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Experience has taught us that there are practical ways to make Council / staff relations run more smoothly and productively. But each generation needs to learn these lessons anew.

Successful Staff/Council Relations: Old Lessons For New Challenges

Experience across Ontario has taught us that there are policies – basic principles and practices or ‘rules of the road’ – that will contribute significantly to municipal Councils getting the very best from the talent and energy of their municipal staff, at all levels. Some of those policies reflect basic common sense and human nature. Others reflect sound and balanced processes in public decision-making. This Policy Brief outlines a range of experience-based practices that can be adopted and implemented in municipalities – large and small, urban and rural, lower-tier and upper-tier/single-tier – to contribute to alignment and success.

Background

Predictably each generation laments the decline in the quality and performance of government at all levels. But just as predictably, each generation renews its faith in its local municipality – the best loved of democratic institutions.

As with the provincial and federal governments, the success or failure of municipal government is largely a product of the way in which elected leaders interact with the public servants who develop policy, deliver public services and provide technical advice to elected decision-makers.

Implicit in this relationship is a dynamic balance – some would call it ‘creative tension’. It is a relationship that gives full scope and authority to the democratically elected leaders of communities, while keeping ‘politics’ out of the day-to-day business of collecting taxes, procurement, professional policy-development, human resources management, and impartial service delivery.

ABOUT THE AUTHOR

Michael Fenn has served as an Ontario Deputy Minister under three Premiers, municipal chief administrator for Hamilton-Wentworth Region and the City of Burlington, and the CEO of Metrolinx and the Mississauga Halton LHIN. He is a recipient of the Lieutenant Governor's Medal of Distinction in Public Administration for Ontario, the AMCTO's Prestige Award, and the OMAA's Robert Baldwin Award. In 2010, he was one of two Ontarians, added to the Association of Municipalities of Ontario's Honour Roll.

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Statutory Officers and Corporate Officers

The efforts to 'keep politics out' of some public duties are reflected in municipal officers such as Clerks, Treasurers, Chief Building Officials and Fire Chiefs, who all enjoy independent legal status for key duties that are insulated from political interference.

Likewise, the municipal reform movement that gave rise to city managers and chief administrative officers reflected a desire to distinguish politics from professional management in the conduct of public affairs in municipalities. After generations of 'political management' in cities large and small across North America, in the tradition of New York's Tammany Hall and the Chicago Political Machine, the Council/manager system aimed to achieve this goal by assigning corporate executive and managerial responsibilities to senior professional management staff.

Executive Control and Political Staff

In Ottawa and Queen's Park, our generation has seen the bilateral relationship between elected representatives and senior public servants develop into a "triangular" relationship, which now includes political staff working as intermediaries and interpreters in the public decision-making process. We are also witnessing a trend to greater centralization of political executive power, at all three levels of government. MP Michael Chong and municipal authority Richard Tindal, among others, have been arguing that we need to reinvigorate our commitment to the Westminster model of parliamentary democracy, with its tradition of strong Ministers and responsible ministries, and more autonomy for individual Members of Parliament and public servants.

In Ontario's larger municipalities, these same patterns are becoming more evident, with the same impact on the relationship between elected leaders and management staff. This trend is most obvious when it is proposed to make mayors and other 'Heads of Council' more than first-among-equals in relation to their Council colleagues and to play a managerial role in relation to staff.

Despite these developments and in the absence of municipal reform legislation, there do appear to be areas where better policies and practices at the municipal level could help to improve the quality of the relationship between elected representatives and their municipal management staff.

No matter how good – or how bad – the relationship might be between staff and Council, it is always dynamic and should be treated as a ‘work in progress.’

‘Old’ Policies for New Realities

As legislators, municipal Council members already know that it is exceedingly difficult to legislate and institutionalize good behaviour and common sense. With that experience as a point of departure, the best way to build good Council/ management relations is to adopt norms and conventions that provide reasonable and flexible guidance. Some suggest that effective Council / staff policies must be based more on a mutual understanding of the ‘rules of the game’, rather than more rule-making by the Province, or municipal councils.

