

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2019

Item 10, Report No. 7, of the Finance, Administration and Audit Committee, which was adopted without amendment by the Council of the City of Vaughan on May 14, 2019.

10. COUNCIL STAFF RELATIONS POLICY

The Finance, Administration and Audit Committee recommends approval of the recommendation contained in the following report of the Deputy City Manager, Corporate Services, dated May 6, 2019:

Recommendations

1. That the attached Staff Council Relations Policy, as substantially set out in Attachment 1 be approved.

Finance, Administration and Audit Committee

DATE: Monday, May 06, 2019

WARD(S): ALL

TITLE: COUNCIL STAFF RELATIONS POLICY

FROM:

Nick Spensieri, Deputy City Manager, Corporate Services

ACTION: DECISION

Purpose

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 develop a Council Staff Relations Policy.

Report Highlights

- Ontario legislation requires municipalities to develop and implement a Council Staff Relations Policy as of March 1, 2019
- Staff have consulted with members of Council, Staff and have reviewed academic literature in the development of the Policy.
- Additional input received from members of Council at the April 1, 2019 FA&A meeting has been incorporated in the attached revised draft.

Recommendations

1. That the attached Staff Council Relations Policy, as substantially set out in Attachment 1 be approved.

Background

Staff presented the attached draft Council Staff Relations Policy at the April 1, 2019 Finance Administration and Audit Committee meeting. Staff considered the comments expressed by individual members of Council at the last committee meeting and incorporated changes in the wording as attached. The attached revised draft policy has been further discussed with each member of Council to ensure that Staff captured the essence of their comments.

As of March 1, 2019, municipalities are required to adopt a policy on the relationship between members of council and municipal staff. Municipalities have the flexibility to determine the content of these policies.

The relationship between council and staff is a vital component of an effective municipal government. Staff and council rely on one another to move the municipality forward. Both staff and council provide leadership; council provides political leadership, while staff provide leadership in implementing council decisions.

The relationship between staff and council is intertwined and it is important for council members and staff to respect one another's roles so that they can serve the public in an effective and efficient manner.

Earlier this year Staff retained the services of an independent consultant to solicit input from each member of Council on the development of this policy. In addition, this topic was discussed with council as part of the agenda at the February 2019, Council Education session.

The attached draft policy has been developed based on all feedback gathered from individual members of council, feedback from the Council Education Session, input from senior administrative staff and leading practice based on academic research. The specific principles outlined in the policy were identified in an academic research paper by Political Science Professor David Siegel and former Chief Administrative Officer Michael Fenn.

Staff will consult with council members and with senior leaders of the administration to develop a comprehensive guide that will support the implementation of this policy including training of staff and orienting new members of council.

Financial Impact

There is no financial impact associated with the approval and implementation of these policies outside the existing approved operating budget.

Broader Regional Impacts/Considerations

There are no regional impacts associated with these policies.

Conclusion

Following the additional comments and consultation with members of Council and with Staff the attached Council Staff Relations policy has been further revised to address the legislative requirements and provide a standard by which the Council and Staff will continue to work collaboratively to serve Vaughan citizens. This principled based policy identifies how complaints can be addressed to ensure adherence to the standard.

Attachments

1. Council Staff Relations Policy, May 6, 2019

Prepared by

Demetre Rigakos, Chief Human Resources Officer, extension 8297.

CORPORATE POLICY

POLICY TITLE: COUNCIL-STAFF RELATIONS

POLICY NO.: 13.C.04

Section:	Human Resources		
Effective Date:	May 14, 2019	Date of Last Review:	May 6, 2019
Approval Authority: Council	Policy Owner: City Manager		

POLICY STATEMENT

The City of Vaughan, guided by its values of Respect, Accountability and Dedication, will promote an environment of mutual respect and trust and will support sound decision making based on knowledge, areas of expertise and sound judgment. Members of Council and Staff shall demonstrate leadership, commit to a high-degree of confidentiality, support and enhance public education about the political and decision-making processes and will refrain from publicly criticizing Members of Council, Staff or any decision of the Corporation. For clarity this does not prevent a Member of Council from stating their views on a particular issue. The intent is to show respect for the decisions of the Corporation once the debate has concluded.

