



Report to: General Committee

Meeting Date: November 5, 2024

SUBJECT: Council-Staff Relations Policy
PREPARED BY: Kimberley Kitteringham, City Clerk, ext. 4729
Martha Pettit, Deputy Clerk, ext. 8220
Jennifer Evans, Legislative Services Coordinator, ext. 3835

RECOMMENDATION:

- 1) That the report titled, “Council-Staff Relations Policy” be received; and,
- 2) That Markham City Council adopt the revised “Council-Staff Relations Policy” included as **Appendix “B”** to this report; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The Municipal Act requires every Ontario municipality to adopt a Policy on Council-Staff relations. The purpose of this report is to provide Markham City Council with a proposed Council-Staff Relations Policy for adoption.

BACKGROUND:

Sections 224 and 227 of the Municipal Act, 2001 (the Act) define the roles and responsibilities of Council and the municipal administration respectively. The City currently has the following policies in place governing the conduct of both Members of Markham City Council and City staff:

- City of Markham’s Council Code of Conduct - governs the behavior of Members of Council.
- The City’s Code of Ethics and Conduct: Applying to all Municipal Staff - governs the behavior of all City staff.

The Act mandates that all Ontario municipalities establish a policy governing the relationship between Members of Council and municipal officers and employees, yet it offers no specific guidance on its content. The City of Markham does not have a dedicated policy on Council-Staff relations and has instead incorporated relevant provisions into several existing policies to meet this legal requirement. This has periodically created confusion and as such, staff are recommending the adoption of a new stand-alone Council-Staff Relations Policy.

In late 2023, the City engaged Strategy Corp (Sabine Matheson) to develop a Council-Staff Relations Policy for Markham. As part of this process, Ms. Matheson conducted a thorough review of best practices across Ontario and consulted with individual Members of Markham City Council as well as with City staff to address any specific concerns they wished to include in the development of Markham's policy.

On July 9th, 2024, Ms. Matheson and Ms. Mary-Ellen Bench, from Strategy Corp, presented the draft Council-Staff Relations to Markham's General Committee for the purposes of obtaining Committee feedback. A copy of the meeting minutes is attached as **Appendix "A"**. Members of General Committee asked a number of questions about the Policy, including the following:

- How the new Policy will impact existing practices in the City around customer service;
- The relationship between the Council Code of Conduct and the Council-Staff Relations Policy; and,
- How the Policy will be enforced, including an informal resolution process to resolve minor issues.

At the above-noted meeting, staff advised that in many respects, the proposed Council-Staff Relations Policy simply codifies many existing policies and processes. At the conclusion of the July 9th General Committee meeting, staff committed to further review Committee's feedback and return in the Fall with a proposed Council-Staff Relations Policy for Council's consideration.

The revised draft of the Council-Staff Relations Policy is attached as **Appendix "B"**. In response to the feedback from the July 9th General Committee meeting, the Policy has been updated to provide clearer guidelines on monitoring and compliance. Specifically, if it is believed that a Councillor or staff member has not followed the Policy, the involved parties are encouraged to attempt an informal resolution, when appropriate, before pursuing a formal complaint. If a Councillor is believed to be in violation of the Policy, any individual, including staff or fellow Councillors, may submit a complaint to the Integrity Commissioner under Markham's Council Code of Conduct. Concerns or complaints related to staff members will be addressed through the City's standard administrative procedures. Non-compliance by staff may lead to disciplinary action.

OPTIONS/ DISCUSSION:

The City has benefited from a healthy relationship between Members of Council and City staff. As the local government landscape grows increasingly complex with changing legislation and financial pressures, it's become crucial to avoid minor issues escalating into significant problems. To address this, clearer rules need to be established for how Members of Council and staff interact. The revised proposed Council-Staff Relations Policy aims to:

- Fulfill the requirements of the Municipal Act;
- Clearly define the roles and responsibilities of Members of Council and City Staff;
- Support a respectful, productive and harassment-free relationship between Councillors and their Offices and City staff; and,
- Ensure the efficient, accountable, equitable, and transparent conduct of business.

The Policy contains the following:

- an overview of the roles of Council, the CAO and the Administration as set out in the Act.
- a summary of expectations regarding the behaviour of Members of Council and staff.
- detailed guidelines for how Councillors may obtain information from staff to respond to community/resident matters or make requests for service (*see Attachment A of the Council-Staff Relations Policy*).

Staff are seeking Council's approval of the revised proposed Council-Staff Relations Policy. Upon Council adoption, this Policy will form part of a broader framework of policies that support productive working relationships between Members of Markham City Council and City Staff, including the:

- Accountability and Transparency Policy
- City of Markham Council Code of Conduct
- Code of Ethics and Conduct (City Staff)
- Council Procedural By-law
- Respect in the Workplace Policy
- Use of Corporate Resources in an Election Year Policy

Legislative Services staff will host a series of sessions to educate Members of Council and City staff on the Policy and will pursue additional training opportunities in the future. To aid in understanding of the policy, staff has prepared Frequently Asked Questions (FAQs) on the Policy – included as **Appendix "C"**.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Executive Leadership Team (ELT) and Directors Forum were consulted in the preparation of the Council-Staff Relations Policy.

RECOMMENDED BY:

Kimberley Kitteringham
City Clerk

Trinela Cane
Commissioner, Corporate Services

Appendix "A" – General Committee Meeting Minutes – July 9, 2024

Appendix "B" – Council-Staff Relations Policy

Appendix "C" – Council-Staff Relations Policy Frequently Asked Questions (FAQs)