Although the lesson is not always remembered, the inquiries by Justices Gomery, Bellamy, O’Connor and Cunningham, and the recurrent advice of municipal Integrity Commissioners, teach us this age-old truth: With public ethics and the conduct of the public’s business, it is not usually the case that we have insufficient rules and laws. Rather, we need to draft our rules and laws in a way that makes them reasonable and practical, and have the courage and determination to make them work.

No matter how good – or how bad – the relationship might be between staff and Council, it is always dynamic and should be treated as a ‘work in progress’. As such, it is important for elected representatives and staff to view their relationship as a working partnership. Although both partners are not always going to agree on everything, each partner is absolutely essential to the other.

Similar Goals, Different Roles

While the ultimate goals of both Council members and management staff may be similar, how each gets to that goal reflects their fundamentally different roles. From the staff viewpoint, any major initiative will have practical administrative, logistical and budgetary dimensions. From the elected representative’s position, an initiative may pose policy, precedence, or community considerations. It is vital that each party in the relationship understand its own goals, as well as understanding and respecting the goals and responsibilities of the other.

Sometimes, the relationship can be a little lopsided. After all, municipal staff are often long serving, while each election produces new members of Council and changed public priorities. There will always be a learning curve for newly elected representatives and, for staff, an “adjustment” period, as they learn about their new political ‘masters’. For many municipal elected representatives, it is their first foray into elected public service. They need to learn the ropes – how Council operates, what staff do and don’t do, and how to get things done.

Communities need to feel that their Council and staff are working in harmony to the community's benefit. Conflict reduces and erodes that public trust.

Senior municipal staff usually see it as their duty to guide new Council members through the system. Staff must provide the support and information that elected representatives need to help them understand their roles and responsibilities. This is a foundation of any good working relationship.

Communities need to feel that their Council and staff are working in harmony to the community's benefit. Conflict reduces and erodes that public trust. It also undermines the investment climate and can weaken public confidence in the democratic process at the local level.

Ten Policies, Practices and Principles for Good Council/Staff Relations

1. All Council members are equal

No matter how well or poorly staff and elected representatives interrelate, staff should avoid favouritism or the appearance of favouritism. Whatever their differences in experience and abilities, all Council members must be treated equally by staff.

Although it may seem somewhat "stiff" or "stuffy", the most successful senior municipal managers promote a formal relationship between municipal staff and elected representatives, especially during public meetings or business dealings. This ranges from the customary – like using the proper titles and avoiding first names in public meetings – through to more substantive measures. It is important to reinforce in the eyes of the public and all staff the dignity of public office, irrespective of the incumbent.

It is also essential to treat Council as a collective decision-making body, not just a collection of individuals. In many municipalities, municipal staff have a long-standing tradition that they will not give special treatment to the committee chairs or to the ward councillors on things that could be seen as disadvantaging other Council members.

Everyone recognizes that the mayor, regional chair, warden, or reeve is expected to be the leader of council and a "first among equals." With that Head of Council role comes a daily interaction with the CAO. Despite this relationship, CAOs may find it prudent or necessary, on occasion, to act in a way that demonstrates that they know they are working for the whole council.

2. The politics of management and management of politics

There's a difference between policy and management. Elected representatives are responsible for giving political direction, for ensuring that management systems work properly, and for deciding issues once staff, the public and

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fellow Council members have been heard. Whatever their professions or work experience in private life, elected representatives at the municipal level are not elected to be managers or technical experts. They are elected to represent their community. As a result, Council members must ensure that they don't involve staff in political lobbying or try to influence a staff report.

Likewise, civil servants are not hired to play a political role. Staff are paid to research policy issues, to give Council their best professional judgment, and to accept and implement effectively whatever council decides, even if it is something staff did not recommend...especially if it is something staff did not recommend.

