

## CITY OF THOROLD POLICY AND PROCEDURE MANUAL

<b>COUNCIL</b>		
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REVISED: Dec 9, 2019		

### **POLICY STATEMENT**

The purpose of the policy is to outline the roles and working relationship of City of Thorold Council and Staff.

### **APPLICATION OF POLICY**

This policy applies to all Members of Council and City Staff.

### **GENERAL**

Members of Council and Staff shall:

- Demonstrate a commitment to accountability and transparency among Council and staff and with the general public;
- Demonstrate leadership by making sound decisions based on knowledge, areas of expertise and sound judgement;
- Demonstrate a high degree of confidentiality;
- Enhance public education about the political process by providing context and process information about decision making;
- Uphold the decisions of Council, regardless of personal opinion or belief, and commit to the implementation of those decisions;
- Refrain from publically criticizing members of council or staff; and
- Seek to achieve a team approach in an environment of mutual respect and trust, with acceptance of the different roles in achieving Council's objectives.

### **RESPECTFUL REPORTING RELATIONSHIP**

The formal relationship between staff and members of Council must be respected to ensure that all members of staff and Council are treated equally. There is a chain of command in place to deal with significant issues, and Council members are encouraged

Reference: Report CC2019-72

General Committee: December 17/19

to primarily direct questions and concerns to the Mayor and/or CAO for their consideration. Any request for information from a Council member that is not received and answered at a Council meeting, shall be received in writing and circulated in writing to all Council members.

### **RESPECT FOR TIME**

Priorities and timelines must be respected by all members of Council and staff. It is expected that all participants will be well prepared for meetings and will prioritize appropriately, according to direction given by management or Council. Staff will spend time on significant projects only once direction is given by Council to do so.

It is expected that appointments will be made for meetings between staff members and Council members in order to ensure that all parties are available and prepared for the discussion.

### **ROLE OF MEMBERS OF COUNCIL**

- Seek to advance the common good of the community which they serve;
- Truly, faithfully and impartially exercise the office to the best of their knowledge and ability;
- Govern and provide political direction;
- Act in a way that enhances public confidence in local government;
- Set strategic objectives and goals for the organization based on consultation with staff and community members;
- Give direction to staff as a council through resolution;
- Govern the management of the organization through the CAO;
- Respond to concerns from the public and refer concerns to staff members through the Mayor and CAO for action – elected officials do not have an administrative managerial role in the day to day business of the organization;
- Adhere to the Code of Conduct for Members of Council and the oath of office sworn at the inaugural meeting of each term of Council; and
- Refrain from behaviour that could constitute an act of disorder or misbehaviour; an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; or prejudices the provision of a service or services to the community.

**It is expected that Council Members will:**

- Acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions;
- Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others;
- Refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility;
- Request the CAO's input prior to making important policy decisions;
- Direct questions or concerns regarding departmental activities to the Mayor and/or CAO or use the online complaint form/request for information;
- Discusses issues with the CAO and advise staff of questions that may arise prior to Council meetings whenever possible;
- Understand that their discussions with staff may be communicated and that a member of Council cannot compel a member of staff to confidentiality;
- Request advice from the Clerk or Deputy Clerk about the appropriate wording of motions, amendments, and formal staff directions in accordance with the Procedural By-law; and
- Consult with the CAO prior to making commitments to agencies, groups, citizens or likewise.

**Intergovernmental Communications**

The Mayor is the spokesperson for Council regarding communications with other governments or agencies. If a member of Council is interested in formally communicating with another government or agency, they should take their request to the Mayor and/or the CAO through a Notice of Motion to Council.

Members of Council should not directly contact any regulatory bodies regarding any regulatory compliance concerns.

Individual members of Council should not be directly involved in any negotiations to secure contracts or agreements on behalf of the City of Thorold, unless direction is given to this effect through resolution by Council as a whole.

**Role of Members of Staff:**

- Provide timely reports to Council outlining factors that will assist in their decision making process and provide information based upon professional expertise and good judgement, and free from undue influence from any individual member or members of Council;
- Research policy issues as required;
- Implement Council's decisions;
- Manage and identify the means for achieving corporate goals and outcomes;
- Provide appropriate follow-up to Council inquiries and keep members of Council up to date and informed, as appropriate – staff do not have a political role;
- Adhere to the Code of Conduct for Staff and other professional Codes of Conduct; and
- Refrain from behaviour that could constitute an act of disorder or misbehaviour; an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; or prejudices the provision of a service or services to the community.

