

To:	Warden Hicks and Members of Grey County Council
Committee Date:	March 28, 2019
Subject / Report No:	CCR-CW-05-19
Title:	Council-Staff Communication Protocol Policy
Prepared by:	Heather Morrison
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	None
Status:	Recommendation adopted by the Committee as presented as per Resolution <i>CW81-19</i> ; Endorsed by County Council on April 11, 2019 as per Resolution <i>CC30-19</i> .

Recommendation

1. That Report **CCR-CW-05-19** be received and that **G-GEN-015**, being the Council-Staff Communication Protocol Policy be endorsed.

Executive Summary

Communication between Council and staff is essential in promoting the principles of accountability and transparency both within the organization and to the public. The introduction of a Council-Staff Communication Protocol Policy will serve to outline the roles of Council and staff, streamline the use of different communication tools for Council members and provide clarity regarding the process by which additional information may be obtained.

Background and Discussion

As outlined in the draft policy, open lines of communication are essential to a well-functioning, open and accountable government. Grey County deals with information in a variety of methods and with a variety of stakeholders. The Council-Staff Communications Protocol Policy assists in providing an outline for staff and Council on how they can expect to receive information related to agendas, minutes and resolutions. It identifies the reporting relationship between Council and staff acknowledging that Council acts as a whole to direct staff to carry out specific tasks or functions.

Grey County's practice of open meetings is outlined in the Protocol along with the acknowledgement, that at times, closed meetings are required in order to discuss certain matters as permitted under the Municipal Act. Grey County strives to be as open and

transparent as possible to ensure the public is aware of the deliberations occurring at the County.

The Protocol also speaks to continuing the practice of public consultation on items that are of significant or wide general interest to the public such as Recolour Grey (new official plan), Recreational Trails Master Plan and the Housing and Homelessness programs. There must be an opportunity for a wide variety of stakeholders to provide input, opinions and advice on initiatives with long term impacts in order to garner a range of views before final decisions are made.

The Protocol outlines items related to access and privacy and the freedom of information process while continuing to endorse the open data practices of Grey County and ensuring we continue to maintain practices that protect personal information held by the County.

Finally, the Protocol provides a succinct overview of how presentations, intergovernmental communications, purchasing related items (RFPs, RFTs etc.), development files, County Connection and the County Council E-blast, assist in providing current and relevant information to Council, local municipalities and staff members.

This Protocol will be useful as a tool for new Council members and staff in providing a concise outline of the types of information used by Grey County and the different methods of receiving it.

Legal and Legislated Requirements

The Protocol follows the applicable legislation including the Municipal Act, Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA).

Financial and Resource Implications

There are no additional costs to the implementation of this protocol. It serves to provide a streamlined policy related to communication practices between Council and staff.

Relevant Consultation

- Internal-CAO, Communications Manager
- External none

Appendices and Attachments

G-GEN-015 Council-Staff Communications Protocol Policy

Council/Staff Communication Protocol

Approved by: County Council
Last Revision Date: March 2019
Scheduled for Review by: 2023

Date Approved:
Replaces:

Policy Number: G-GEN-015
Sub Section: General

Section: Governance

Purpose

The purpose of this policy is to outline the roles and working relationships between Council and staff for mutual benefit. The flow of information between Administration and Council and the expectations of Council and the Administration should promote the principles of transparency, accountability and confidentiality protocols within the organization. Open lines of communication are essential.

Principles

A formal relationship exists between members of Council and County staff. This ensures that members of staff and council are treated equitably and respectfully without favouritism. Staff should feel comfortable speaking with individual members of Council about their work. Councillors require timely, accurate information from staff. A chain of command exists to deal with issues of significance and should be respected by individual councillors and staff.

Only County Council as a whole has the authority to direct members of staff. Individual councillors will be respectful of the fact that staff work for the County as a corporate body and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual council member or group thereof.

