



Policy

POL.COR.26.01

Council Staff Relationship Protocol Policy

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Policy Statement

Positive relationships between Council and Staff are essential to the provision of public service excellence and effective governance in the Town of The Blue Mountains (Town). Successful relationships involve mutual understanding of roles and responsibilities, two-way communication, clarity in reporting relationships and direction from Council to Staff through the CAO. These principles can be achieved when high standards of conduct form the basis of all Council and Staff interaction.

Purpose

Section 270(1)2.1 of the Municipal Act requires all municipalities to adopt and maintain a policy regarding the relationship between Members of Council and Staff. Sections 224 to 229 of the Act set out the roles of Council, the Head of Council, Municipal Administration, the Clerk and the Chief Administrative Officer.

Town Staff serve Council as a whole in order to deliver quality public services and programs and effective management of Town resources in a way that serves the greater good of all citizens. This Protocol offers guidance on Council-Staff relationship issues which may arise, and will serve as a guide to dealing with circumstances as they may arise from time to time, and should ensure that Council Members receive objective and impartial advice and professional support from Town Staff. This Protocol should be used and applied in conjunction with other guiding Town documents listed at the end of this Protocol.

Application

The guiding principles and procedures contained in this policy shall apply to all Council and Town Staff of the Town of The Blue Mountains.

Definitions

Act: means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or replaced from time to time.

Code of Conduct for Members of Council: The Code of Conduct sets minimum standards for the behaviour of Members in carrying out their functions. It has been developed to assist Members of Council, Local Boards and Advisory Committees to understand the standards of conduct that are expected of them, and the law that applies in relation to these standards, fulfill their duty to act honestly and exercise reasonable care and diligence, and act in a way that enhances public confidence in local government.

Committee Chair or **Chair** means the Chairperson of any Committee, or the Chair of a portion of Committee of the Whole meetings.

Chief Administrative Officer: means the senior executive appointed by Council who is responsible for managing the Municipality.

Council Members: shall mean the members elected as the legislative body of the Town of The Blue Mountains Council. Council Members are not employees.

Employee Code of Conduct: The Employee Code of Conduct sets out standards of Ethical and professional behaviour in the course of an Employee's work to ensure that public confidence and trust is maintained. The Employee Code of Conduct establishes expectations for ethical conduct and establishes standards designed to promote and protect the public's interest and enhance public confidence and trust in the integrity, objectivity and impartiality of the Town and its Employees.

Integrity Commissioner: The Person(s) appointed by Town Council By-Law (including the person delegated by the appointed integrity Commissioner) in accordance with Section 223.3 of the *Municipal Act, 2001*.

Mayor: the Head of Council and the Chief Executive Officer of the Town.

Mayoral Decision: means a decision issued by the Mayor in writing as prescribed in the *Act*.

Mayoral Direction: means a direction given by the Mayor to staff in writing as prescribed in the *Act*.

Routine Inquiry: A communication by a Member of Council with Staff (in person, in writing, by phone, text, or other electronic means) which meet the following criteria:

- Requires no expenditure of unbudgeted resources; and
- Constitutes a type of communication that would normally occur between a member of the public and Staff in the ordinary course of business; or
- Constitutes a request for information that is readily available or is routinely produced by Staff in the course of their duties; or
- Constitutes a request for a service that is routinely done by Staff in the course of their duties.

Senior Management: means a staff member that is a member of the Town's Senior Management Team.

Staff: shall mean full-time, part-time, contract workers and volunteers of the Town.

Town: shall mean The Corporation of the Town of The Blue Mountains.

Guiding Principles

1. Shared Purpose:

- a) Members of Council and Staff have a shared purpose and responsibility to serve the best interests of the Municipality.
- b) The roles of Members of Council and Staff play distinct yet interdependent roles for effective Municipal governance and management.
- c) To produce the best results and outcomes for the Municipality, Members of Council and Staff must work together, while performing their respective roles.
- d) To demonstrate a commitment to accountability and transparency among Council and Staff and with the general public;
- e) To show community leadership by making sound evidence-based decisions based on knowledge, expert advice and sound judgment;
- f) To enhance public understanding of the political process by providing information about evidence-based decision making processes;
- g) To achieve and maintain an environment of mutual respect and trust, with respect and acknowledgement of the different roles in achieving Council's objectives.
- h) To be innovative and creative in the development and delivery of cost-effective municipal services.

