

Council/Staff Roles and Responsibilities

Presentation to the Municipality of West Nipissing

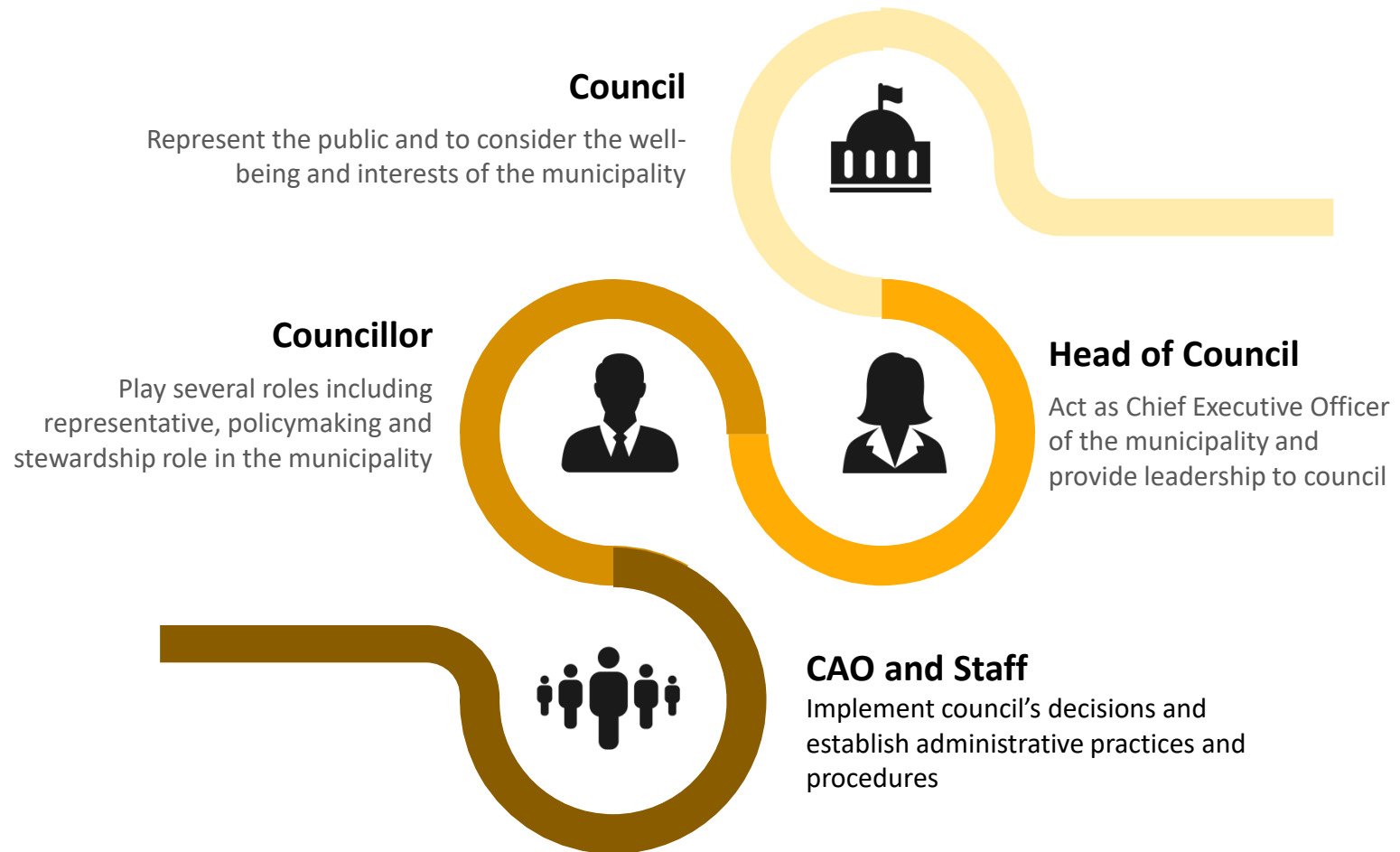
January 13, 2022

Disclaimer

- These slides are provided by the Ministry of Municipal Affairs and Housing for convenience only.
- The slides should not be relied on for legal or official purposes and are not meant to replace provincial legislation.
- As local facts and circumstances are variable, users may wish to consider obtaining their own legal advice when particular legal issues arise.
- For more specific information, please refer to the relevant legislation and regulations which can be found online at: www.ontario.ca/laws
- Information in this presentation is based on the [Municipal Councillors Guide](#)

Role of Council, Councillors and Staff

Council and Staff Roles



Head of Council

- The *Municipal Act, 2001*, sets out the role of the head of council
 - provide leadership to the council
 - preside over council meetings so that its business can be carried out efficiently and effectively
 - act as the chief executive officer
 - provide information and recommendations to the council with respect to the role of council:
 - ensuring both administrative and controllership policies, practices, and procedures are in place to implement the decisions of council
 - ensuring the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
 - represent the municipality at official functions
 - carry out duties of the head of council under this or any other Act