Staff are hired to offer viable policy options, but also to make recommendations, whether that is welcome or not. Council may not like a recommendation, and certainly may not accept it. But both Council and the CAO should insist that every substantive report come with specific recommendations that reflect staff's best advice.

The corollary is that staff should not get involved with an issue after it has been dealt with by standing committee and a committee recommendation has been made to Council--except to provide new information or information that Council should have before making its decision (e.g., a legal or cost implication that was unknown earlier).

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The principles underlying this policy are simple: for Council, “Policy is yours, but management is management's.” To promote good relationships, staff must respect democracy, and Council members must respect professional management and professional opinion.

Which brings us to the third policy, respect....

3. R-E-S-P-E-C-T

To borrow from Aretha Franklin, the first ingredient in any good relationship is a climate of mutual respect. That can be easier said than done, when public criticism of staff is a tempting course and often popular with the media.

No matter what type of relationship exists between staff and Council, the core must be respect for one another: respect for each other's intelligence and professionalism; respect for the challenges that each 'side' faces; and, respect for the fact that we're all trying to serve the best interests of our communities and our citizens.

As well all know, language is an important component of a respectful relationship...language can sour a relationship, or support it.

There's also a very practical reason to follow this 'golden rule.' Good municipal staff can be hard to find and harder, and expensive, still to replace. Jobs with a good Council and a good municipality are attractive to good staff. Poor Council-staff relations are widely known 'in the trade' and a reason that competent staff avoid a municipality.

What you call me tells me (and the community) what you think of me

As we all know, language is an important component of a respectful relationship. Often quite innocently, language can sour a relationship, or support it. Take the word "bureaucrat" for instance. The primary definition of a bureaucrat is an official in a bureaucracy. The secondary definition is 'an inflexible or insensitive administrator.' To many, especially civil servants, the word bureaucrat connotes an uncaring, distant, disdainful functionary. Many people already feel negatively about governments, politicians and public employees, without public officials themselves adding to it.

Municipal staff generally prefer to be known as 'management', or by their correct professional titles, or even as simply 'staff', just the same as employees of private sector companies and other civil organizations would.

On the same note, the term "politician" can conjure up many negative public images. Most municipal councillors do not view their role as a career or a trade, but as an opportunity to serve the community, with the support of their fellow citizens. It's an honour to be elected in a democratic process. Using terms like councillors or "elected representative" reinforces that more noble impression.

4. No surprises

"When you look good, we look good" - and vice versa.

A major hotel chain once recommended itself by promising its guests would face "no surprises". It's a good foundation for Council/ staff relations, too. As a general rule in municipal government, working together produces the best results.

Staff generally take the view that when Council members look competent and goal-oriented, that reflects well on the whole organization, including staff. That's why Council members are cautioned against crafting program ideas or important policy decisions in a vacuum or "on the run", such as during a Council meeting in response to a public delegation's request or complaint.

With that same objective in mind, it is always a matter of good professional courtesy for Council members to warn staff ahead of time if they are going to raise an issue or criticize staff's actions. That will ensure that they receive an intelligent and informed response. It will also avoid the risk of embarrassing or undermining a Council member publicly, with information of which they were unaware. For the same reason, it is unfair to other Council members for a Council member to announce at a Council meeting, "I've spoken to staff and

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they agree with me.” Staff speaks for itself, usually in writing at Council, or in person at Committee or Council.

Finally, it is important to get things right when acting as a legislator. If a Council member is going to move a new motion, an amendment to a staff recommendation, or a formal Staff Direction, at Committee or Council, he/she should ask the Clerk's Department or the appropriate member of senior management for their opinion on the exact wording. If they're professionals, staff won't argue the case with you, but they will assist in ensuring that your motion has no obvious flaws or inaccuracies.

5. Dirty Laundry

Most sensitive observers would tell federal, provincial and municipal officials not to air dirty laundry in public. But we see it reported almost daily in the media.

