



## BY-LAW

NO. 2023 –

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### Being a By-law to Adopt a Council and Staff Relations Policy for The Corporation of the Municipality of Kincardine

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**Whereas** pursuant to the said Municipal Act, Sections 8 and 9 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 224 of said Act states that the role of Council includes ensuring that administrative policies, practices and procedures are in place to implement the decisions of Council; and

**Whereas** Section 270 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

**Whereas** Council passed the current Council – Staff Relations Policy GG.6.14 on 20<sup>th</sup> day of February, 2019, by Resolution #02/20/19 – 12 and desires to adopt a new Council and Staff Relations Policy; now therefore be it

**Resolved** that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Council and Staff Relations Policy for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That Policy GG.6.14 Council – Staff Relations Policy passed by Resolution #02/20/19 - 12 and all other Policies passed by By-law and Resolution inconsistent with this By-law, be repealed.
4. That By-law may be cited as the "Council and Staff Relations Policy By-law".

**Read a First and Second Time** this 5<sup>th</sup> day of June, 2023.

**Read a Third Time and Finally Passed** this 5<sup>th</sup> day of June, 2023.

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Mayor

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Clerk

**Policy No.:**

**Section:** Your Government and People

**Policy Title:** Council and Staff Relations Policy

**Adopted Date:**

**By-law No.:**

**Revision Date:**

## **1.0 Application and Purpose**

- 1.1 This Council and Staff Relations Policy applies to all Members of the Council of the Municipality of Kincardine, including the Mayor, and all members of Staff of the Municipality of Kincardine.
- 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 Municipality 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 Municipality 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 Municipality;
  - 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 and are not intended to be enforced as such.

## **3.0 Definitions**

- 3.1 The following terms shall have the following meanings in this Policy:
  - (a) "CAO" means the Chief Administrative Officer of the Municipality;
  - (b) "Clerk" means the Clerk of the Municipality;
  - (c) "Council" means the council for the Municipality;
  - (d) "Member" means a Member of Council;
  - (e) "Municipality" means The Corporation of the Municipality of Kincardine;

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- (f) "Policy" means this Council and Staff Relations Policy; and
- (g) "Staff" means the CAO and all officers, directors, managers, supervisors and all employees, whether full-time, part-time, contract, seasonal, students or volunteer employees, as well as agents and consultants acting in furtherance of the Municipality's business and interests.

#### **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 Municipality and always for the collective public interest of the Municipality; 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 Municipality and that it comprises a collective decision-making body and that individual Members only have a single vote;
- (b) they are representatives of the entire Municipality;
- (c) Staff serve the whole of Council rather than any individual Member or Members;
- (d) they govern, provide political direction and make decisions as Council;
- (e) they will respect the administrative and managerial chain of command by:
  - (i) presenting to Council for approval, any item for direction to Staff,
  - (ii) directing any questions or concerns in relation to the administration or management of the Municipality to the CAO for their consideration,
  - (iii) giving direction to Staff only as Council and through the CAO, and
  - (iv) 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) they shall notify Staff, whenever possible, 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;

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- (j) they shall request advice from the Clerk about the appropriate wording of motions, amendments, and formal directions of Staff that will be placed before Council to consider and discuss;
- (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 Municipality 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 (other than records or information provided to them expressly in confidence by virtue of their status as Members);
- (m) they shall recognize Staff are not expected to provide information or take action in matters 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 Municipality'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 Municipality and is ultimately responsible to the electorate for the good governance of the Municipality;
- (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;

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- (j) they shall notify management or the CAO, as appropriate, of any issues that may impact the Municipality 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 action of Council;
- (l) they shall refrain from publicly criticizing any Member 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.