



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Human Resources Division
and
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Chair and Members of Governance Sub-Committee
COMMITTEE DATE:	April 22, 2021
SUBJECT/REPORT NO:	Council/Staff Relationship Policy (FCS21045/CM21005) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (905) 546-2424 Ext. 5409 Janette Smith (905) 546-2424 Ext. 5420
SUBMITTED BY: SIGNATURE:	Janette Smith City Manager
SUBMITTED BY: SIGNATURE:	Andrea Holland City Clerk, Office of the City Clerk

RECOMMENDATION(S)

- a) That the Council/Staff Relationship Policy contained in Appendix B of report FCS21045/ CM21005 be approved

EXECUTIVE SUMMARY

The *Municipal Act 2001*, as amended requires municipalities to adopt a Council/Staff Relationship Policy. Staff met with Members of Council and senior staff to discuss the guiding principles of the policy. The purpose of the Policy is to clearly define the roles and responsibilities of Council and Staff and their common goals and purposes.

In order to adhere to compliance under the *Municipal Act, 2001*, as amended, staff are recommending the Policy attached as Appendix B, be approved.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: none

Staffing: none

Legal: none

HISTORICAL BACKGROUND

The Honourable Madam Justice Bellamy examined the details of the City of Toronto computer leasing and external contracts and released the findings through the Bellamy Report in 2005. The Bellamy Report has been instrumental in launching changes to the *Municipal Act 2001*, as amended; to legislate new policies and an ethical framework for Municipalities. As outlined in the Bellamy Report, the need for an ethical framework is essential to good governance and paramount to building trust with the public.

“Relations between Councillors and Staff

15. Both elected officials and staff should understand and honour their respective roles and responsibilities, act only within them, and never blur the distinction.
 16. The Mayor in Council meetings, a committee chair, or anyone else in a formal or informal leadership role should immediately intervene in instances of uncivil behaviour and politely remind the person responsible of his or her duty to be civil.
 17. Councillors should not ask staff to perform personal services for them.
 18. Councillors should not attempt to influence staff behaviour by direct or indirect coercion of any kind, including intimidation, bullying, or alluding to future promotion or employment prospects.
 19. Councillors should not ask staff to engage in partisan political activities for them.”
- (source; Toronto Computer Leasing Inquiry, Toronto External Contracts Inquiry, Report Volume 4: Executive Summary)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

As of March 1, 2019, changes to the *Municipal Act 2001*, as amended, require municipalities to adopt a policy on the relationship between members of council and municipal staff. Municipalities have the flexibility to determine the content of these policies. While both Members of Council and City Staff have Codes of Conduct, these speak to the behaviours of individuals and not to Council or City Staff as a whole and how they work together to achieve the city's goals and deliver services.

Adoption of policies

270 (1) A municipality shall adopt and maintain policies with respect to the following matters:

1. Its sale and other disposition of land.
2. Its hiring of employees.
 - 2.1 The relationship between members of council and the officers and employees of the municipality.

On December 16, 2020, Council approved amending the Integrity Commissioner's workplan to assign the development of a Council/Staff Relationship policy to City Staff:

1. Integrity Commissioner Work Plan (FCS20016(a)) (City Wide) (Item 10.1)
 - (ii) That staff be directed to gather and review Council/Staff Relations policies from other municipalities and bring recommendations on a new policy to the governance committee by April 30, 2021.

DISCUSSION

The intention of this Policy is to provide reasonable and flexible guidance for a working partnership between City Council and City Staff and to bring the City into compliance with the *Municipal Act 2001*, as amended. The approval of the attached policy aligns with the Term of Council Priorities for a Healthy, Respectful and Supportive Workplace and is a piece of an ethical framework overriding municipalities in Ontario as well as local by-laws. As custodians of the framework, and through consultations with Members of Council and Staff, all recognize the importance of a policy that outlines:

1. Our shared Policy Statement;
2. Guiding Principles;
3. Defined Roles and Responsibilities
4. Complaint Process

Ethical and Accountability Framework

The Council/Staff Relationship Policy is an addition to the complex ethical and accountability framework within which Council and Staff operate. The Province of Ontario's *Municipal Act 2001*, as amended, is only one of the many pieces of Legislation that outlines the Province's Delegated Powers to Municipalities. It does however, outline many of the Accountability Officers required for all Municipalities. The ethical and accountability framework attached in Appendix A speaks to the many by-laws and policies, both legislated and those that the City has adopted as a best practice. These by-laws and policies guide Members of Council and Staff in daily operations and decision making.

RELEVANT CONSULTATION

The Policy's draft Guiding Principles were discussed with individual Members of Council in consultation with the City Manager, Executive Director of Human Resources and City Clerk. In these meetings, staff shared best practices from other municipalities, discussed the Guiding Principles and how they frame the shared responsibility of Council and Staff to create a relationship based on respect for each other's roles within the City of Hamilton's local government.

The Guiding Principles and draft policy were brought to the Senior Leadership Team and internal Corporate Policy Review Group for review and feedback. With the final draft before Governance Sub-Committee for consideration.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Staff recommend the approval of the Council/Staff Relationship Policy in order to bring the City into compliance with the *Municipal Act 2001*, as amended.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix A - Ethical and Accountability Framework
Appendix B - Council/Staff Relationship Policy