PURPOSE

The purpose of this 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.

SCOPE

This policy applies to all Staff, Officers and Members of Council in their interactions with Staff, volunteers, consultants and contractors that work on behalf of the Corporation. This policy applies to all interactions, including on-site and off-site of City facilities, before, during and after work hours.

POLICY TITLE: COUNCIL-STAFF RELATIONS

POLICY NO.: 13.C.04

LEGISLATIVE REQUIREMENTS

Section 270 (1) of the *Municipal Act, 2001* as amended, requires City Council to adopt and maintain a policy with respect to the relationship between Members of Council and the Staff of the Corporation. The effective date of this requirement is March 1, 2019.

DEFINITIONS

1. "Members(s) of Council" means a member or members of the municipal council of the Corporation of the City Vaughan.
2. "Corporation" refers exclusively to the City of Vaughan.
3. "Officer(s)" means a person who holds a position of responsibility with definite rights and duties by statute or by-law.
4. "Staff" means any of the following:
 - a. A person, not including Members of Council, who performs work for the Corporation for wages;
 - b. A person who supplies services to the Corporation for wages;
 - c. Such other persons as may be prescribed who perform work or supply services to the Corporation for no monetary compensation.
5. "Senior Management" means a staff member who is either a department head or holds the title of Director, Chief, Deputy City Manager and or City Manager
6. "*Code of Ethical Conduct for Members of Council*": Establishes rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members' accountability for managing City resources allocated to them. Is a written Code of Ethical Conduct to protect the public interest and helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate.
7. "*Employee Code of Conduct*": Establishes that City employees must follow standards of ethical and professional behavior in the course of their work to ensure that public confidence and trust is maintained. This code establishes standards designed to promote and protect the public interest through honest and ethical conduct which enhances public confidence and trust in the integrity, objectivity and impartiality of the City.

POLICY TITLE: COUNCIL-STAFF RELATIONS

POLICY NO.: 13.C.04

POLICY

Clarifying Roles

I. Role of Council

Policy focus: Represent the Corporation, provide direction and create policy. Specifically, Section 224 of the Municipal Act, 2001 states:

224. It is the role of council,

- a) to represent the public and to consider the well-being and interests of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of council under this or any other Act.

I. Role of Head of Council (Mayor)

Section 225 of the Municipal Act, 2001 defines the role of the Mayor as follows:

225. It is the role of the head of council,

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
 - c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under this or any other Act.

Section 226.1 sets out special responsibilities of the chief executive officer which include:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;
- c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

The head of council has a prominent and very public profile. Many citizens within the City of Vaughan will have high and often varied expectations for the head of council. The head of council must find a way to balance these expectations and special responsibilities.

Municipal decisions, however, are made by council as a whole. The head of council does not have any more power than any other member of council to make decisions on behalf of the municipality. Each member of council only has one vote.

II. Role of the City Manager

Direction Focus: The City Manager leads in three dimensions. Up to Council, down to staff and out to the community stakeholders. The City Manager is responsible for providing professional advice to Council and leading staff in the implementation of Council's direction / policies. The City Manager specific responsibilities are outlined in the City Manager's By-Law 012-2013.

III. Role of Senior Management:

Direction Focus: Act as the liaison between Council and Staff, direct implementation of Council's policies, hire and develop a team of competent Staff.

IV. Role of Staff and Other Officers:

Implementation Focus: Research policy and programs give best professional advice, implement decisions of Council, fulfill statutory duties, follow direction of City Manager generally see to the operation of the Corporation.

Guiding Principles

“Council should give the City Manager clear and unequivocal responsibility and accountability for the overall management of the administration of the City. Not doing so undermines the City Manager’s effectiveness...”

“Although the Mayor can properly be involved in hiring the City Manager, there should be a clear division of responsibility between the Mayor and the office of the City Manager – a separation of the political from the administrative...”