Role of Council

- The *Municipal Act, 2001*, sets out the role of council as follows:
 - represent the public and to consider the well-being and interests of the municipality
 - develop and evaluate the policies and programs of the municipality
 - determine services the municipality provides
 - ensure administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council
 - ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
 - maintain the financial integrity of the municipality
 - carry out the duties of council under this or any other Act
- Three main roles
 - Representative
 - Policy Making
 - Stewardship

Representative Role

- Elected by your constituents to represent their views
 - many views/opinions
 - cannot represent all of them all of the time
- Election to office requires a broad understanding of the issues. You may have to consider:
 - opposing interests
 - making decisions that may not be popular with everyone
- You should make decisions in the best interests of the municipality as a whole

Policy Making Role

Policies provide direction for municipal operations by establishing general principles to help guide act



Stewardship Role

- Council's objectives are to ensure financial and administrative resources are used efficiently
 - council monitors implementation of approved policies and programs
 - practical aspects of implementation and administration rests with staff
- Council may wish to develop processes to help ensure:
 - policies adopted by council are being implemented
 - staff are administering services and programs as council intended
 - rules and regulations are being applied correctly and consistently
 - funds are being spent only as authorized, and the municipality's resources (financial and otherwise) are being used appropriately and as efficiently as possible
- Council monitors and measures municipality's administrative effectiveness and efficiency

Staff Role

- The Municipal Act, 2001, sets out the role of the officers and employees of the municipality as follows:
 - implement council's decisions and establish administrative practices and procedures to carry out council's decisions
 - undertake research and provide advice to council on the policies and programs of the municipality
 - carry out other duties required under the Municipal Act, or any Act and other duties assigned by the municipality
- Some officers of the municipality have statutory obligations

Clerk

Treasurer

Chief
Building
Official

Fire Chief

Role of the CAO

- The *Municipal Act, 2001*, sets out the role of the CAO
- The CAO is responsible for:
 - 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.

Council/Staff Relationship

- All municipalities should recognize the importance of council-staff relations
- Some councils have established programs that require employee input into operational policies and procedures
- This practice recognizes staff experience and expertise and encourages communication



Accountability and Transparency

Accountability and Transparency

- The *Municipal Act, 2001* requires municipalities to have policies related to:
 - sale and other disposition of land
 - hiring of employees
 - the relationship between council and municipal officers and employees
 - procurement of goods and services
 - the circumstances in which the municipality shall provide notice to the public and, the form, manner and times notice shall be given
 - delegation of its powers and duties
 - protection of the tree canopy and natural vegetation in the municipality
 - pregnancy leaves and parental leaves of members of council

Codes of Conduct

- Municipalities were required to adopt a code of conduct for members of council and certain local boards
 - Mandatory subject matters that must be included: gifts, benefits and hospitality; respectful conduct; dealing with confidential information; and use of municipal or local board property/equipment
- Considerations when developing and reviewing codes of conduct:
 - work with local boards when developing local board codes of conduct
 - review and update existing codes of conduct, including consulting with the Integrity Commissioner
 - establish standards of respectful conduct – what is considered to be harassment or bullying?
 - work with the Integrity Commissioner to establish an accessible and open complaints process for codes of conduct
 - review how the code fits with the other aspects of the local accountability regime (e.g., an existing council-staff relations policy)

Accountability Officers

- It is mandatory for municipalities to provide the public with access to an integrity commissioner
- The following accountability officers are optional:



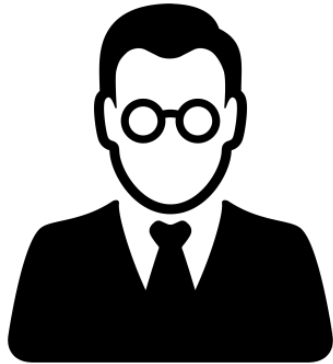
**A municipal
Ombudsman**



**An Auditor
General**



**A lobbyist registry
and registrar**



Since **January 1, 2016**, the Ontario Ombudsman has a role with respect to municipalities.

Ontario Ombudsman

- may investigate municipalities on complaints or on own initiative
- they cannot compel municipalities to take action
- may make recommendations to council and the municipality as part of their report
- municipality determines whether and how to address any recommendations made by Ombudsman
- Ontario Ombudsman does not replace and locally established complaint mechanism or act as Integrity Commissioner for municipalities

Privacy and Confidentiality

- The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is the primary statute for privacy and confidentiality
 - Sets out rules for collection, use and disclosure of personal information
 - Regulates confidential information of other kinds (in addition to personal information)
- Other statutes and laws including local by-laws also regulate personal and other kinds of confidential information
- Councillors may have responsibilities if receiving confidential information in the course of their duties (e.g. protecting and safeguarding the information)
 - check with municipal staff about appropriate measures and the municipality's practices (e.g. providing for physical security)

Questions



Contacts

Ministry of Municipal Affairs and Housing Municipal Services Office – North (Sudbury)

Bryan Searle
Municipal Advisor
Bryan.searle@ontario.ca
705-564-6861

Kathy Horgan
Manager, Local Government and Housing
Kathy.horgan@ontario.ca
705-677-8167

