-the-Lake.

4.0 General Obligations

4.1 In all respects, Members and Staff shall:

- (a) relate to one another in a courteous, respectful and professional manner;

- (b) maintain formal working relationships in order to promote equality and discourage favouritism, which includes but is not limited to using proper titles and avoiding first names during public meetings or formal business dealings;
- (c) understand their respective roles and responsibilities, and appreciate and respect the roles and responsibilities of the other;
- (d) work together to produce the best results and outcomes for the Town and always for the collective public interest of the Town; and
- (e) act in a manner that enhances public confidence in local government.

5.0 Roles and Responsibilities of Members

5.1 Members acknowledge and agree that:

- (a) Council as a whole is the governing body of the Town and that it comprises a collective decision-making body;
- (b) they are representatives of the entire Town;
- (c) Staff serve the whole of Council rather than any individual Member;
- (d) they govern, provide political direction and make decisions as Council;
- (e) they will respect the administrative and managerial chain of command by:
 - (i) directing any questions or concerns in relation to the administration or management of the Town to the Lord Mayor or the CAO for their consideration,
 - (ii) giving direction to Staff only as Council and through the CAO, and
 - (iii) refraining from becoming involved in the management of Staff;
- (f) they shall use Staff time effectively, which includes but is not limited to only referring essential matters to Staff for reports;
- (g) they ensure any requests for information to Staff that were not received at a meeting of Council are made in writing and circulated in writing to all Members;
- (h) they understand that Staff will undertake significant projects only if they have been directed to do so by Council through the CAO;
- (i) whenever possible, they shall notify Staff if an action or position of Staff is to be questioned or criticized at a public meeting to ensure Staff has sufficient time to formulate an intelligent, informed and helpful response for the consideration of

Council and that any such questioning or criticism shall be undertaken with courtesy, respect and professionalism, and in no event shall there be any attempt to humiliate, berate, disparage or denigrate Staff and that they shall refrain from publicly criticizing members of Staff in relation to their intelligence, integrity, competence or otherwise;

- (j) they shall request advice from the Clerk about the appropriate wording of motions, amendments, and formal directions of Staff;
- (k) they shall request information regarding meeting agendas or minutes from the Clerk;
- (l) as individual Members, they have no greater access to records or information held by the Town than any member of the public and that they cannot access records or information otherwise protected from disclosure by the *Municipal Freedom of Information and Protection of Privacy Act* or in accordance with the process set out in that statute;
- (m) they shall recognize Staff are not expected to provide information or take action in outside of regular administrative business hours, except in extenuating circumstances;
- (n) certain members of Staff are statutory officers and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or derogated from;
- (o) they shall at all times comply with the Town's Code of Conduct for Members of Council; and
- (p) they shall at all times comply with any policies relating to Council that the Council may implement from time to time.

6.0 Roles and Responsibilities of Staff

6.1 Staff acknowledge and agree that:

- (a) Council is the collective decision-making and governing body of the Town and is ultimately responsible to the electorate for the good governance of the Town;
- (b) they shall implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions and any duties specifically assigned to them by Council;
- (c) they shall assist Council in their decision-making process with respect to its decision, policies and programs by providing Council with information based on professional expertise, research and good judgment in a professional and timely

manner;

- (d) they shall serve the whole of Council rather than any individual Member;
- (e) all Members are equal and shall be treated as such and always with courtesy, respect and professionalism;
- (f) they shall respond to inquiries from Council and provide appropriate and timely follow-up to such inquiries as necessary;
- (g) they shall ensure any responses to requests for information by a Member that were not received at a meeting of Council are circulated to all Members;
- (h) they shall refrain from becoming involved in the policy and decision-making process of Council, outside of ensuring that Council is provided with the information necessary in order to make their decisions and that Council is aware of any issues that may impact such decisions;
- (i) they shall diligently and impartially implement Council's decisions;
- (j) they shall notify the CAO, as appropriate, of any issues that may impact the Town and of ongoing activities in each department;
- (k) they shall not speak publicly on any matter respecting any Council decisions or policies without authorization to do so, and without limiting the generality of the foregoing, shall not publicly criticize any decision or policy of Council;
- (l) they shall refrain from publicly criticizing decisions of Council or Members in relation to their intelligence, integrity, competence or otherwise; and
- (m) they shall at all times comply with any policies relating to Staff that the Council may implement from time to time.

