



## Council-Staff Relations Policy

### Frequently Asked Questions (FAQ's)

#### 1. What is the purpose of the Council-Staff Relations Policy?

The Municipal Act, 2001, requires that every municipality in Ontario adopt a policy governing the relationship between Members of Council and municipal officers and employees. The Policy is designed to provide clear guidelines for the interactions between Members of Markham City Council and City staff, ensuring a respectful, productive, and harassment-free working relationship.

#### 2. What are the key components of the proposed Council-Staff Relations Policy?

The Policy includes:

- An overview of the roles of Council, the Chief Administrative Officer (CAO), and the administration as outlined in the Municipal Act.
- Clear guidelines on the expected behavior of Members of Council and City staff.
- Procedures for Councillors to obtain information from City staff about community or resident concerns.
- A formal process for addressing issues between Councillors and staff.

#### 3. How does this Policy affect existing policies like the Council Code of Conduct?

This Policy complements other key policies, such as:

- Markham's Council Code of Conduct
- Code of Ethics and Conduct for City Staff
- Accountability and Transparency Policy
- Respect in the Workplace Policy

This Policy does not replace other policies but ensures a coordinated approach to governance and accountability. In cases of overlap, the Council Code of Conduct will take precedence. However, the proposed Policy ensures clarity in Council-staff interactions, which may not be fully addressed in existing policies.

#### 4. How will the Council-Staff Relations Policy be enforced?

The City Clerk is responsible for administering and interpreting the Council-Staff Relations Policy and for receiving complaints and/or concerns relating to the Policy. If concerns arise regarding a Member of Council's compliance with the Policy, the City's Integrity Commissioner can investigate. Staff-related concerns will follow the City's administrative process, with possible disciplinary measures if the Policy is violated. In general, parties are encouraged to informally resolve the issue, where appropriate, before making any form of formal complaint.



## **5. What happens if a Member of Council or City staff violates the Policy?**

In general, parties are encouraged to informally resolve issues, where appropriate, before making any form of formal complaint. Violations of the Council-Staff Relations Policy by Members of Council may be referred to the City's Integrity Commissioner for investigation. For City staff, violations will follow the City's standard administrative procedures and could lead to disciplinary action, if necessary.

## **6. What is the role of the City's Integrity Commissioner under the Policy?**

The Integrity Commissioner provides guidance to Council Members on how to interpret and adhere to the Policy. They are also responsible for investigating formal complaints against Council Members concerning Policy compliance.

## **7. How does the Policy interact with customer complaints?**

The Council-Staff Relations Policy ensures Councillors can respond to community complaints effectively and in a fair and consistent manner. Existing policies regarding customer service remain in place, and this Policy complements them by setting clear guidelines for City staff and Council communication. To preserve prosecutorial independence, Council and individual Members of Council may not direct prosecution, litigation, insurance claim resolution or enforcement.

## **8. Where should Councillors and/or their Offices direct Requests for Information?**

Requests for information should be directed to the appropriate Commissioner or Director to be processed in accordance with the City's established routine disclosure practices, the Municipal Act, and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). In accordance with MFIPPA, Councillors are entitled to information that is available to the public or information that they require to carry out their legislated duties.

## **9. Where should Councillors and/or their Offices direct Requests for Service?**

Requests for service should be directed to and processed through the City's Contact Centre. The Centre will direct the request to the appropriate Department for response. Requests for service will be processed in priority sequence and will be tracked to ensure service levels are met. Councillors and their staff are not to send requests directly to staff, or copy staff when generating a work order through the Contact Centre.

## **10. Is it appropriate for Members of Council to convene spontaneous meetings with City staff?**

Drop-in meetings are discouraged. To ensure all parties are available and prepared for the discussion and that other priorities are not disrupted, appointments should be made for meetings between Staff and Councillors. Staff participation in community information meetings must be authorized by Markham City Council. Staff participation in Councillor-constituent and/or ratepayer meetings will be determined by senior executives.



## **11. Should Members of Council expect City staff to respond to Councillor Inquiries After Hours and on Weekends/Holidays?**

The City respects Provincial legislation relating to the “right to disconnect.” City staff are not obligated to respond to non-emergency texts, emails or calls outside of normal business hours.

## **12. What is the “Chain of Command” at the City?**

Staff are directed in their regular duties by the Senior Executive (CAO, Commissioners and Directors), and their designates. Staff may also be directed by a vote of Markham City Council. Individual Councillors are not authorized to direct the activities of Staff. For instance, Councillors may not direct staff to change the content of a staff report or recommendations.

A Councillor’s Staff has no authority other than that delegated by the Councillor. Councillors are responsible for managing their office and the Councillor Staff, ensuring they are aware of and comply with the Council-Staff Relations Policy.

Staff may be directed by the Mayor, as authorized by Ontario’s Strong Mayor legislation.