**It is expected that Staff Members Will:**

- Ensure that Council members are aware of any issues that may impact upon their decision making process;
- Management will ensure that the CAO is aware of any issues that may impact upon the municipality and of ongoing activities in each department;
- The CAO will ensure that managers are aware of any issues that may impact upon their departments;
- Respond to inquiries from Council members (through the CAO or Mayor) in a timely fashion, when appropriate;
- Present a professional opinion, in writing, at Council meetings.
- Notify Council members of changes to legislation and any unexpected impacts of policy decisions through written material circulated electronically or at Council meeting; and
- Through the CAO, convey feedback to Council members who may be unaware of existing policies or staff workload demands, and other related issues.

### **Expectations of Information Flow Outside of Regular Business Hours**

It will not be expected that responses will be sent or actions taken by staff outside of regular administrative business hours, with the exception of emergencies.

### **Input and Direction from Members of Council**

Members of Council are required under the Municipal Act to represent the public and to consider the well-being and interests of the municipality as a whole. This represents another form of information flow between Council and Staff:

<b>Type of Input</b>	<b>Requirement to Report Back</b>	<b>Requirement to Take Action</b>
An individual member of Council provides input on administrative/operational matters (eg. Informally, during a meeting)	No	At staff's discretion
Council gives direction to staff on a non-administrative and/or operational matter through a resolution	Yes	Yes
Council approves a staff recommendation	As required	Yes

Important: While a report in writing back to all of Council may not be required, it is often in the interest of relationship building and/or accountability to do so, either informally (ie. email) or formally, as each circumstance dictates.

### **Access and Privacy (MFIPPA)**

MFIPPA establishes a general right of access to records held by an organization. The guiding principles of MFIPPA include:

- The public has the right to information held by the City of Thorold;
- Any member of the public can submit a request for information held by the City of Thorold;
- Individuals have a right of protection of personal information held by the City of Thorold; and

Reference: Report CC2019-72

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- Decisions to refuse information are reviewed independently by the Information Privacy Commissioner of Ontario.

Personal information held by the City of Thorold must be protected from unauthorized collection, use, disclosure and eventual disposal. The City of Thorold cannot collect personal information about an individual unless it is authorized to do so.

### **Freedom of Information (FOI) Requests**

FOI requests are processed by the Clerk. All information must be collected and delivered within the prescribed timelines. All requests are kept confidential, including the name of the requestor. Every attempt is made to respond to FOI requests within the legislated 30 day timeline, however, incremental 30 day extensions can be sought if the request is too complex or there are other factors that delay its delivery.

### **Individual Customer, Resident and Employee Information**

Members of Council are not provided access to information that is protected under MFIPPA, PHIPA or other relevant privacy legislation. FOI and MFIPPA requests can be made by any member of the public, including council and staff members.

### **Open Meeting Agendas, Reports and Minutes**

Open Council meetings agendas and minutes are circulated to members of Council in advance of the meeting and are available on the City's website.

### **Questions regarding the Agenda and Minutes**

Questions regarding:

- The Council Agenda are to be directed to the CAO or City Clerk
- The General Committee Agenda are to be directed to the CAO or Department Director
- The Minutes are to be directed to the City Clerk

Council's Procedure By-law and Accountability and Transparency Policy provides further guidance.

**Revised Agendas**

The receipt of materials at meetings is to be kept to a minimum to ensure members of Council can be prepared for their meeting.

**Closed Meeting Agendas, Reports and Minutes**

Closing meeting reports, minutes, etc. are circulated to Council at the meeting. They are printed on tan paper and will be presented in a sealed envelope.

Members of Council must return confidential material to the City Clerk immediately following the closed session.

Council's Code of Conduct provides additional guidance on Confidential Material.

**Accountability, Transparency and Consultation**

Staff and Council must be committed to the principles of accountability, transparency, confidentiality and consult both with each other and with the public. Open lines of communication is essential.

**Public Input**

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

**Media Relations**

Media releases will be sent to members of Council immediately in advance of their public release.

Members of Council will accurately and adequately communicate the attitudes and decisions of Thorold Council, even if they disagree with a majority decision of Council so that:

- There is respect for the decision making processes of Council;
- Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Mayor or designate;
- Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately; and
- Confidential information will be communicated only when and after determined by Council.

### **Dispute Resolution**

If a member of Council is not satisfied with their access to information, they should discuss their concerns with the Mayor.

If a staff member has refused access to information to a member of Council, they will bring the matter to the attention of the CAO.