Council members have the same rights to access information as members of the public. However, under certain circumstances, Councillors may be perceived as a conflict of interest. Therefore members of Council should exercise caution under these circumstances and clearly disclose their dual role.

Protocol Intent

Role of Council and Staff

- Uphold the commitment of accountability and transparency among Council and staff and the general public
- Demonstrate leadership through sound decision making practices

- Maintain a high degree of confidentiality
- Uphold the decisions of Council regardless of personal opinion or belief and commit to the implementation of those decisions
- Refrain from criticizing members of Council or staff
- Achieve a team approach in a mutually respectful environment

Role of Council

- To advance the good of Grey County
- Truly, faithfully and impartially exercise the office to the best of their knowledge and ability
- Provide direction on policies and strategic planning to staff
- Communicate in a way that supports enhancing the public's confidence in local government
- Set strategic objectives for the organization based on consultation with staff and the community
- Respond to concerns from the public and refer concerns to staff members through the Warden and CAO for action. Elected officials do not have an administrative managerial role in the day to day operations of the County
- Adhere to the Code of Conduct for members of Council, Oath of Office and Council-Staff Relations Policy
- Refrain from behaviour that could constitute an act of disorder, an abuse of power, discrimination, intimidation, harassment, verbal abuse or adverse treatment of others.

Role of Staff

- Provide timely reports to Council which include the necessary information needed for Council to make sound decisions
- Provide information based on professional expertise and good judgement and free from undue influence of members of Council
- Research policy issues as required
- Implement Council's decisions
- Provide appropriate follow up to Council inquiries and keep Council up to date and informed. Staff do not have a political role.
- Adhere to the Code of Conduct for Employees and Council-Staff Relations Policy
- Refrain from behaviour that could constitute an act of disorder, an abuse of power, discrimination, intimidation, harassment, verbal abuse or adverse treatment of others.

Reporting Relationships

The formal relationship between staff and members of Council is to be respected and all members of staff and Council are to be treated equally.

Requests for information from a Council member that are not received and answered at a Council or Committee meeting will be circulated in writing to all Council members.

It is expected that Council Members will:

- Acknowledge that only Council as a whole has the ability to direct staff members to carry out specific tasks or functions. Directions and requests of staff are to be done by resolution of Council.

- Discuss issues with the CAO and advise staff ahead of time of questions that may arise during a Council or Committee meeting whenever possible.
- Request advice from the Clerk or Deputy Clerk about the appropriate wording of motions, amendments and formal staff directions
- Consult with the CAO prior to making commitments to agencies, groups, citizens, etc.
- Understand that discussions with staff may be communicated to all of Council
- 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

It is expected that Staff Members will:

- Ensure Council is aware of issues that could impact their decision making
- Management will ensure the CAO is aware of issues that may impact upon the County and of ongoing activities of each department
- The CAO will ensure that managers are aware of any issues that may impact their departments
- Respond to inquiries from Council members in a timely fashion when appropriate
- Present a professional opinion at Council and Committee meetings
- Inform Council of legislative changes and impacts of policy decisions
- Through the CAO, convey feedback to Council members who may be unaware of existing policies or staff workload demands

Definitions

Resolution

A resolution is a record of decisions or wishes of Council and includes routine administrative and management matters such as appointing an auditor.

Policy

Municipal policies provide guidance to staff related to how to implement a policy and/or govern the actions of the public within municipally-owned facilities. (E.g. Accountability and Transparency Policy).

By-law

A by-law is a form of legislation established by local government to resolve issues and address the needs of citizens; legal actions can be taken as a consequence of non-compliance. (E.g. Traffic Control By-law) In addition, by-laws govern the actions of all people in the municipality. They cannot interfere with legislation or regulations mandated by the provincial or federal governments; however, they can be developed to complement or supersede provincial legislation.

Expectations of Information Flow Outside of Business Hours

Unless there is an emergency, it is not expected that Council requests for information will be addressed outside of regular business hours. Councillors are encouraged to call the CAO if a matter requires urgent attention.

