

HALDIMAND COUNTY

POLICY No. 2004- 02

Subject: COUNCIL/STAFF PROTOCOL

Purpose:

To establish a Council/Staff Protocol.

Policy:

1. **Preamble**

The *Municipal Act*, contains specific provisions delineating the role of Council (Section 224), the Mayor (Section 225) and Staff (Section 227). The Sections are reproduced in this Protocol for easy reference. The roles complement one another, and fulfilment of the role of one group facilitates the fulfilment of the roles of the other.

The purpose of this protocol is to expand on those roles and to provide a framework within which the Mayor, Council and Staff can carry out their respective roles in concert with one another with a view to ensuring that the working relationship between Mayor, Council and Staff is effective, and that the result is efficient service delivery to the citizens of Haldimand County.

This protocol is to be used as a guideline by Council and Staff in dealing with issues. Where possible, the protocol should be followed, but it is recognized that urgent circumstances will, at times, render it impractical to follow the protocol strictly. Everyone who is a party to this protocol, however, should always adhere to the rules of common sense, common courtesy and common respect as underlying and constant principles governing the relationships.

2. **Statutory Provisions**

Section 224 of the said *Municipal Act* provides as follows:

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 practices and procedures are in place to implement the decisions of council;

- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act. 2001, c.25, c224.

Section 225 of the said *Municipal Act* provides as follows:

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;
- (c) to provide leadership to the council;
- (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. 2001, c. 25, s.225.

Section 227 of the said *Municipal Act* provides as follows:

It is the role of the officers and employees of the municipality,

- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any other Act and other duties assigned by the municipality. 2001, c. 25, s.227.

3. Corporate Values and Ethics

(a) Roles

It is imperative that each group (i.e. Councillors and Staff) understand and fulfil their respective roles, and that they understand and respect the role of the other group.

The *Municipal Act* provisions are clear enough, and in terms of the interaction between each group in fulfilling their roles, the distinction can be summed up as follows: Council, using Staff as a background resource, decides what the County is to do. Staff, with clear direction from Council, does it. Put another way, Council sets goals and establishes policy, and Staff manages the administration to achieve those goals within the policy set by Council.

In some cases, there will be overlap between the roles. In those cases, the principles of common sense, common courtesy and respect take over, with the result that Council's will is carried out, the integrity of both Staff

and Council functions are preserved, and in the end, the County's citizens are well served.

Although the roles of Council and Staff differ in that Council governs and Staff manages, both groups must provide leadership within the context of their roles and provide vision and goals for the County.

(b) **Common Sense**

The Terms of this Protocol are not intended to be applied strictly in every situation. It may be impractical to deal with minor issues, or issues which arise during a Council meeting, using the strict terms of this Protocol.

For example, discussion at a meeting may lead to a Councillor asking for additional information or clarification at the meeting rather than before it, and that is a necessary and inevitable result of the deliberation process.

Common courtesy and respect, however, dictate that any expressed or implied criticism of a Staff member that arises during the course of a meeting is dealt with in accordance with the Protocol, namely through a subsequent conversation with the CAO.

(c) **Courtesy and Respect**

These are fundamental principles which should govern the relations between Council and Staff at all times. Each should treat the other with the courtesy and respect they themselves expect.

(d) **Different Perspectives and Competing Interests**

The distinct roles of elected representatives, and of Staff, coupled with the different individual and professional perspectives of each group, often give rise to competing interests in fulfilling the goals and objectives set by Council. For example, a Councillor's public and political role may result in a specific request for increased or altered services; on the other hand, Staff are responsible to administer the various policies and programs of the County in the budget previously set by Council, and these interests can at times conflict.

Each group must respect the perspective and interests of the other on all issues. Some degree of flexibility and discretion on each side is often warranted, and in all cases, mutual courtesy and respect for each others roles will result in resolution of a particular issue in a manner which strengthens rather than weakens the relationship between Council and Staff.

4. Council/Committee Meeting Reports

(a) **Council and Staff Roles and Expectations**

Council and Committee reports play an important role in Council's decision making process. These reports will include those requested by

Council, and those brought forward on the initiative of the Senior Management Team.

Council has a right to expect that Staff will provide timely, accurate and complete reports on issues to be considered by Council.

With respect to the timeliness issue, when requesting a report, Councillors should be sensitive to staff workloads and priorities previously set by Council, and should seek input from the CAO and/or the appropriate General Manager as to a reasonable time for the preparation of the report. The reports should be prepared and delivered in accordance with the timelines specified in the County's Procedural By-law, and in accordance with established report formats.

With respect to the contents of reports, where practicable, Councillors should define the issues which they would like to be addressed in the report at the time it is requested, but Councillors should not attempt to influence the contents or recommendations of a report.

Once the report is delivered, and prior to Council consideration, Councillors should review them, and where necessary and possible, request clarification or additional information from the CAO, the appropriate General Manager or the author of the report prior to the meeting when the report is to be considered. In the same vein, an appropriate Senior Staff Member should discuss specific ramifications of a report relating to a specific Councillor with that Councillor.

