

## **Council Office Protocol**

### **Purpose:**

This administrative Protocol provides further clarification of the working relationships between the Council Office, including City and Regional Councillors, and the Corporation.

### **Scope:**

These procedures apply to all City and Regional Councillors and City staff, including the Council Office staff, as well as the Mayor's Office, as applicable.

### **Protocol:**

#### **Introduction:**

The Corporation, and its staff, serve Council as a whole to deliver quality public services and programs. Service and support provided to the Mayor and individual Councillors by Corporate staff is performed in a consistent, responsive, fair, equitable and objective manner without bias or preference for any individual Member.

Given the variety and complexity of Council and Corporate staff working relationships, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances, as they may arise from time to time.

This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty in service delivery involving Members of Council. If the Protocol is followed it should ensure that Members receive objective and impartial advice and professional support from Corporate staff.

This Protocol should be used and applied in conjunction with other guiding Corporate documents listed at the end of this Protocol, many of which are approved by Council.

### **Roles and Accountabilities:**

The role of Council is to govern and the role of staff is to advise, implement and manage public service delivery. Council and staff perform their individual roles and work in partnership with one another. Although the roles of Council and staff are distinct, they are interdependent, each one requiring the other to fulfill the Corporation's mandate and purpose.

This Protocol sets out basic working responsibilities for Members of Council, Council Office and Mayor's Office staff and Corporate staff.

## **Role of Members (Mayor and Councillors):**

The role of Council as a whole, as expressed collectively through the views, opinions, comments, proposals and votes of its individual Members, is three-fold:

- Representative role – to represent constituents - through their views in dealing with issues before Council
- Policy role – to make policy – to establish general principles to guide future actions and decisions
- Stewardship role – to be stewards of municipal resources – to ensure financial and administrative resources are being used and cared for efficiently consistent with Council objectives

In addition, the Mayor provides leadership to Council and serves as its Chief Executive Officer.

- All Councillors are City Councillors. Some Councillors are also Regional Councillors. Councillors should keep their ward colleagues informed on ward, city-wide and regional issues, information and opportunities, and other matters of mutual interest, to ensure an effective working relationship and service to ward constituents.
- Councillor requests for information or service, that is readily available to the public, shall be provided to 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, analysis, expenditures) beyond the normal course of public service delivery levels, shall only be provided after authorized by Council.
- Councillor requests for Corporate staff participation and attendance at Councillor-organized community or neighbourhood meetings shall be in keeping with existing procedures and service levels, and shall ensure both Ward Councillors are aware and in agreement of 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 Council. No individual Councillor, the Mayor or informal groups of Councillors can make a decision on behalf of the Council, unless authorized by Council or statute.
- Members should, to the extent possible:
  - discuss issues with staff and advise staff of questions prior to committee meetings;
  - request advice from the City Clerk about the appropriate wording of motions, amendments and formal staff directions in accordance with the Procedure By-law;
  - consult with staff for their professional expertise and advice prior to making substantial commitments to constituents.
- Appendix 1 to this Protocol provides further clarification regarding the constituency records of a Councillor and information sharing between Ward Councillors.

### **Council Office Staff:**

Constituency Assistants are Corporate staff under the responsibility and direction of the Corporation and bound by the Corporation's policies and procedures. Constituency Assistants provide administrative support to their assigned Councillors. Supervision and management is provided through the City Clerk's Office and they receive administrative work direction from their assigned Councillors or their supervisor within the City Clerk's Office.

- Each pair of Ward Councillors is assigned two (2) Constituency Assistants for administrative support. Each pair of Constituency Assistants will work cooperatively together to support both assigned Ward Councillors with work distribution decisions agreed to by both Councillors and the City Clerk based on principles of consistency, equality and balance.
- Work expectations are established by the Corporation, as set out in the approved job description, and managed through the City Clerk's Office in accordance with prevailing Corporate policy and procedure.
- The nature of work assigned to Constituency Assistants shall include Corporate and Councillor responsibilities (including Regional Councillor responsibilities, as applicable) only, and shall not include work or tasks that are personal in nature or outside the jurisdiction of the municipality.
- Constituency Assistants may receive and handle communications for Members on topics unrelated to the Council or the Corporation. Care should be taken to avoid Corporate resources being used for private or personal purposes.
- Constituency Assistants shall provide administrative support to both assigned Ward Councillors in a respectful, assistive and consistent manner.

### **Role of Corporate Staff:**

The role of Corporate staff is to provide advice, support and recommendations to Council collectively, and Members of Council individually, and implement Council decisions, in keeping with legislation, City policy and procedure.

- Staff responses to a Councillor on specific ward issues (e.g., complaints, questions, requests) will be provided to both Ward Councillors for consistency.
- Staff responses to a Councillor on city-wide or Corporate issues will be provided to all Members for consistency.
- Meeting requests and invitations from Corporate staff to Ward Councillors on ward-related or city-wide issues should, to the extent possible, include both Ward Councillors or affected Councillors, to ensure consistency in information sharing.
- Any staff-led community or neighbourhood meeting organized on a City or Ward matter shall include consultation with the affected Ward Councillors, and to the extent possible

accommodate the availability of the Ward Councillors. Councillor attendance at a staff-led meeting is optional.