2. Division of Responsibilities:

- a) Members of Council and Staff have distinct roles in Municipal governance, management, and administration.
 - The role of Council is to govern and provide direction to Staff as a collective decision-making body of the Municipality.
 - Under the Municipal Act, Members of Council do not serve as technical experts or act in a professional advisory capacity to Staff or the community on behalf of the municipality.
 - It is not the role of Staff to make policy and service level decisions. Staff provide professional advice and technical expertise, implement Council's evidence based decisions, and manage Municipal operations and service delivery.

- b) To ensure efficient and effective Municipal government and operations:
- There needs to be a clear separation of the political and administrative spheres.
 - There needs to be a clear division of responsibility between the Offices of the Mayor and the CAO, and between Members of Council and Staff.
 - Members of Council should recognize and reinforce the clear and unequivocal responsibility and accountability of the CAO for the overall management and of the administration of the Town.
 - Individual Members of Council and Staff must respect their professional boundaries and one another's roles.
 - Processes related to lines of communication and the accountability structure need to be followed by Members of Council and Staff.

3. Leadership and Professionalism

- a) Members of Council and Staff must demonstrate leadership and commit to a high degree of professionalism in their conduct.
- b) Members of Council will not deal with Staff in a way that is inconsistent with decisions of Council, regardless of opinion or belief; and
- c) Staff will uphold and implement the decisions of Council, even if they are not in line with the advice of Staff.

4. Cooperation and Effective Municipal Outcomes

- a) Members of Council, and Staff work for the public good.
- Members of Council and Staff must recognize their overarching goal is to serve the best interests of the Municipality and work together to achieve this shared purpose while fulfilling their distinct roles.
 - Staff must be sensitive to Council's role as the governing body for the Municipality and the elected voice of the citizens. Council must balance competing interests and priorities.
 - Staff must provide their professional advice and recommendations in good faith and based on complete information which is evidence based.
 - Staff should be mindful of Council's time and present information in a succinct and user-friendly manner.
 - Members of Council should trust that Staff will perform their roles in good faith and in the best interests of the Municipality.

- b) Mutual cooperation and support are essential to a productive Council-Staff relationship and to producing the best outcomes for the Municipality.
- Sound evidence-based decision-making and direction-setting by Council relies on timely and sound advice and information from Staff as technical experts.
 - Members of Council and Staff must keep one another apprised of important information that may impact their ability to fulfill their roles.
 - Council should seek input from and consult Staff as the technical experts prior to making policy decisions or public commitments.
 - Staff will support informed debate and evidence-based decision-making by Council by providing timely, complete, and unbiased advice and information.
 - Staff will ensure that information pertaining to Council business is proactively and consistently provided to all Members of Council.

5. Communication and Accountability Structure

- a) Communications between Members of Council and Staff related to municipal business will respect the Town's accountability structure.
- The CAO reports to Council and is responsible for Staff.
 - Generally speaking, Staff report to and take their direction from the CAO and Senior Management. Some staff are directly accountable to Council in relation to their statutory or professional responsibilities.
 - Municipal decisions are made by Council as a whole, as a collective governing body.
 - Each Member of Council, including the Head of Council, has one vote.
 - The Mayor does not have any more power than any other Member of Council to make decisions on behalf of the municipality, other than the powers set out in the Municipal Act, 2001 as it relates to Strong Mayor powers.
 - Only Council, as a whole, has the authority to direct Staff to carry out specific tasks or functions pursuant to a Council direction.
- b) The principles underpinning the flow of information between Members of Council and Staff will be according to the following:
- Formal communication channels will be used for information related to Council business and decision-making.
 - Communications to or from Members of Council related to municipal business will be conducted through the CAO or appropriate Senior Management.

- Senior Management works closely with Committee Chairs but it is generally understood that staff serve Council as a whole, rather than any individual Member of Council.
- Information from the CAO or Senior Management will be communicated to all Members of Council.
- Members of Council who need to engage Staff should do so through Senior Management, whether in-person, in writing, or through electronic messages.
- Routine inquiries from a Member of Council can be provided to the appropriate Staff member(s) in the same way as they would be provided by the public.

