

**THE CORPORATION OF THE MUNICIPALITY OF MARMORA AND LAKE**

**BYLAW 2018-47**

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Being a bylaw to adopt a Council and Staff Relations Policy

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WHEREAS the Council of The Corporation of the Municipality of Marmora and Lake wishes to enact a policy to outline the roles and responsibilities of Council and Staff and the principles that will guide the working relationship.

WHEREAS section 5(3) of the *Municipal Act, 2001*, as amended, provides that a municipal power shall be exercised by bylaw;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Municipality of Marmora and Lake enacts as follows:


1. That the Council Policy entitled "Municipality of Marmora and Lake Council and Staff Relations Policy", attached hereto as Schedule "A", is hereby adopted; and
2. That this bylaw comes into force on the date it is passed.

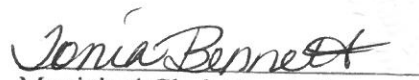
READ A FIRST TIME this 4<sup>th</sup> day of September, 2018

READ A SECOND TIME this 4<sup>th</sup> day of September, 2018

READ A THIRD TIME this 4<sup>th</sup> day of September, 2018

PASSED IN OPEN COUNCIL this 4<sup>th</sup> day of September, 2018

  
\_\_\_\_\_  
Mayor (Jerry Clemens)

  
\_\_\_\_\_  
Municipal Clerk (Tonia Bennett)

# Schedule "A"

## Municipality of Marmora and Lake Council and Staff Relations Policy



### **Policy Statement**

The Corporation of the Municipality of Marmora and Lake is responsible to provide good government with respect to the matters within its jurisdiction. To do so requires a strong working relationship between the Mayor and Council and Municipal staff.

### **Purpose**

This policy outlines the overarching roles and responsibilities of Council and Staff and the principles that will guide their working relationship.

### **Scope**

This policy applies to the Mayor and Council of the Municipality of Marmora and Lake and all Municipal Staff.

### **Definitions**

For the purposes of this policy:

"Municipality" means the Corporation of the Municipality of Marmora and Lake.

"CAO" means the Chief Administrative Officer of the Municipality of Marmora and Lake.

"Council" means the Mayor of the Municipality of Marmora and Lake and all councillors.

"Senior Management" means the Department Heads of the Municipality of Marmora and Lake.

"Staff" means all Municipality of Marmora and Lake employees, including Senior Management.

### **Legislative Authority**

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt a policy with respect to the relationship between members of council and the officers and employees of the municipality. This policy has been developed in accordance with subsection 270 (1) 2.1 of the Act.

## **Related Documents**

Council and/or Staff are also subject to the following documents that provide information that informs the working relationship between Council and Staff:

- Council Code of Conduct
- Council Procedure By-law
- Municipal Conflict of Interest Act
- Corporate Policy and Procedure:
  - Workplace Violence

## **Good Governance**

The Act assigns Council the overall responsibility for creating a responsible and accountable municipal government. Council is the primary source of all legislative authority and sets the overall policy direction of the Municipality. The Act allows Council authority to delegate responsibility for administrative actions and decision-making authority to staff. Central to good governance is clarity to the following:

- Good financial stewardship and financial management systems
- Protection of assets
- Management of human and physical resources
- Systems for measuring, reporting and evaluating performances and a transparent system for corrective action
- Establishment of policies and procedures that comply with or exceed legislative requirements
- Procedures to measure and report on program effectiveness, and
- Adherence by each Municipal professional to their profession's designation/governance rules

## **Roles and Responsibilities**

### **Council Staff Relations**

Relations between Staff and Council should always be civil, respectful and professional. Staff and Council must understand each other's roles and responsibilities to avoid frustration and conflict. Unique to the municipal level is the opportunity to publically question staff about reports, policy administration and expert/professional advice. Neither provincial nor federal elected politicians are afforded this level of staff/elected official questioning. Council should always treat this openness with respect and civility in its questions, statements and answers, even when disagreeing with a professional opinion. Such treatment aids in attracting and retaining the best sought after talent. To provide a respectful workplace, Council should always refrain from either persistent or unjustified criticism.

## **Mayor**

The Mayor has many responsibilities but most critical is leadership to ensure integrity in the municipal government's actions, policies and decisions. The Mayor is responsible for:

- Acting as the primary spokesperson for the Municipality
- Acting as the Chair of Council and participating in Council's agenda development
- Being the Municipality's primary spokesperson respecting intergovernmental relations
- Under the *Municipal Act, 2001*, acting as head of Council and carrying out procedural duties, and
- Providing leadership to Council

## **Council**

Council is responsible for:

- Participating in the hiring of the CAO and input into the hiring of Department Heads
- Setting policy and overall direction and enacting by-laws and resolutions to do so
- Approving budget, policy and programs
- Determining which services the municipality provides in addition to those the Municipality is required to provide
- Delegating responsibility for overall management of the administration of the Municipality to the CAO, while ensuring the accountability and transparency of the Municipality's operations
- Keeping the CAO informed of significant matters and/or upcoming issues that may impact operations or that are of concern to local residents
- Refraining from giving direction to Senior Management or staff as an individual Council member
- Maintaining the financial wellbeing of the municipality
- Balancing local needs and those concerns which affect the entire Municipality
- Striking a balance between healthy oppositional debate and unity of purpose in political leadership
- Being present and attentive in the Council chamber for the duration of the session
- Conducting business in an open forum, except where permitted by legislation
- Maintaining confidentiality as required
- Respecting the opinion of staff when receiving staff reports and recommendations that include advice that is politically unwelcome
- Providing advance notice to Staff, whenever possible, of matters that will be raised at Council to allow Staff time to prepare to address them and ensure efficient meetings
- Obtaining the consent of Council before making a request to the CAO and/or Senior Management that may result in significant Staff work or may involve confidential information

- Attending an orientation session at the beginning of each term of office, including returning Council members

### **CAO**

The CAO is responsible for:

- Providing effective advice and support to Council in developing, recommending and implementing policies, plans and programs for Council's consideration
- Executing Council approved policies
- Supervising and directing municipal affairs
- Overseeing all aspects of the Municipality's human resources policies, including responsibility for acquisition and management of staff, including the termination of employment and discipline processes and protocols, without political interference
- Overseeing the day-to-day operations of the Municipality to ensure the efficient administration of all Municipal departments and the implementation of the decisions of Council
- Ensuring a clear division of responsibility between the political and administrative functions of the Municipality
- Providing leadership to ensure good governance, with a separation of political influence and Staff decisions
- Keeping the Mayor updated on key business decisions
- Developing coordinated policy and budgetary recommendations for Council
- Implementing the policy and budgetary decisions made by Council
- Overseeing the strategic budget preparation, including protocols, presentations and public input
- Overseeing the Municipality's strategic plans and their implementation/communication plans, and
- Providing strategic direction to Senior Management

### **Senior Management**

Senior Management is responsible for:

- Ensuring equal treatment of all Council members (i.e. avoiding close alliance, or the appearance of close alliance, with individual Council members)
- Ensuring they are always equally responsive to requests from all Members of Council
- While Senior Management may assist individual members of Council by providing information or assistance on matters, they may only take direction from Council and cannot take direction from any individual Council member
- Ensuring significant information which may be used in Council or in a political forum is provided to all Council members and to the CAO, unless it is confidential
- Implementing and administering approved policies, plans, services and programs
- Demonstrating a commitment to accountability and transparency

- Providing leadership in short and long-term planning
- Clearly conveying the intent of Council policy direction and decisions to Staff who are responsible for implementation
- Meeting with Council as required for information sharing or education sessions, and
- Providing and advising Members of Council of key facts and ensuring that they are understood correctly or, if any proposed policy direction has serious flaws, recommending an alternate course of action

### **Staff**

Staff is responsible for:

- Ensuring equal treatment of all Council members (i.e. avoiding close alliance, or the appearance of close alliance, with individual Council members)
- Ensuring they are always equally responsive to requests from all Members of Council
- While Staff may assist individual members of Council by providing information or assistance on matters, Staff may only take direction from Council and cannot take direction from any individual member of Council
- Building and maintaining a professional relationship with Council by undertaking research and providing accurate, expert, impartial and understandable advice in a timely and professional manner, without regard for politics, to enable Council to make informed decisions
- Implementing Council's decisions and establishing administrative practices and procedures to carry out those decisions, even if they do not agree with them
- Responding to individual councillor requests, providing they pertain to a Council approved matters or matters under consideration
- Writing reports in plain language and in accordance with Corporate Policy and Procedure – Corporate Reports
- Seeking the advice and approval of applicable Senior Management prior to responding to a direct request from Council, except where the request is minor or of a day-to-day operational nature
- Providing Council with information and analysis sufficient to enable them to carry out their duties, including identifying risks and providing options to minimize those risks
- Ensuring all Council members are provided with the same information on matters of general concern and/or matters that will be discussed at a meeting of Council or a committee of Council, and
- Complying with all Municipal policies and procedures

### **Guiding Principles**

Council and Staff will conduct themselves in accordance with the following Guiding Principles:

1. Council and Staff will uphold the Municipality's values of Trust, Quality and Excellence.
2. Council and Staff recognize that both bring value to the Municipality and will work together for the benefit of the residents of Marmora and Lake.
3. Council and Staff will respect their professional boundaries: Council will not attempt to direct Staff or influence their professional opinion and Staff will not lobby Council on any matter. Only Council as a whole has the authority to make policy decisions and direct Staff to carry out specific tasks.
4. Council will not contact or issue instructions to any Municipal contractor, consultant or other service provider but will instead advise the CAO of any concerns.
5. Council and Staff will not make public statements that reflect negatively on the Municipality or on an individual Council or Staff member.
6. Council and Staff are expected to interact with mutual respect and honesty.
7. Criticism will be provided in a constructive manner that focuses on the topic of discussion (e.g. service level or quality of a report) and not on the individual.
8. Council and Staff will have respect for priorities and timelines; all participants will be well prepared for meetings and provide required information in advance.
9. Information provided to Council by Staff will be fair, accurate, thorough, timely and understandable.