



## THE CORPORATION OF THE TOWNSHIP OF MULMUR

### BY-LAW NO. 51 - 2022

#### BEING A BY-LAW TO ESTABLISH A COUNCIL-STAFF RELATIONS POLICY FOR THE CORPORATION OF THE TOWNSHIP OF MULMUR

**WHEREAS** section 5(3) of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, provides that a municipal power shall be exercised by by-law;


**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** section 270(1) of the *Municipal Act, 2001* requires that a municipality shall adopt and maintain policies with respect to the relationship between members of council and the officers and employees of the municipality;

#### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MULMUR ENACTS AS FOLLOWS:**

1. THAT the Council-Staff Relations Policy substantially in the form attached hereto as Schedule "A" be hereby implemented.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED on this 5th day of OCTOBER 2022.

  
.....  
JANET HORNER, MAYOR

  
.....  
TRACEY ATKINSON, CAO/CLERK

## Council Staff Relations Policy

### 1. Policy Statement

- 1.1 The Township of Mulmur recognizes the importance of Council-Staff relations and encourages communication between staff and Council. The relationship between Council and staff is a vital component of an effective municipal government and it is important to respect one another's roles so they can service the public in an effective and efficient manner. The Township is committed to a respectful and productive relationship between and amongst Council, Members of Council and Staff of the Township, in furtherance of their respective roles established by statute, the municipal by-laws and policies, corporate administrative direction, and operating conventions.

### 2. Purpose

- 2.1 The *Municipal Act, 2001* requires Council to adopt and maintain a policy with respect to the relationship between Members of Council and the Officers and employees of the Township.
- 2.2 The purpose of this Policy is to guide the nature of business interactions between Members of Council and Staff and to provide a mechanism to address workplace matters between the parties.

### 3. Scope and Application

- 3.1 This policy applies to Members of Council and all Staff of the Township of Mulmur and is intended to complement related Council Policies including but not limited to the Procedural By-law, Council Code of Conduct, Employee Code of Conduct, Use of Corporate Resources, Accountability and Transparency, and Workplace Violence and Harassment.
- 3.2 This policy is to be applied wherever and whenever interactions occur, including onsite at Township facilities or external to Township facilities, both during or outside of regular hours of work.
- 3.3 If there is a discrepancy between this policy and the Procedural By-law or the Council Code of Conduct, the Procedural By-law or the Council Code of Conduct will prevail.

### 4. Definitions

**Act** means the *Municipal Act, 2001*, S.O. 2001, as amended which for the purposes of the Policy, outlines the roles and responsibilities of Members of Council and officers and outlines the requirement for such Policy.

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**Chief Administrative Officer (CAO)** means the Chief Administrative Officer of the Township of Mulmur.

**Clerk** means the Clerk of the Township of Mulmur.

**Code of Conduct** means that Code of Conduct for Council, Local Boards and Committee Members.

**Council** means the Council of the Corporation of the Township of Mulmur.

**Department Head** means the head of a department for the Township of Mulmur.

**Integrity Commissioner** means the independent accountability officer of the Township, appointed by Council to exercise a range of important functions under the Act. The Integrity Commissioner is responsible for providing education and advice to Members of Council, and presiding over complaint investigations.

**Mayor** means the Head of Council as defined in the Act, as elected to represent the Township.

**Meeting** means any regular, special or other Meeting of a Council or a Committee.

**Member(s)** means any person duly elected or appointed to serve on the Council of the Corporation of the Township of Mulmur.

**Officer(s)** means certain staff (e.g., Chief Administrative Officer, Chief Building Official, Clerk, Fire Chief, Treasurer, etc.) who have duties or accountability provisions set out in specific legislation.

**Procedural By-law** means the Procedural By-law of the Township of Mulmur.

**Staff** means all employees and volunteers who perform work for or delivers services on behalf of the Township, and excludes Council, Board and Committee Members.

**Township** means the Corporation of the Township of Mulmur

### 5. Guiding Principle

## Council Staff Relations Policy

5.1 This policy shall be interpreted and applied in accordance with the principle that, in all respects, Members and Staff shall:

- a) relate to one another in a courteous, respectful and professional manner;
- b) respect their roles and responsibilities and the roles and responsibilities of others;
- c) work together to produce the best results and outcomes for the Township and always take into account the collective and public interest of the Township;
- d) demonstrate a commitment to accountability and transparency among Council staff and the general public;
- e) Act in a manner that enhances public confidence in local government.