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## **Additional Responses to Questions from Members of Council**

### **1. Please Clarify Section 4.5 which states: “For greater clarity, Councillors shall not formally or informally speak to members of a City’s adjudicative tribunal (e.g. Committee of Adjustment) about matters before them.”**

Section 14.2 of the Markham Council Code of Conduct (the Code) specifies: “14.2 – Members are expected not to act as a paid agent before Council or Committee or any agency, board, or committee of the City, except in compliance with the Municipal Conflict of Interest Act (MCIA).” This provision implies that while Councillors should not serve as paid agents, there is no explicit ban on acting as unpaid agents. In this scenario, there would be no financial interest at stake, which aligns with the MCIA. However, it is important to also consider section 13.1 of the Code, which states: “13.1 Members will not use their influence for any purpose other than the exercise of their official duties.” (Refer also to section 3.2 (b) of the Code.) Advocating for constituents in pursuit of their private interests falls outside the official duties of a Member of Council. Such actions would constitute using a Councillor’s influence for purposes unrelated to their official responsibilities.

When a Councillor advocates on behalf of a constituent before a board or agency, they do so as a “Councillor,” and this connection cannot be ignored. The influence inherent in their position should not be employed for non-official purposes. City staff and officials are responsible for executing the laws and policies established by elected members. If a member advocates for an individual against a staff position, it undermines the directives given to staff by the elected body.

In summary, it is inappropriate for a Member of Council to advocate for a constituent’s private interests before a City committee or board. Such actions would misappropriate their influence for non-official purposes, violating the Code. If a Councillor were to advocate for someone and a related report came before Markham City Council, this would result in undue influence, in violation of section 3.2 (b) of the Code.



Please Note: Legislative Services staff sought and received an opinion from the City's Integrity Commissioner on this issue and the wording of Section 4.5 of the Council-Staff Relations Policy reflects this.

**2. Attachment A to the Council Staff Relations Policy states that Members of Council are to direct all requests to the Contact Centre. However, some Councillors (and/or their staff) currently enter requests for service, etc. from the public directly into the Contact Centre's CRM system. Is this no longer allowed?**

Council Members (and/or their staff) may continue to enter service requests into the CRM system as they currently do. However, if they have already submitted an ACR through the Contact Centre, they should not email staff about the same issue, as this leads to inefficiency and often results in duplicated efforts. All service requests received by the Contact Centre are prioritized and tracked.

In the future, a new Customer Relationship Management System will be implemented in the Contact Centre, providing an improved way for the public to submit service requests online and track their progress in real time. Council Members (and/or their staff) will also be able to submit and track requests in the same manner.

**3. Please clarify Section 5.2.6 of Attachment A to the Council Staff Relations Policy. What if urgent matters occur on the weekend or after hours? How does a Councillor get an immediate response if they are not permitted to contact/copy the staff directly? Ex. calls for a tree about to be cut down or a complaint about a fence obstructing a public walkway.**

Service requests will be handled according to established protocols. The Contact Centre's emergency line for City services (905-477-7000) is available 24/7. A live Customer Service Representative (CSR) answers calls Monday to Friday until midnight. After midnight on weekdays, as well as throughout weekends and holidays, the line is managed by the City's in-house security staff. All requests are evaluated for urgency - issues that pose an immediate threat to public health and safety are prioritized and addressed right away. City staff on standby for after-hours and weekend work are dispatched as needed. It is unnecessary and inefficient to copy other staff on these requests, as they will be notified appropriately through the case resolution process.

Please Note: The City respects provincial legislation relating to the "right to disconnect". There is no obligation for any member of the staff to respond to non-emergency texts, emails or calls outside of normal business hours. Existing after-hours protocols have been implemented in various areas of the City - such as in By-law Services and in Animal Services – and communicated to Members of Council. Nothing in the proposed Council Staff Relations Policy impacts these protocols.



4. **Please clarify the meaning of Section 10.2.2 – what is the difference between Community Information Meeting and the Councillor-Constituent/Ratepayers meeting?**

A Community Information Meeting typically involves a larger group of people from the community and is designed to provide information on specific topics, projects, or initiatives affecting the community. It often includes presentations, discussions, and opportunities for attendees to ask questions or give feedback. The goal is to engage a broad audience and gather input from various stakeholders.

**Please Note:** Attendance by staff at this type of meeting must be authorized by Council.

A Councillor-Constituent/Ratepayer Meeting usually involves a smaller, more focused group, typically consisting of a single Councillor and their constituents or ratepayers. It serves as a forum for constituents to discuss individual concerns, ask questions, and engage in direct dialogue with their Councillor. The emphasis is on addressing specific issues or needs relevant to that group rather than a broader community-wide topic.

**Please Note:** Attendance by staff at this type of meeting must be authorized by the Senior Executive of the City (CAO, Commissioners, Directors).