ATTACHMENTS

WEB ATTACHMENTS

ATTACHMENTS FOR LINK



The Town of Niagara-On-The-Lake

Telephone (905) 468-3266
Facsimile (905) 468-2959

1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

Report:	CS-19-012	Committee Date:	March 04, 2019
		Due in Council:	March 11, 2019

Report To:	Corporate Services Advisory Committee
Subject:	Council and Staff Relations Policy

1. RECOMMENDATION

It is respectfully recommended:

- 1.1 That Council receive Corporate Services Report CS-19-012 , entitled “Council and Staff Relations Policy; and
- 1.2 That Council approve Policy P-CS-19-002 entitled “Council and Staff Relationship Policy”, attached as Appendix I.

2. PURPOSE / PROPOSAL

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 and Staff Relationship Protocol.

3. BACKGROUND

On November 16, 2016, Bill 68, Modernizing Ontario’s Municipal Legislation Act, 2017 (“Bill 68”), was introduced in response to the Province’s review of the Municipal Act, 2001 and Municipal Conflict of Interest Act, 1990. On May 30, 2017, Bill 68 received Royal Assent with some amendments being proclaimed upon March 1, 2019.

Bill 68 amends several Acts including, but not limited to: the Municipal Act, 2001; the City of Toronto Act, 2006; the Municipal Conflict of Interest Act; the Planning Act; and, the Building Code Act. According to a release by the Province, the amendments introduced through Bill 68 look to:

- 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;
- 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 municipal councillors have access to Integrity Commissioners with a broadened role related to conflicts of interest and municipal Codes of Conduct.

4. DISCUSSION / ANALYSIS

Bill 68 now requires that Municipal Council's pass a policy on Council and Staff relations that address the responsibilities of the municipal staff and their interaction with Council. Sections 224 and 227 of the Municipal Act, 2001 defines the roles and responsibilities of Council and the municipal administration respectively. The Town of Niagara-on-the-Lake currently does not have a policy specifically to address Council and Staff relations, other than what is described though the Council Code of Conduct.

The draft policy, attached as Appendix I, has been prepared and reviewed by the Town's legal counsel as well as Town Staff and the suggestions and recommendations provided have been incorporated in the attached draft policy. The policy was developed from sector best practices and has been used throughout the region.

5. STRATEGIC PLAN

N/A

6. OPTIONS

N/A

7. FINANCIAL IMPLICATIONS

N/A

8. COMMUNICATIONS

If approved, staff will make the policy available on the Town's website.

9. CONCLUSION

Staff recommend that as per Bill 68, Council approve the attached Council and Staff Relationship Policy.

Respectfully submitted,



**Peter Todd
Town Clerk**



Kyle Freeborn
Director, Corporate Services (A)



Holly Dowd
Chief Administrative Officer

ATTACHMENTS



P-CS-19-002.pdf

WEB ATTACHMENTS

ATTACHMENTS FOR LINK

First Capital of Upper Canada - 1792

AIRD BERLIS

John Mascarin
Direct: 416.865.7721
E-mail:jmascarin@airdberlis.com

March 7, 2019

Our File No.: 106879

Peter Todd
Town Clerk
The Corporation of the Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

Dear Mr. Todd:

Re: Council Staff Relations Policy

You have requested advice with respect to the draft Council Staff Relations Policy that we prepared for the Town.

As you are aware, the necessity for such a policy arose by virtue of amendments made to section 270 of the *Municipal Act, 2001* by the *Modernizing Ontario's Municipal Legislation Act, 2017*. Subsection 270(1) of the *Municipal Act, 2001* was amended, in part, by the addition of paragraph 2.1 therein which requires a municipality to adopt and maintain a policy with respect to:

- 2.1 The relationship between members of council and the officers and employees of the municipality.