### **6. Roles of Council and Responsibilities of Members**

6.1 It is the role of Council to:

- a) represent the public and to consider the well-being and interests of the Township as a whole;
- b) develop and evaluate the policies of the Township;
- c) determine which services the Township provides;
- d) ensure the accountability and transparency of the operations of the Township;
- e) maintain the financial integrity of the Township; and
- f) carry out the duties of Council under the Act and all other applicable legislation.

6.2 The role of Council means that:

- a) Council as a whole is the governing body and that is comprises a collective decision-making body;
- b) Members are representatives of the entire Township; and,
- c) Staff serve the whole of Council rather than any individual Member.

6.3 Members acknowledge and agree to observe the following:

- a) Members shall contact the Clerk regarding any procedural matters;
- b) Members shall contact the Clerk to request any information regarding meeting agendas or minutes;
- c) Members shall contact the relevant department head or designate for any specific department inquiries;
- d) discussions with Staff may be communicated to others within the organization and a Member cannot compel staff to confidentiality;

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- e) Members have the same right to access information as members 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;
- f) certain Staff are statutory officers and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or derogated from; and
- g) Members shall comply with all approved policies relating to Council.

### 6.4 Members are encouraged to:

- a) request input from Staff prior to making policy decisions;
- b) discuss issues with Staff and advise them of questions prior to meetings, whenever possible, for better informed debate and evidence based decision making;
- c) request advice from the Clerk about the appropriate wording of motions, amendments in accordance with the Procedural By-law; and
- d) consult with the appropriate department head prior to responding to public concerns or requests to ensure accurate information regarding Township policies, service levels, budgets and work plans.

### 6.5 Members of Council should refrain from:

- a) directing, instructing, or influencing Staff other than by giving appropriate direction by way of resolution from Council as a whole; and
- b) attending technical meetings between Staff and consultants, applicants, contractors or legal advisors.

## 7. Roles and Responsibilities of Staff

### 7.1 It is the role of Staff to:

- a) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions and directions;
- b) manage day-to day activities;
- c) undertake research and provide advice to Council on the policies and programs of the municipality; and
- d) carry out other duties required under the Act, other applicable legislations and any other duty assigned by the Township.

### 7.2 Staff acknowledge and agree that:

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- a) Council is the collective decision-making and governing body of the Township and is ultimately responsible to the electorate for the good governance of the Township;
- b) Staff shall diligently and impartially 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) Staff shall provide Council with information based on professional expertise, research and good judgement in a professional and timely manner;
- d) that all Members are equal and shall be treated as such and always with courtesy, respect and professionalism;
- e) Staff shall notify their department head or CAO about inquiries from Members who will provide appropriate and timely follow-up to such inquiries as necessary;
- f) Staff shall not speak publicly on any matter respecting any Council decisions or policies without authorization to do so, and shall refrain from publicly criticizing decisions of Council or Members; and
- g) Staff shall at all times comply with any Council approved policies relating to Staff.

### 7.3 It is expected that Staff will:

- a) ensure that Council is apprised of known issues that may impact their decision-making process in a timely manner;
- b) provide advice based of political neutrality and objectivity utilizing their professional expertise;
- c) notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions;
- d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them; and
- e) provide all Members with the briefing materials, reports and information requested by an individual Member of Council.

## 8. Monitoring and Compliance

8.1 The CAO and/or Clerk shall be responsible for receiving complaints and/or concerns related to this Policy.

8.2 Upon receipt of a complaint and/or concern, the CAO and/or Clerk shall notify:

- a) In the case of staff, the Department Head and/or Supervisor;
- b) In the case of the CAO, Member of Council; or
- c) In the case of a Member of Council, the Integrity Commissioner.

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- 8.3 The CAO shall investigate all complaints under this policy related to Staff and take such action as is deemed appropriate in the circumstances and in accordance with all other applicable policies.
- 8.4 Members shall investigate all complaints under this policy related to the CAO and take such action as is deemed appropriate in the circumstances and in accordance with all other applicable policies.
- 8.5 The Integrity Commissioner shall receive all complaints under this policy related to Members and investigate in accordance with the process as set out in the Council Code of Conduct. The Integrity Commissioner shall proceed on the basis that only sections 6.3, 6.4 and 6.5 of this policy set out obligations that could be contravened, and only breaches of those sections would constitute breaches of the Code of Conduct. The Integrity Commissioner may receive and investigate concerns related to the other sections of this policy, and make appropriate recommendations, but may not make a finding that any of those other sections has been contravened.
- 9. Responsibilities**
- 9.1 Members and Staff are required to adhere to this policy and its governing provisions, including all other existing applicable policies and procedures adopted by the Township.