Why? In part, because it's the media's job to produce informative, entertaining journalism. Conflicts make for interesting stories; collegial decision-making yields better results, but duller reading.

There are likewise many reasons why Councils should discourage acrimonious debate and personal attacks. For one, it leads to dissatisfaction and a loss of competent staff. It also looks bad on elected representatives themselves. Fundamentally, the public doesn't want to see municipal officials air their grievances with one another in a public forum. They expect them to do the job that they were hired or elected to do.

We operate in a political arena, with all that implies. As a result, a Council member may quite properly – or even simply for political reasons – accuse staff of being incorrect, lacking in research or creativity, being insensitive to community concerns, or being too slow to deal with an issue. Staff may not like it, but it's the right of the democratically elected representative to say such things. The unpleasant fact is that staff may be an easy target. They may not like it, but on the other hand, they don't have to stand for re-election to keep their jobs.

But there are limits that should not be exceeded, and it's the duty of the Head of Council and the CAO to act decisively when they are exceeded. A Council member should never accuse a staff member publicly of stupidity, lack of ethics, or being incompetent. If an elected representative feels that way about a member of staff, they should take it up with the CAO (or with the Head of Council, in the case of the CAO), in private.

6. Elected representatives represent the *whole* community

Council members periodically need to remind themselves that they are

legislators, and representatives, not just community delegates or ‘customer service representatives’. They are representatives in a democratic process, not agents or “rubber stamps.”

Given their electoral mandates, it can be difficult to reconcile the duty to represent a ward or an important community constituency, in relation to the broader community, including the disenfranchised, the less directly affected taxpayer, or those unseen who will have to live with their decisions in the future

The job of elected representatives is to make decisions based on the good of the broader public, including those who have not been heard at Council or in the media, and those who will come in the future. Council members need to ‘find out the whole story’, often by confirming what they hear from ‘trusted sources’. It makes sense to rely on feedback received during the election, and in municipal customer satisfaction surveys, rather than simply accepting the wisdom of currently ‘trending’ views on social media or from Council delegations.

Ultimately, Council members must rely on their own judgment and ‘due diligence’, and then show leadership on issues. As the following point says, the job of the Council member is to make decisions, ideally based on the overall good of the community and the municipal corporation.

7. Your time is valuable; your job is to make decisions

Council members should not allow staff presentations or delegations to consume all the time that they have to debate and decide an issue. Occasionally, it may be necessary to schedule extra time to be sure everyone is heard on a contentious issue. But generally speaking, Council should ensure that decision-making time is safeguarded by not letting staff presentations or delegations consume all the time to debate and decide an issue. Many municipal Councils meet in the evenings, after all involved have had a full work day. Late evening decisions are often not good decisions.

Council members need to know that they can:

- Recommend that more items be relegated to the ‘consent’ agenda; or,
- “Take a pass” on an audio-visual presentation; or,
- Urge a staff advisor to be more brief; or,
- Ask several public delegations with essentially the same point to select a spokesperson, or to accept a limited speaking time, or to provide information in advance or in written form; and,
- Enact ‘curfew’ procedures for Council deliberations.

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The public process is important in local government. But the public process should inform and improve decision-making, not impede or exhaust it.

Council members should continually remind themselves that their time is valuable, and that the community elects them to make decisions. The public process is important in local government. But the public process should inform and improve decision-making, not impede it or exhaust it.

8. Make good use of staff time

It is important for Councils to use of their staff resources to best advantage. Every staff report costs the taxpayers money, and takes staff time away from some other issue or problem that needs attention. Municipal staff have been downsized considerably in recent years, and these days it's important that staff time be used wisely by everyone.

Where possible, Council members should avoid the temptation to defer or to refer back for a staff report, if it really isn't necessary. For example, Council members should avoid asking for a staff report simply as a way to "get past" an unhappy public delegation.