The adoption of such a policy was mandated to be in place as of March 1, 2019. We prepared a draft Council Staff Relations Policy for the Town to consider and transmitted it on January 25, 2019. We have attached the draft policy as forwarded.

We are not aware of any prescribed or mandatory items that are mandated to be incorporated or included within a council staff relations policy by the Ministry of Municipal Affairs and Housing or others.

We believe that there may have been some confusion with respect to the inclusion of mandatory items in council staff relations policy since municipalities were also required to establish codes of conduct that applied to their members of their council and their local boards as of March 1, 2019. Subsection 223.2(4) of the *Municipal Act, 2001* reserved onto the Minister of Municipal Affairs and Housing the authority to "make regulations prescribing one or more subject matters that a municipality is required to include in a code of conduct."

In February 2018, the Minister of Municipal Affairs and Housing exercised his regulation-making authority and issued O. Reg. 55.18: Codes of Conduct – Prescribed Subject matters which set out four mandatory subject matters that must be included in a code of conduct.

O. Reg. 55/18 provides as follows:

Prescribed subject matters

1. For the purposes of section 223.2 of the Act, the following are the prescribed subject matters that a municipality is required to include in the codes of conduct for members of the council of the municipality and of its local boards:

1. Gifts, benefits and hospitality.
2. Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be.
3. Confidential information.
4. Use of property of the municipality or of the local board, as the case may be.

Should you have any questions in respect of the foregoing or if you require us to provide any additional or other information or advisement, please do not hesitate to contact us.

Yours truly,

AIRD & BERLIS LLP



John Mascarin

JM/ms

attach.

**THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE
COUNCIL AND STAFF RELATIONSHIP POLICY**

D

1.0 Application & Purpose

1.1 This Council and Staff Relationship Policy applies to all Members of the Council of the Town of Niagara-on-the-Lake, including the Lord Mayor, and all members of Staff of the Town of Niagara-on-the-Lake, including the CAO.

R

1.2 The purpose of this Policy is set out a general standard to ensure that Council and Staff share a common understanding of their respective roles and responsibilities as well as a common basis of their relationship, and to set out acceptable standards to govern their relationship and to which all Members and Staff are expected to adhere to and comply with.

A

1.3 The purpose of this Policy is to establish a policy to govern the relationship between Members of Council and Staff of the Town in accordance with paragraph 2.1 of subsection 270(1) of the *Municipal Act, 2001*.

F

2.0 Statement of Principles

2.1 This Policy is intended to set a high standard for relations between Council and Staff in order to provide good governance and instill a high level of public confidence in the administration of the Town by its Members as duly elected public representatives and its Staff as public administrators.

T

2.2 The following key statements of principle are intended to guide Council and Staff and to assist with the interpretation of the Policy:

- Council and Staff shall recognize that positive internal relations are central to the collective ability of Members and Staff to provide good governance and instill a high level of public confidence in the administration of the Town;
- Members and Staff shall relate to one another in a respectful, professional and courteous manner;
- Members and Staff shall understand and respect each other's respective roles and responsibilities; and
- Members and Staff shall work together in furtherance of the common goal of serving the public good.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Policy – these principles are not operative provisions of the Policy.

3.0 Definitions

3.1 The following terms shall have the following meanings in this Policy:

- (a) “Clerk” means the Clerk of the Town;
- (b) “Council” means the council for the Town;
- (c) “Lord Mayor” means the head of Council;
- (d) “Member” means a Member of Council;
- (e) “Policy” means this Council and Staff Relationship Policy;
- (f) “Staff” means the Clerk and all officers, directors, managers, supervisors and all non-union and union employees, whether full-time, part-time, contract, seasonal or volunteer employees, as well as agents and consultants acting in furtherance of the Town’s business and interests; and
- (g) “Town” means The Corporation of the Town of Niagara-on-the-Lake.

4.0 General Obligations

4.1 In all respects, Members and Staff shall:

- (a) relate to one another in a courteous, respectful and professional manner;
- (b) maintain formal working relationships in order to promote equality and discourage favouritism, which includes but is not limited to using proper titles and avoiding first names during public meetings or formal business dealings;
- (c) understand their respective roles and responsibilities, and appreciate and respect the roles and responsibilities of the other;
- (d) work together to produce the best results and outcomes for the Town and always for the collective public interest of the Town; and
- (e) act in a manner that enhances public confidence in local government.