- Staff shall address Members in conversation or written communication using formal titles (e.g., Councillor...Mayor...).
- Staff responses to requests from Members for readily-available public information shall be provided generally within 24 hours, whenever possible.

### **Related Documents:**

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

[Council Code of Conduct](#)

[Employee Code of Conduct](#)

[Council Procedure By-law 160-2004](#)

[Use of Corporate Resources During an Election Period](#)

[Access and Privacy Guide for Council](#)

[Council Event Protocol](#)

### **Accountability:**

Staff in the Clerk's Office are responsible to ensure compliance with this Protocol. Any assistance required with the application of this Protocol shall be the responsibility of the City Clerk, in conjunction with the CAO, and if deemed necessary, Council as a whole.

From time to time, this Protocol may be updated and reported to Council through the Member Services Committee.

## Appendix 1

### **Further Clarification on the Constituency Records of a Councillor and Information Sharing (Previously Distributed to Members of Council in July 2016)**

#### Records in the Custody or Control of a Councillor

Under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), Councillors are not considered to be officers or employees of the corporation and records related to interactions with their constituents as elected officials (**constituency records**) are not covered by MFIPPA and therefore are not accessible under the Act. These records are considered the personal property of the Councillor. However, in the spirit of transparency and accountability, Members of Council may wish to disclose their records to their shared Ward Councillor, staff or the public (upon request) provided they do not contain personal information (unless consent has been provided).

**Corporate records** in the custody or control of a Member of Council are covered by MFIPPA and access provisions apply. Council Office staff members are considered City employees, so access provisions likewise apply to any records in their custody or under their control.

#### What are Constituency Records?

All records of a Councillor acting on behalf of a constituent and representing their interests are considered constituency records. This includes all content, opinions, and personal information contained in any correspondence to and from a constituent.

Examples of constituency records include:

- Correspondence from a constituent concerning a pothole in the neighbourhood;
- Email from a constituent requesting that the Member of Council attend a community event; and,
- Correspondence between a Councillor and a private sector company.

#### Obtain Consent Prior to Forwarding a Constituent Complaint/Concern to Staff

Personal information contained in meeting notes, emails, voicemails, and correspondence to and from constituents cannot be forwarded to staff for action without the consent of the affected person.

#### What are Corporate Records?

Corporate records include information that is related to the business of the City. A key factor in determining whether a record held by a Member of Council is considered a corporate record is whether the record is in the custody or under the control of the municipality. The Ontario Information and Privacy Commissioner (IPC) has issued a number of Orders concerning this

determination and numerous factors must be considered. When in doubt, contact the Freedom of Information Coordinator.

Examples of corporate records that may be held by a Member of Council include:

- Emails sent to both city staff and Members of Council;
- Communication from a constituent to a Member of Council which is then forwarded by the Council Member to a member of staff for action or follow-up (such as an email or voicemail reporting a pothole that is forwarded to Operations for action);
- Email between a Member of Council and staff; and, records related to a Council Member’s involvement with a City agency, when acting on behalf of the City

The following guide can be used to help determine Councillor ownership for constituency records obtained during the course of the Councillor’s duties and information sharing:

<b>Method of Constituent Contact with Councillor</b>	<b>Who’s information is it?</b>	<b>Comment</b>
Constituent <b>emails directly to</b> Councillor or his/her Constituency Assistant	The Councillor who received the constituent email.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.
Constituent <b>telephones directly to</b> Councillor or his/her Constituency Assistant	The Councillor who received the constituent telephone call.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.
Constituent <b>in-person contact</b> with Councillor (at or outside City Hall)	The Councillor who made the constituent contact.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.
Constituent completing <b>“Contact Councillor” Web Form</b> online to Councillor	The Councillor who received the constituent “Contact Councillor” Form.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.

<b>Method of Constituent Contact with Councillor</b>	<b>Who's information is it?</b>	<b>Comment</b>
Constituent <b>telephone call directly to Councillor (e.g., after hours) transferred</b> to Service Brampton	The Councillor who received the constituent information via Service Brampton.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.
Constituent telephones or emails <b>Service Brampton</b> (or completes 311 Contact Us Form) about Ward issue/request (e.g., a service request)	Both Ward Councillors, unless constituent is specific to only provide to one Councillor.	Councillors (or their Assistants) decide who leads on matter.

**Exceptions:**

Service Request Contacts to the City:

All service requests filed with the City through Corporate staff, including Service Brampton, are to be shared with both affected Ward Councillors and their Constituency Assistants.

Regional Matters:

If the matter is a Regional matter, regardless of whether one or both Councillors are identified, it will be sent to the Regional Councillor and his/her Assistant for follow-up. Regional Councillors should keep City Councillors informed about regional issues within shared ward pairings.

Information shared with Corporate Staff:

Once information is shared with Corporate Staff, it becomes corporate information and staff responses need to be shared with affected Ward Councillors. One particular Councillor may still take the lead on the matter, but Corporate staff provide the same information to both Ward Councillors.