6. Trust and Respect

- a) To build and maintain trust and confidence in the Municipality, Members of Council and Staff must conduct their roles in a respectful and professional manner.
 - The public expects that Council and Staff will work effectively together to achieve the best interests of the Municipality.
 - The public expects Members of Council to conduct their political role in good faith and in a professional and respectful manner.
 - Staff are expected and required under their employment contract to execute their responsibilities in good faith and in a professional and respectful manner.
- b) Members of Council and Staff will foster and promote an environment of mutual respect and trust, guided by values of respect, leadership, accountability, collaboration, stewardship, and transparency.
 - Members of Council and Staff are expected to show respect and professionalism toward one another.
 - Members of Council and Staff must understand and be respectful of the different roles, challenges, and responsibilities they each face.
 - Members of Council and Staff are to avoid discriminatory, disparaging, or vexatious comments, behaviour, or conduct toward one another.
 - Members of Council and Staff will refrain from publicly criticizing an individual Member of Council or Staff which could lead to public embarrassment or reputational damage.
 - Comments on Staff performance shall be directed through the CAO.

Clarifying Roles

1. Council

Council's role is Policy focused: Represent the Town, provide direction and create policy. Specifically, Section 224, 225, 226 of the **Municipal Act, 2001** states:

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;
- e) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality; and
- f) to maintain the financial integrity of the municipality; and
- g) to carry out the duties of council under this or any other Act.

2. Head of Council (Mayor)

It is the role of the Head of Council, to:

- a) 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;
- d) 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);
- e) to represent the municipality at official functions; and
- f) to carry out the duties of the head of council under this or any other Act.

Section 226.1 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.

The Mayor has a prominent and very public profile. Many citizens within the Town of The Blue Mountains will have high and often varied expectations. The Mayor must find a way to balance these expectations and special responsibilities.

3. Chief Administrative Officer

The CAO specific responsibilities are set out in Section 229 of the **Municipal Act, 2001** as follows:

- a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- b) performing such other duties as are assigned by the municipality.

4. Senior Management

The role of Senior Management is to lead and direct (Staff in carrying out) (activities related to) the responsibilities set out under Section 227 of the **Municipal Act, 2001**.

Generally, Senior Management is responsible for:

- a) Directing the implementation of Council's policies and decisions.
- b) Providing advice to Council on the policies and programs of the Municipality.
- c) Hiring, developing, and overseeing/managing a team of competent Staff.

5. Officers and Employees

- a) The role of the officers and employees of the Town is set out under Section 227 of the Municipal Act, 2001, as follows:
- b) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- c) to undertake research and provide advice to council on the policies and programs of the municipality; and
- d) to carry out other duties required under this or any Act and other duties assigned by the municipality. 2001, c. 25, s. 227.

Generally, Staff are responsible to Senior Management for:

- a) Implementing decisions of Council.
- b) Establishing administrative practices and procedures to carry out Council's decisions.
- c) Researching and providing advice on the policies and programs of the Municipality.
- d) Fulfilling statutory duties.

- e) Following direction of the CAO and Senior Management to ensure the successful operation of the Corporation.

Procedures

Council Responsibilities

- Councillor requests for information or services that are readily available to the public shall be provided to Council Members in the same manner as it is provided to the public.
- Councillor requests for new information or service, requiring a commitment of resources (e.g., investigation, administrative support, analysis, expenditures) beyond the normal course of public service delivery levels shall only be provided after being authorized by the whole of Council through a resolution.
- Councillor requests for Staff participation and attendance at Councillor-organized community events or meetings shall be in keeping with existing procedures and service levels and shall ensure that the Chief Administrative Officer is aware of and in agreement with the community meeting logistics, purpose and outcomes.
- Councillor direction or requests to Staff to undertake an action, expend funds, commit resources beyond the normal course of public service delivery levels, or prepare a Staff report to Council or a committee, shall only be acted upon by Staff when authorized by the whole of Council through a resolution.
- The Mayor, an individual Councillor or informal groups of Councillors cannot make a decision on behalf of the Council unless authorized by Council or statute.
- Council Members should, to the extent possible:
 - discuss issues with Staff and advise Staff of questions prior to public meetings where the issue will be heard;
 - request advice from the Town Clerk about the appropriate wording of motions, amendments and formal Staff directions in accordance with the Procedural By-law.
 - request advice from the Chief Administrative Officer as to whether an action is required to be authorized by the whole of Council or considered within the scope of normal business.
- The Mayor may only direct employees in specific instances for the purposes of exercising powers or performing duties under Part VI.1 of the Municipal Act through a Mayoral Decision or Mayoral Direction. Otherwise, all direction to Staff related to any other matters must continue to be exercised by Council as a whole. It is expected that the Mayor when making a Mayoral Decision or Mayoral Direction will have regard to the policies and decisions of Council, and the apolitical role of the Chief Administrative Officer and Staff, and will weigh the application of those policies, decisions and roles when so doing.