5.0 Roles and Responsibilities of Members

5.1 Members acknowledge and agree that:

- (a) Council as a whole is the governing body of the Town and that it comprises a collective decision-making body;
- (b) they are representatives of the entire Town;
- (c) Staff serve the whole of Council rather than any individual Member;
- (d) they govern, provide political direction and make decisions as Council;
- (e) they will respect the administrative and managerial chain of command by:
 - (i) directing any questions or concerns in relation to the administration or management of the Town to the Lord Mayor or the Clerk for their consideration,
 - (ii) giving direction to Staff only as Council and through the Clerk, and
 - (iii) refraining from becoming involved in the management of Staff;
- (f) they shall use Staff time effectively, which includes but is not limited to only referring essential matters to Staff for reports;
- (g) they ensure any requests for information to Staff that were not received at a meeting of Council are made in writing and circulated in writing to all Members;
- (h) they understand that Staff will undertake significant projects only if they have been directed to do so by Council through the Clerk;
- (i) whenever possible, they shall notify Staff if an action or position of Staff is to be questioned or criticized at a public meeting to ensure Staff has sufficient time to formulate an intelligent, informed and helpful response for the consideration of Council and that any such questioning or criticism shall be undertaken with courtesy, respect and professionalism, and in no event shall there be any attempt to humiliate, berate, disparage or denigrate Staff and that they shall refrain from publicly criticizing members of Staff in relation to their intelligence, integrity, competence or otherwise;
- (j) they shall request advice from the Clerk about the appropriate wording of motions, amendments, and formal directions of Staff;
- (k) they shall request information regarding meeting agendas or minutes from the Clerk;

D

R

A

F

T

D

R

A

F

T

- (l) as individual Members, they have no greater access to records or information held by the Town than any member of the public and that they cannot access records or information otherwise protected from disclosure by the *Municipal Freedom of Information and Protection of Privacy Act* or in accordance with the process set out in that statute;
- (m) they shall recognize Staff are not expected to provide information or take action in outside of regular administrative business hours, except in extenuating circumstances;
- (n) certain members of Staff are statutory officers and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or derogated from;
- (o) they shall at all times comply with the Town's Code of Conduct for Members of Council; and
- (p) they shall at all times comply with any policies relating to Council that the Council may implement from time to time.

6.0 Roles and Responsibilities of Staff

6.1 Staff acknowledge and agree that:

- (a) Council is the collective decision-making and governing body of the Town and is ultimately responsible to the electorate for the good governance of the Town;
- (b) they shall implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions and any duties specifically assigned to them by Council;
- (c) they shall assist Council in their decision-making process with respect to its decision, policies and programs by providing Council with information based on professional expertise, research and good judgment in a professional and timely manner;
- (d) they shall serve the whole of Council rather than any individual Member;
- (e) all Members are equal and shall be treated as such and always with courtesy, respect and professionalism;
- (f) they shall respond to inquiries from Council and provide appropriate and timely follow-up to such inquiries as necessary;
- (g) they shall ensure any responses to requests for information by a Member that were not received at a meeting of Council are circulated to all Members;

D

R

A

F

T

- (h) they shall refrain from becoming involved in the policy and decision-making process of Council, outside of ensuring that Council is provided with the information necessary in order to make their decisions and that Council is aware of any issues that may impact such decisions;
- (i) they shall diligently and impartially implement Council's decisions;
- (j) they shall notify management or the Clerk, as appropriate, of any issues that may impact the Town and of ongoing activities in each department;
- (k) they shall not speak publicly on any matter respecting any Council decisions or policies without authorization to do so, and without limiting the generality of the foregoing, shall not publicly criticize any decision or policy of Council;
- (l) they shall refrain from publicly criticizing decisions of Council or Members in relation to their intelligence, integrity, competence or otherwise; and
- (m) they shall at all times comply with any policies relating to Staff that the Council may implement from time to time.