If Council knows what it is going to do, or if it is not going to accede to some demand or objection, it should act. As rule, the broader community appreciates courage and decisiveness in its elected representatives, even if they may not always agree with the specifics of every individual decision.

Staff directions

In many municipalities, staff require a formal Staff Direction to be voted on by a committee and approved by Council before staff will put an item on the work program and devote a significant amount of time to it.

The application of this Staff Direction approach, of course, requires common sense judgment. If an individual councillor, or the Head of Council, makes a request for information that's already conveniently available, staff should readily provide it – and, generally, copy all members of Council, so that no one thinks anyone is being favoured. But if a Council member's request will be a lot of work, all staff should understand that both Council and the CAO expect staff only to undertake a larger assignment if a Staff Direction has been approved.

Performance evaluations

Finally, the public expects both elected representatives and municipal staff to do the jobs for which they are being paid by the municipal taxpayer. That can only be assured when goals and objectives are set and periodically reviewed: by Council for the CAO and through the CAO, for department heads; and by the CAO and management, for the rest of the staff establishment.

9. Respect the Chain of Command

Council members should be aware of 'who's in charge of what', so that they can deal with the appropriate member of senior management on anything

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of significance. Senior staff generally don't view Council members' requests on 'unimportant' things as an inconvenience, or something best directed to subordinates or the municipal 3-1-1 service. They know that these requests are often a good barometer of what's on the minds of Council members and the broader community.

In larger municipalities, there may be the need to ensure that Council members' staff do not act in a way that appears to direct departmental staff, or to usurp the role of management or the Council members themselves. Generally speaking, however, senior staff welcome direct contact with elected representatives, in part as a way to keep current with Council views in an informal setting.

10. You're the Public Figure, Not Staff

In most municipalities, there are formal or informal rules limiting staff comments to the media. On matters of public debate and public policy, that's more properly the job of elected officials. Of course, staff will provide information and advice, prepare media releases and social media 'content', and assume other related responsibilities. Comments to the media, if indeed staff are called upon to respond, will normally be limited to matters of fact, professional opinion, context and history.

Since staff are not generally in a position to comment publicly, elected officials should avoid commenting publicly on staff, leaving any comments about staff to committee meetings. As noted, it is good practice, once committee decisions have been made, to 'pass the ball' to the standing committee chair, or the 'champion' of the issue on Council, to explain, defend or promote the decision.

In some larger municipalities, such as those with a well-developed Standing Committee system or Committee-of-the-Whole process, staff rarely comment publicly at formal Council meetings. In fact, among the practices to be avoided are extensive public questioning of senior staff in Council by individual Council members, in a manner that is clearly political in intent or inquisitorial in tone, in pursuit of the 'gotcha' answer.

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Observe the Rules of the Road!

For many experienced readers from the municipal world, the foregoing observations may seem self-evident or common sense, or with luck, standard

operating procedure in your municipality. But applied judiciously, these policies and practices should prove useful in navigating the “friction-points” in the Council-staff relationship.

Councils and staff need to work together to ensure that everyone knows the “rules of the road.” They must learn to communicate with one another effectively, and if problems arise, to deal with issues professionally, quickly and systematically.

After all, a good relationship will result in positive action. It will produce effective management and administration and a more satisfied community. And it will see Council members who get re-elected or who are drawn to public service by a commitment to collective success. After all, that’s what we all strive for. ■

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OTHER PUBLICATION BY MICHAEL FENN:

1. Michael Fenn, "Recycling Ontario's Assets: A New Framework for Managing Public Finances," The Mowat Centre, 2014.
2. André Côté and Michael Fenn, "Approaching an Inflection Point: Provincial-Municipal Relations in Ontario," Institute on Municipal Finance and Governance (Munk School), 2014.
3. Michael Fenn, "Unlocking Ontario's Advantages: Building new infrastructure on the foundation of existing public assets," Residential and Civil Construction Alliance of Ontario (RCCAO), 2014.



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