- The role of the Chair is to chair either a Council or Committee of the Whole or Committee Meeting as the presiding officer. The Chair does not serve in a managerial or policy role with respect to the Department(s) of the Committee of the Whole meeting they preside. However, information-sharing may occur with the respective Department(s) to support the Chair's ability to manage an efficient and effective meeting. As outlined in the Town's Procedural By-law, the Chair must ensure meetings are conducted in an orderly fashion in accordance with the Procedure By-law including:
 - enforcing rules and decorum during meetings;
 - accepting and putting to a vote motions as presented by Members;
 - deciding and ruling on points of order and points of privilege;

Staff Responsibilities

- Staff responses to a Councillor on specific issues (e.g., complaints, questions, requests) will be provided to all Councillors for consistency.
- Staff responses to a Councillor on Town or Corporate issues will be provided to all Council Members for consistency.
- Staff responses to requests from Council Members for readily available public information shall be provided within 2 business days whenever possible.
- Staff shall respect that Council Member's time is valuable. Reports and presentations to Council should be concise to the extent possible, while still ensuring all necessary information is communicated to Council.
- Staff shall be professional, apolitical and courteous to Members, in accordance with the Municipality's Employee Code of Conduct.

Respectful Reporting Relationship

The formal relationship between Council Members and Staff must be respected to ensure equal treatment. For significant or sensitive issues, Council Members and Staff are encouraged to primarily direct questions and concerns to the Mayor and/or CAO for their consideration. Any request for information from a Council Member that is not received and answered at a Committee or Council meeting is to be circulated and responded to in writing and copied to all Council Members.

Respect for Time Priorities

Timelines must be respected by all Council Members and Staff. Members and Staff shall set reasonable expectations of each other, including providing reasonable timelines to accomplish tasks. It is expected that all participants will be well prepared for meetings and will prioritize appropriately, according to direction given by management or Council. Staff will spend time on significant projects only once direction is given by Council to do so. Appointments will be made for meetings between Staff and Council Members in order to ensure that all parties are

available and prepared for the discussion. Council members are encouraged to make these requests with sufficient advance notice and with sufficient background information to inform the meeting.

Expectations of Information Flow Outside of Regular Business Hours

As set out in the Disconnecting from Work Policy, 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 as defined by the Emergency Response Plan for the Town.

Input and Direction from Council Members

Council Members are required under the *Municipal Act* to represent the public and to consider the well-being and interests of the municipality as a whole. The chart below provides an outline of Staff actions to be taken in response to Councillor input and Council direction.

Council Input	Acknowledgment	Staff Requirement to Report Back	Staff Requirement to Take Action
An individual member of Council provides input on administrative/ operational matters (e.g. informally or during a meeting)	Yes	No	At Staff’s discretion or at the direction of the CAO.
A Chair provides input on administrative/operational matters (e.g. informally or during a meeting)	Yes	No	At Staff’s discretion or at the direction of the CAO.
A Committee or Council gives direction to Staff through the CAO regarding an administrative/ operational matter through a Council resolution	No	As directed by Council/CAO	Yes

While a report in writing back to Council may not be required, it is often in the interest of relationship building and/or accountability to do so, either informally (i.e. email) or formally, as each circumstance dictates.

Exclusions

There are no exclusions to this protocol except as required by law or for matters that are restricted to Closed Meetings as per the *Municipal Act*.

References and Related Policies

This Protocol shall be read and applied in conjunction with the following corporate documents, as updated from time to time:

POL.COR.21.06 Code of Conduct for Members of Council Local Boards and Advisory Committees

POL.COR.24.05 Accountability and Transparency of Town Actions to the Public

POL.COR.24.02 Respectful Workplace Policy

POL.COR.25.02 Employee Code of Conduct

2023-62 Procedural By-law

POL.COR.18.01 Use of Corporate Resources for Election

POL.COR.22.06 Disconnecting from Work Policy

Consequences of Non-Compliance

In the interest of strengthening Staff and Council relationships both Staff and Council are encouraged to consider informal discussions and/or mediation prior to the submittal of a formal complaint. The following policies will be referenced for all complaints:

1. POL.COR.21.06 Code of Conduct for Council Members of Council, Local Boards and Advisory Committees
2. POL.COR.25.02 Employee Code of Conduct
3. POL.COR.24.02 Respectful Workplace Policy

Review Cycle

This policy will be reviewed once per term of Council or as required due to legislative change.