

THE CORPORATION OF THE TOWN OF KEARNEY

By-Law No. 2025- 31

***Being a By-Law to adopt a
Council-Staff Relations Policy***

WHEREAS Bill 68, known as the Modernizing Ontario's Municipal legislation Act, 2017 amends several Acts including the Municipal Act, 2001; and,

WHEREAS as a result of the passing of the Modernizing Ontario's Municipal Legislation Act, 2017, Section 270 (1) of the Municipal Act, 2001, requires municipalities to adopt and maintain a policy with respect to the relationship between members of council and the officers and employees of the municipality; and,

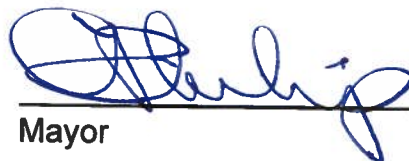
WHEREAS Council of the Corporation of the Town of Kearney deems it expedient to adopt the aforementioned policy;

NOW THEREFORE the Council of the Corporation of the Town of Kearney enacts as follows:

1. That the attached Policy 1748 Council-Staff Relations be hereby adopted as set out in Schedule "A" attached forms an integral part of this By-Law; and,
2. That any proposed amendment, or a repeal to replace Policy 1748 Council-Staff Relations must be approved by a two-thirds (2/3) majority vote of the whole of Council in attendance for the vote; and
3. This By-Law may be known as the "Council-Staff Relations Policy". This By-Law comes into force and takes effect upon passage.

READ A FIRST, SECOND TIME AND THIRD TIME, passed and signed and the Corporate Seal attached hereto, this the 17th day of April, 2025.

THE CORPORATION OF THE
TOWN OF KEARNEY



Mayor



Clerk

Schedule “A” By-law 2025-31

Staff Council Relations Policy

1.0 PURPOSE

The purpose of this policy is to ensure that the relationship between members of Council and the Officers and Employees of the Town of Kearney is co-operative, supportive, and positive with a clear understanding of the respective roles and responsibilities. Section 270 (1) of the *Municipal Act, 2001*, as amended, requires that the municipality adopt and maintain a policy with respect to the relationship between members of Council and the Officers and Employees of the Corporation.

2.0 SCOPE

This policy applies to all Staff and members of Council of the Town of Kearney in their interactions with Staff, volunteers, consultants and contractors that work on behalf of the Corporation.

3.0 CONTENT

3.1 Joint Role of Council and Staff

The role of Council is to govern and provide direction as a whole. The role of Staff is to provide professional advice, implement Council's decisions and manage public service delivery. Although the roles of Council and Staff are distinct, they are interdependent, each one requiring the other to fulfill the Municipality's mandate and purpose.

Both Council and Staff are expected to:

- 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 judgment;
- Maintain confidentiality in all matters where information is protected under law and/or during the course of business as prescribed in the *Municipal Act* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*;
- Enhance public understanding of the political process by providing information about decision making processes;
- Uphold the decisions of Council, regardless of personal opinion or belief, and commit to the implementation of those decisions;
- Refrain from publicly 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.

3.2 Respectful Reporting Relationship

The formal relationship between Staff and members of Council is one of mutual respect ensuring that all members of Staff and Council are treated equally. There is a municipal governing authority in place whereas:

- Council's only Staff member is the CAO and all other Staff report directly to the CAO or a Department Manager.
- Council members are to direct concerns to the Mayor and/or Chief Administrative Officer (CAO) for their consideration.
- Staff are to direct concerns to the CAO or their respective Manager.
- 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 Staff the same way we serve all citizens.

3.3 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.

3.4 Role of Council

Section 224 of the *Municipal Act, 2001* defines the role of Council:

“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.”

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

“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 of the *Municipal Act, 2001* defines the role of the head of Council as chief executive officer:

“As chief executive officer of a municipality, the head of Council shall:

- 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.”

In carrying out these defined roles, members of Council shall:

- Govern the management of the organization through the CAO;
- Respond to concerns from the public in accordance with the municipality’s applicable policies;
- Acknowledge that members of Council do not have an administrative or 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;
- Acknowledge that only Council as a whole, through resolution or by-law, has the capacity to direct Staff members to carry out specific tasks or functions;
- Acknowledge that the Mayor, an individual member of Council or informal groups of members of Council cannot make decisions on behalf of Council unless authorized by Council or statute;
- Acknowledge that members of Council on municipal boards and committees cannot direct Staff to carry out specific tasks or functions unless authorized by Council as a whole or by statute;
- Refrain from directing or requesting Staff to undertake an action, prepare a report for Council or committee, expend funds or commit resources beyond the normal course of public service delivery levels acknowledging that Staff shall only act upon direction received from the whole of Council or the CAO;
- Refrain from requesting that Staff act against municipal policies, by-laws or other legislation;
- Refrain from suggesting to Staff what their recommendation should be in a report to Council;
- Refrain from using their position to improperly influence Staff in their duties or functions to gain an advantage for themselves or others;
- Refrain from publicly criticizing individual members of Staff in a way that could cause harm to their reputation, professional competence and credibility;
- Request the CAO’s input prior to making important policy decisions;
- Direct concerns regarding departmental activities to the Mayor and/or CAO;
- Discuss issues with the CAO who will then advise Staff of questions that may arise prior to committee or Council meetings whenever possible; and

- Refrain from behaviour that could constitute an act of disorder or misbehaviour; is 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.

3.5 Role of Staff

Section 227 of the *Municipal Act, 2001* defines the role of Staff:

“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 Act and other duties assigned by the municipality.”

In carrying out these defined roles, Staff shall:

- 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;
- Carry out, to the best of their ability, implementation of Council approved policies, programs, and 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;
- Respond to inquiries from Council members in accordance with the municipality’s applicable policies;
- Recognize that Council is the elected voice of the citizens of the municipality and respect the decisions of Council;
- Treat all members of Council equally;
- Refrain from behaviour that could constitute an act of disorder or misbehaviour; is 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.

3.6 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.

3.7 Individual Customer, Ratepayer, and Employee Information

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

3.8 Dispute Resolution

If a member of Council encounters an issue related to this policy, they should discuss their concerns with the Mayor and/or CAO. If a Staff member encounters an issue related to this policy, they should discuss their concerns with the CAO.

3.9 COMMUNICATION OF POLICY

This policy will be provided to each member of Council and Staff by email and will be posted on the municipal website.

4.0 CONNECTIONS TO OTHER POLICIES, BY-LAWS OR LEGISLATION

Council Code of Conduct

Municipal Act

5.0 REVIEW

This Council-Staff Relations Policy will be reviewed minimally once per term of Council or as requested by the CAO, Council or as directed by legislation.