

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 5149-19

A BY-LAW TO ENACT A CORPORATE POLICY – COUNCIL
AND STAFF RELATIONSHIP - FOR THE CORPORATION
OF THE TOWN OF NIAGARA-ON-THE-LAKE

**BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE as follows:**

1. THAT the Council and Staff Relationship Policy for The Corporation of the Town of Niagara-on-the-Lake, attached to Report CS-19-012B, be and the same is hereby approved; and
2. THAT the Lord Mayor and Town Clerk be authorized to affix their hands and the Corporate Seal; and
3. THAT this by-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 10TH DAY OF JUNE, 2019

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD



The Town of Niagara-On-The-Lake

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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

First Capital of Upper Canada - 1792