(b) **Rationale**

The information contained in Staff reports represents a significant portion of the information which Council will use to make its decisions therefore, it is important that reports be accurate, complete and timely. In turn, Staff must understand the specific issues which are to be addressed, and must be given ample time to research and prepare the report to ensure that it is accurate and complete.

Staff must be sensitive to political factors affecting Councillors, and should ensure that factors which may have specific political ramifications for Councillors are flagged in advance to ensure that those issues can be dealt with efficiently and effectively at a scheduled meeting. Similarly, Councillors requiring clarification or additional information should request the clarification or additional information prior to the meeting when the report is to be considered, for the same reason. Both of these steps in this paragraph are indicative of courtesy and respect for the specific and often difficult roles of Councillor and Staff.

5. **Council Decisions**

(a) **Council and Staff Roles and Expectations**

In simple terms, Council makes decisions on important issues affecting the County, including the development and evaluation of County policies and programs, and the determination of which services the County will provide.

In equally simple terms, Staff implements those decision in accordance with the administrative practices and procedures of the County.

In order to carry out Council's decisions, Staff need clear direction from Council in the form of clearly worded resolutions and by-laws, both in terms of the decision, and the desired timing of its implementation.

In some cases, there will be unexpected or unanticipated results of decisions. In those cases, Staff should report those results immediately to Council for further consideration or action if deemed necessary by Council.

Barring these unanticipated results, Staff should report to Council when the implementation process has begun, during the process, or after completion of it, as may be applicable and appropriate to the particular issue.

(b) **Rationale**

Council is clearly responsible to decide important issues affecting the County. It will only do so after hearing and considering all relevant factors, including those contained in Staff reports. The decision then becomes the will of Council, and it is up to Staff to see that it is carried out in a timely and efficient manner.

The means of carrying out the decision is the responsibility of Staff. The County has a detailed set of administrative practices and procedures, and those are followed by Staff in implementing the decision. Just as Council's decision is made with significant forethought and experience, the administrative practices and procedures have been implemented by Senior Staff after similar significant forethought and experience. It is important for both Staff and Council to respect each other's experience, expertise, roles and responsibilities.

6. **Constituent/County Issues**

(a) **Council and Staff Roles and Expectations**

This paragraph deals with issues brought directly to Councillors by constituents, and which require involvement of County Staff. These issues may be specific to a ward, or they may be of general application.

A Councillor's role in these circumstances is to ensure that the issue is referred to the appropriate Senior Staff member (i.e. the CAO or the

appropriate General Manager) to be addressed through some form of investigation, action and/or response.

This can be accomplished by referring the constituent directly to the Senior Staff member, appropriate Division Manager, or by the Councillor making that contact. If the constituent is referred to the Staff member, the Councillor should advise the Staff member accordingly.

When the issue is referred, the desired response times and chain of response (i.e. directly to the constituent, or to the constituent through the Councillor) should be decided.

Senior Staff or the Manager to whom the issue is referred should analyse the issue and ensure it is referred to the appropriate Staff member for investigation, action and/or response, within the timeframes discussed with the Councillor.

Staff should then report back to the Councillor or the constituent, as previously arranged, with a copy to the Councillor, once the issue has been dealt with. On ward issues, the report should be to the ward Councillor and Mayor. On issues of general application, the report should be to all members.

If Staff are to respond directly to the constituent, the Councillor will be provided with details of the response in advance, or at the same time, depending on the issue.

(b) **Rationale**

Constituent issues are important, and are of special importance to Councillors from a political perspective. It is crucial, therefore, that these issues be investigated, acted upon and/or responded to efficiently and appropriately.

Staff must respect the importance of these issues and ensure that they are dealt with promptly.

In referring these issues to Staff, Councillors must keep in mind that there are administrative practices and procedures in place within the County, and that using these practices and procedures to deal with these issues is the most efficient means available to address them, and that Staff must attempt to resolve the issue within the confines of the budgetary limitations set by Council.

Councillors must also respect the chain of command and must recognize that direct referral of an issue to a non-manager Staff member can put the Staffer in an awkward position, and can undermine the authority of Senior Staffers who will have a better understanding of the issue at hand, and of the impact it may have on other County issues and priorities.

It is unlikely that all Councillors will want to hear about all issues specific to other wards, but the Mayor likely will want to be apprised of those issues and the responses. On issues of general application, it is

preferable that all Councillors including the Mayor be made aware of the issues and the responses.

Nothing in this Protocol limits the right of Councillors to speak to County Staff members, but it is the intention of both Council and Staff that direction, including requests for information on issues, would be made through the appropriate Senior Staff member as outlined above.

7. Public/Media Comment

(a) Council and Staff Roles and Expectations

This paragraph deals with public or media comments and applies to those comments respecting Staff reports, Council decisions, Council or Staff criticism and County issues generally.

Staff comments to the media are restricted by the County's Code of Conduct (Policy No. 01/19).

With respect to reports, prior to the release, Staff should not comment publicly on any aspect of the report.

After the report is made public, Staff should answer questions of fact or provide clarification of points, but should not comment on any potential action of Council with respect to the issue at hand.