Commitment to Training

At the beginning of each new Council term, Council members will receive an orientation on the Council/Staff Communications Protocol.

All Employees involved in information sharing will receive training on the Council/Staff Communications Protocol.

Employees who are not direct reports to the CAO or Directors will refer members of Council to the appropriate Director of Manager regarding requests for information.

Public Input and Consultation

Council will occasionally use formal and informal opportunities to get the public's input as a part of the decision making process. The purpose is to give stakeholders an opportunity to provide input, opinions and advice in order for the widest range of views and information to be available before final decisions are made. Council and staff will endeavour to engage the public as much as possible on issues affecting Grey County.

Access and Privacy

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) provides a general right of access to records under the control of Grey County and protects the privacy of individuals with respect to personal information about themselves. It provides individuals with a right to access that information. MFIPPA is based on the principles that:

- a) information should be available to the public;
- b) exemptions from right of access should be limited and specific; and
- c) decisions on the disclosure of information should be reviewed independently of the institution controlling the information.

The Personal Health Information Protection Act (PHIPA):

- a) establishes rules for the use and disclosure of personal health information about individuals to protect the confidentiality of that information while ensuring the effective provision of health care;
- b) provides individuals with a right of access to personal health information about themselves subject to limited exceptions;
- c) provides individuals with a right to require the correction of personal health information;
- d) provides for independent review and resolution of complaints with respect to personal health information and
- e) provides effective remedies for contraventions.

The nature of the information depends on what Act applies. The County Clerk has been delegated the authority to undertake the Freedom of Information process on behalf of the County. Requests for records must be made in writing and be accompanied by a \$5 application fee. Additional fees if applicable are prescribed by the Act.

FOI requests are processed by the Clerk's office with the assistance from staff throughout the corporation who are charged to collect and deliver the requested information 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 timeframe; however, incremental 30 day extensions can be sought if a request is too complex or voluminous, if there is a need to consult with other persons outside of the organization or if a request would otherwise significantly interfere with the operations of the County.

Requests for information by members of Council are subject to MFIPPA and PHIPA.

Questions regarding Freedom of Information requests are to be directed to:

- The Clerk

Open Agendas, Minutes, Resolutions

Agendas are posted to the County's website to show the subject matter of meetings. With the exception of emergency meeting agendas, agendas will be distributed and posted to the County's website at least 3 days before the meeting.

Decisions of Council are recorded in meeting minutes in the form of resolutions. With the exception of closed meeting minutes, these minutes are public and posted as soon as practical to the County's website.

Questions regarding Open Agendas, Minutes and Resolutions should be directed to:

- A Member of the Clerk's Department; or
- The CAO

Reports

Public Reports that are part of agenda packages are found on the County's website www.grey.ca. They are generally found under the "Government" menu tab, and "Agendas / Minutes" tab or Council and Committee calendar under the meeting to which they relate.

If a member of Council or the public is unable to locate a report, they should contact:

- The Director of the Department to which the report relates; or
- A Member of the Clerk's Department

Closed Meeting Agendas, Minutes and Reports

There may be occasions where Council or Committees need to discuss certain matters in closed session, also known as “in camera”. The Municipal Act Section 239 outlines the subject matters that can be discussed in closed session. The County of Grey makes every effort to give notice of closed meetings on meeting agendas as far in advance as possible. Notice that part of the meeting will be closed and the relevant section of the Municipal Act that permit the meeting to be closed will be provided on the public agenda, as well as additional information as necessary.

Discussions, minutes and reports that take place in closed meetings are not to be disclosed publicly until such time as a decision is made that deliberations are no longer confidential.

The County of Grey has developed a procedure regarding closed meetings which explains how agendas are to be prepared and how staff reports should be drafted. It further outlines the requirements of the resolution to go into closed meeting, the limits on discussion and voting in closed session, and how materials are to be circulated.

Council members are notified by email when closed session minutes and reports are posted. They are available through the Council portal to Council members only.