Madam Justice Denise Bellamy,

Toronto External Contracts Inquiry, 2005, p. 424

I. Respect

Members of Council, Staff and Officers shall at foster a climate of mutual respect. Each must be respectful of each others’ intelligence and professional duties. Members of Council, Staff and Officers must understand that they all face different, often unique, challenges and recognize their overarching goal is to serve the best interests of the Municipality.

II. Professionalism

Members of Council, Staff and Officers commit to 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 provides an opportunity for Staff to provide quality reports and advice.

III. A Formal Relationship

Staff and Officers shall treat Council as a collective decision-making body. Staff and Officers shall not communicate directly with individual Members on municipal business, rather they must communicate on such matters through the City Manager or appropriate Senior Management Member as designated through the City Manager. Information from the City Manager shall be communicated to all Members. Staff and Officers shall stay out of political lobbying. To ensure clarity this will be further defined in an implementation procedure that will replace the former Staff Protocol for responding to members of Council.

IV. Politics or Management – Not Both

Council provides direction, 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, policy and service delivery decisions are made by Council.

V. Respect Staff

Members of Council are to avoid the temptation to play up divisions or conflicts. Staff and Officers shall not be targets of derisive/vexatious comments/behaviour/conduct. The public expects Members to do the job that they have been elected to do. The public expects Staff and Officers to do the job that they have been hired to do. Comments on Staff and Officer performance shall be directed through the appropriate confidential performance reviews.

As per the commentary in rule 16 of the Code of Ethical Conduct for Members of Council an individual member should not request staff to undertake extensive work or prepare lengthy reports, other than pursuant to a Council direction.

Members should be discouraged from asking for reports as a means of getting past an unhappy public delegation.

VI. Represent the Whole Community

Members, together with the Municipality's Staff and Officers, work for the public good. Decision making by Members should be based on complete information and unbiased recommendations from Staff and Officers. Members should, in addition to such information and recommendations, rely on their own judgment and show leadership in their decision making.

VII. Effective Use of Council Time

Staff should be mindful and make good use of Council time. As an example, Staff should keep presentations concise and succinct and enable Council to make informed decisions. Sufficient time should be allocated to debate various issues.

VIII. Respect the Chain of Command

POLICY TITLE: COUNCIL-STAFF RELATIONS

POLICY NO.: 13.C.04

Members of Council acknowledge they have no individual capacity to direct Staff to perform, or not perform functions or duties. The City Manager is responsible for Staff and Officers - Members of Council who need to engage with Staff and Officers must do so through the City Manager or Senior Staff. This would include both in person, verbal, written and electronic messages. Routine questions from a member of Council or access to information that is readily available to a member of the public can be provided by any knowledgeable staff member the same way we serve all citizens. T

IX. All Members of Council are Equal

Staff are expected to show respect and professionalism and treat all Members of Council equally.

X. Members of Council are Elected Representatives, not Staff and Officers.

Once a matter is proposed or decided, Staff should only comment on matters of fact or history in discussing issues with the public and the media and should comply with the Corporate and Strategic Communications Press Releases policy. Dealing with the media is generally part of an elected representative's job.

Complaints

The City Clerk will 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 a Staff and Officers other than the City Manager or Clerk, the City Manager
- b) In the case of the City Manager or Clerk, Council or
- c) In the case of a Member of Council, the Integrity Commissioner

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	Other (specify) Yearly	Next Review Date:	February 1, 2022
Related Policy(ies):	13.C.02 – Delegation of Powers & Duties Policy 13.C.01 – Respectful Workplace Policy 13.C.03 – Workplace Violence Policy		

POLICY TITLE: COUNCIL-STAFF RELATIONS

POLICY NO.: 13.C.04

	CC-005 – Social Media Policy CL-011 – Code of Ethical Conduct for Members of Council
Related By-Law(s):	012-2013 – Roles and Responsibilities of the City Manager
Procedural Document:	
Revision History	
Date:	Description:
Click or tap to enter a date.	