During Council deliberation on an issue, Staff should answer any questions put by Councillors, including providing an explanation of the report recommendations, but should not participate in the debate, unless to clarify a factual matter.

After Council has made its decision, Staff comments should be supportive and never critical. At this point, Staff should answer questions of fact about the decision of Council and its implementation.

On official matters, the Mayor, or, in the Mayor's absence, the Deputy Mayor, is the spokesperson with respect to Council decisions.

Council positions are both public and political, and therefore the same constraints do not apply as to Staff with respect to public and media comment.

Councillors can and should speak publicly on issues, but in doing so should refrain from public criticism of Council decisions, other Councillors or Staff.

Staff must understand and respect the political nature of a Councillor's position. According, Staff should ensure that high profile and good news stories are dealt with in a manner which gives appropriate credit to Councillors, and which reinforces the fact that the elected representatives, the Councillors, are in charge of the County.

With respect to criticism, Staff should never under any circumstances criticise a Councillor, Council or a Council decision publicly. If a Staff member has issues with a Councillor or Council in general, the issue should be raised through the CAO, and privately.

Similarly, it is inappropriate for an individual Councillor to criticise a Staff member in public. If an issue arises, the Councillor should deal with it either through the Mayor to the CAO, or directly with the CAO, and privately.

(b) **Rationale**

The basis for the provisions relating to media and public comment is founded in the roles of Council and of Staff, mutual respect for those roles, and mutual common courtesy.

Staff's role in Council's decision making process is to provide background and advice on an issue. Council's role is to consider that background and advice, plus other factors it considers relevant, and decide the issue.

If the process is correct (i.e. if Staff have provided, and Council has considered, a complete and accurate report on an issue plus other information it considers relevant), then the decision will be correct, and cannot be second guessed or criticised by individual Councillors or by Staff members who may disagree with the decision.

If Councillors have an issue with Staff performance, courtesy and respect for the role of Senior Managers dictates that the issue should be dealt with privately through the CAO, rather than publicly at a meeting. The same comments apply to situations in which Staff members may have an issue with a Councillor. Courtesy and respect for the public and political nature of the Councillor's role dictates that the matter should be dealt with privately through the CAO and the Mayor, or the Councillor depending on the circumstances.

8. General Provisions

(a) **Forms of Address**

At public functions, including Council or Committee meetings, there should be a degree of formality in addressing the Mayor and Councillors. The terms "elected representatives", "Mayor" and "Councillor" are to be used in addressing the elected representatives, and when introducing them to members of the public. The term "politician" should be avoided. Less formal but sensitive or difficult situations, may also suggest formal address.

In most informal or working situations, a first name basis of address is appropriate.

Written correspondence requires a formal title such as Mayor or Councillor.

Common sense will dictate forms of address in most situations. Both groups, however, must keep in mind that there is an important distinction between Staff and elected representatives, and both must be cognizant of that distinction at all times.

(b) **Office Meetings**

Where practicable, the Mayor and Councillors are encouraged to prearrange meetings with Staff members to discuss County business. Councillors must be aware that they may not be able to be accommodated for a drop in visit because of time constraints on the Staff member, including other prearranged meetings.

(c) **Staff and Social Functions**

Senior Staff should ensure that either all members of Council, or none, are invited to Staff functions.

At public functions attended by both members of Council and Staff, all those attending must remember that they are ambassadors for the County and that they should maintain professionalism at all times throughout the function. The formal rules of address, however, are relaxed, except that Staff should still use some formality when introducing the members of Council to members of the public.

(d) **Invitations**

Invitations of County officials to attend functions should be provided at least three weeks in advance of the Mayor's or Councillors' requested attendance. Ideally, contact should be made in the planning stages to ensure that the desired representatives will be available.

Staff are encouraged to include a cover letter to Council members when sending an informal or plain flyer-type invitation for a County-organized event. A confirmation of attendance or otherwise should be confirmed by Staff.

(e) **Committees**

Council and Staff may sit on various committees. Generally, two types of committees exist: Committees specific to Haldimand County business, and committees that are external to the County.

Committees specific to County business may include special ad hoc committees or advisory type committees established by Council, or committees established by organizations within the County in which Councillor(s) and or Staff have been requested to participate by that organization and are duly appointed by Council. Staff involvement in such committees shall be limited to support and/or advisory functions and not include voting privileges.

Where a Councillor(s) is appointed to an advisory or organization based committee or board as a Council representative, such Councillor(s) shall be responsible for reporting back to Council through Council-in-Committee on issues that require Council attention and shall provide general reports on a semi-annual basis.

Where Councillors and/or Staff are appointed by Council to committees external to the County, periodic progress up-dates of the business of such committees should be provided to Council by the appointees. Where Staff are appointed to such committees, they may vote as a representative of the County on administrative, technical or policy matters unless financial obligations are involved, in which case Council direction must be obtained.

Topical Index	Administration
Policy Number	2004 - 02
Short Title	Council/Staff Protocol
SMT Approval Date	
Council in Committee	May 3, 2004 Recommendation # 7
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Originating Department	CAO-02-2004
Revisions	