Alternate members as appointed by the lower tier municipalities do not have access to the Council portal, however will receive the closed meeting materials in a sealed envelope at the meeting and will return the materials to the Clerk or Deputy Clerk following the meeting. Alternate members may also view the closed materials with County staff ahead of the meeting at the Grey County Administration Building.

If a member of Council or the public has questions on closed meeting agendas, minutes and reports, they should contact:

- A Member of the Clerk’s Department

By-laws

Decisions of Council are made by by-law. However, if the authority to act has been delegated to a staff member or a resolution has been passed to authorize, sometimes it is deemed unnecessary to pass a bylaw.

By-laws which may be of interested are posted to the Grey County site: <https://www.grey.ca/by-laws>

If a member of Council or the public is unable to locate a by-law they are looking for, they should contact:

- A member of the Clerk’s Department

Presentations to Council and Committee

Sometimes it is beneficial for delegations and staff to have presentations at Council or Committee meetings. Presentations made at open Committee and Council meetings will be posted to the website as

soon as practical following the meeting, or included in the agenda package if requested by the presenter.

Presentations will not be used to replace staff reports. Their purpose is to provide a visually appealing overview of the content within a report, or to provide information of a general nature that does not warrant a staff report.

If a member of Council or the public cannot find a presentation on the County's website, they should contact:

- A member of the Clerk's Department

If anyone has a question on the content of the presentation, they should contact:

- The author of the presentation
- The Director of the department to which the presentation pertains

Draft Reports

Draft Reports are not generally released to the public or Council members before the agenda is posted, however there may be times when this is warranted. If that's the case, staff will release the report to all members of Council followed by the member of the public if applicable. The report will be in its final form. Draft reports that have not been reviewed or finalized will not be distributed.

Records and Information Management

The Clerk is responsible for records and information management for the County of Grey. The County has passed a Records Retention By-law which has been developed alongside the Ontario Municipal Records Management System (TOMRMS) and is approved by the auditor. The by-law outlines the time periods that the County shall keep records and records are purged in accordance with the Records Retention By-law.

If a member of Council or the public has a question on records and information management, they should contact:

- The Clerk

Intergovernmental Communications

The Warden acts as a spokesperson on behalf of County Council for communications with governments and agencies.

If Members of Council wish to formally communicate with another government or agency on the County's behalf, they should discuss this request with the Warden and CAO or to County Council.

County staff must obtain authorization from the CAO and/or Council before communicating with elected officials from senior levels of government.

RFT, RFQ and RFP Submissions and Results

All RFTs, RFQs and RFP submissions and results will follow the County's Purchasing Policy and Procedure.

Active Development Files

The Planning Department's Active Development File list is brought to Committee of the Whole on a quarterly basis in the agenda package.

If Council or a member of the public has a question relating to an active development file, they are to contact:

- A Member of the Planning Department; or
- The Planning staff member who is working on the specific file

County Council E-Blast

Grey County receives resolutions from other municipalities either as information or requesting support. The intent of the e-blast is to continue to keep council members informed of these matters of interest. Any resolutions that impact County business or are looking for council support will continue to be added to the Committee of the Whole agenda either under the Consent Agenda or Items for Discussion.

As well, a review of media monitoring items that relate to Grey County will periodically be included in the E-blast for Council's information.

A member of Council may request that an item, resolution or media story, from the e-blast be brought forward to Committee of the Whole by making such a request to the Clerk's department.

County Connection

The County has deemed it helpful to provide the lower tier municipalities with information. A subscriber based, bi-weekly electronic communication called the County Connection has been established to provide local elected officials and senior staff with information on such things as Council and Committee minutes, agendas, upcoming meetings, recent news and relevant correspondence.

If any person wishes to subscribe to the County Connection, they should contact:

- The Deputy Clerk/Legislative Coordinator; or
- The Communications Manager

Dispute Resolution

If a Council member is not satisfied with their access to information, they should discuss their concerns with the Warden and/or CAO.

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

