

THE CORPORATION OF THE TOWNSHIP OF BRUDENELL, LYNDOKH AND RAGLAN

BYLAW NUMBER 2022-19

BEING A BYLAW TO ADOPT A FEEDBACK MANAGEMENT POLICY

Legal Authority

Scope of Powers

Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council

Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council

Powers Exercised by By-law

Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Role of Council

Section 224 of the *Municipal Act* outlines the role of Council and specifically that it is Council's role to determine which services the municipality will provide (subsection c), to develop and evaluate the policies and programs of the municipality (subsection b) and to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council.

Municipal Administration

Section 227 of the *Municipal Act* provides it is the role of the officers and employees of the municipality to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions.

Preamble

Council for the Corporation of the Township of Brudenell Lyndoch and Raglan (the "Township") is committed to a high standard of public service.

Council is further committed to ensuring that municipal resources are used effectively

and efficiently, while maintaining a high level of service excellence and responsiveness.

Council acknowledges that to do so, feedback from those receiving the Township's services is necessary to assist the Township in continuing to provide a high level of service excellence and the continuous improvement of its operations.

Council recognizes their responsibility to ensure the Township's work environment is free from discrimination, harassment, bullying, and violence, as outlined in the Township of Brudenell, Lyndoch and Raglan Workplace Anti-Violence, Harassment, and Sexual Harassment Policy.

Council further acknowledges that it is necessary to establish guidelines and standards for the efficient management of feedback to effectively and efficiently address concerns raised and/or improve service delivery.

Council further acknowledges that this Bylaw and the attached schedules have been prepared by Expertise for Municipalities Non-profit Association ("E4m") and legally reviewed by Wishart Municipal Law Group/Wishart Law Firm LLP (WMG) for compliance with all applicable legislation and E4m or WMG are not responsible for the results of any edit to this policy other than as expressly authorized or directed by E4m and WMG.

Council acknowledges and agrees that all rights are reserved by E4m, and no part of this Bylaw may be reproduced or copied in any form or by any means (graphic, electronic or mechanical, including photocopying, recording, taping or information and retrieval systems) without the written permission of E4m.

Council acknowledges that E4m has given license to the Township to print, copy, save, or post on its official website for its own use only and the Township may not repurpose or resell this Bylaw in any way.

Decision

Council of the Corporation of the Township of Brudenell, Lyndoch and Raglan decides it in the best interest of the Corporation to establish certain management practices related to how the Township will receive and deal with feedback from the public.

Direction

NOW THEREFORE the Council of the Corporation of the Township of Brudenell, Lyndoch and Raglan directs as follows:

1. That the Municipal Manager adopt administrative practices and procedures to carry out the direction of Council as expressed in this Bylaw (hereinafter referred to as Guidelines) which are compliant with applicable law.
2. That these guidelines be submitted to Council for information within thirty (30) days from the passing of this Bylaw and thereafter posted on the Township's website.
3. That the Municipal Manager cannot unilaterally amend, change, or fail to follow the established Guidelines without notification to Council prior to any amendment, change or

decision not to follow an established Guideline.

4. That the Guidelines be reviewed one (1) year after the passing of this Bylaw, then once every four (4) years which shall be during the first year after an election and a report be delivered to Council by June 30, of the year in which a report is required, regarding adequacy of the Guidelines and the Schedules attached to this Bylaw which shall also include any recommended changes.
5. That the Municipal Manager shall submit to Council an annual report in February of any given year (or as part of the budgeting process) that includes:
 - a. The number of times the Township received Feedback in accordance with this Bylaw.
 - b. The general nature of the Feedback.
 - c. The average amount of time spent managing the Feedback.
 - d. Recommended service level or operational changes if any.
6. That at other times a Feedback summary or multiyear comparison report may be requested by resolution of Council.
7. That Feedback means an opinion or comment about a program, facility, service, or employee and includes compliments, service concerns/complaints and ideas for service improvement from an individual or group of individuals who a) reside, own land, operate a business within the geographic limits of the Township; or b) access a service provided by the Township that is open to them.
8. Additionally, Feedback may be considered when received from other parties like another municipality, a provincial ministry, a non-resident who is seeking to move to the municipality or invest in the municipality etc., at the discretion of the Municipal Advisor.
9. That anonymous Feedback will not be accepted unless the individual or group of individuals allege criminal activity which shall be reported by the Municipal Manager to Council or identifies an immediate or potential future threat to health and safety which may be considered at the Municipal Manager's discretion.
10. That frivolous, vexatious, and/or unreasonably persistent Feedback will not be accepted.
11. That for the purposes of this Bylaw:
 - a. **Frivolous** is defined as a complaint that is reasonably perceived by a Township officer, employee, or volunteer to be without reasonable or probable cause, without merit or substance, or trivial, and is part of a pattern of conduct that amounts to an abuse of the right of access, interferes with the operations of the Township, is made in bad faith, or for a purpose other than to obtain access.
 - a. **Vexatious** is defined as a complaint or request without merit that is pursued in a manner that is malicious; intended to inconvenience, embarrass, or harass the recipient; intended to be a nuisance; or is a pattern of conduct by the complainant that amounts to the misuse of the complaints, processes, and procedures.
 - a. **Unreasonably Persistent** is defined as a repetitive or persistent complaint or request that is likely to cause distress or disruption to the Township, its officers, employees, volunteers, or other members of the public, without any proper or justified cause. Behaviour that, because of the nature or frequency of an

individual's or group of individuals' contact with the Township, negatively affects the ability of the Township to deal with their Feedback, the Feedback of others and/or or carry out its normal operations.

12. That the Guidelines shall identify situations that meet the criteria of vexatious, frivolous, and/or unreasonably persistent requests and the associated actions that may be undertaken in such circumstances.
13. That there shall be no reprisals taken against any person providing feedback in accordance with this policy.
14. That this Bylaw does not apply to:
 - a. Inquires/requests for information
 - b. Requests for service
 - c. Requests for accommodation
 - d. Employee, volunteer, and/or supplier complaints
 - e. External Boards, Local Boards and Committees of Council
 - f. Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.
 - g. Issues addressed by legislation, or an existing municipal bylaw, policy, or procedure
 - h. The Integrity Commissioner or requests for inquiry made to the Integrity Commissioner nor is it enforced or investigated by the Integrity Commissioner
 - i. The Closed Meeting Investigator or requests for investigation made to the Closed Meeting Investigator
 - j. Complaints about members of Council
 - k. Decisions made by Council, Local Board or Committee of Council
 - l. Civil disputes between property owners
 - m. Personal criticisms of Township officers, employees, or volunteers
15. That the Mayor or a Councillor may submit Feedback, and attach their name to the submission, on behalf of the individual or group of individuals they received the Feedback from if they follow the appropriate protocols as established in the Guidelines.
16. That all Feedback will be retained in accordance with the Township's record retention Bylaw.
17. That those decisions resulting from an investigation carried out in accordance with this Bylaw may be appealed within fifteen (15) days of the decision being issued:
 - a. To the supervisor of the officer, employee or volunteer who completed the investigation and made the decision.
 - b. To the Municipal Manager if the investigation was carried out by a Department Head/Manager.
18. That the following schedules outlining what must be included in the Guidelines attached hereto form part of this bylaw:
 - a. Schedule "A" - Receipt of Feedback
 - b. Schedule "B" - Investigation of Concerns/Complaints
19. That any changes to the Schedules may be adopted by resolution.
20. That all officers, employees and volunteers of the Township be trained on this policy.

21. That this Bylaw supersedes any Bylaw previously passed that is contrary to this Bylaw.
22. This by-law takes effect on the day of its final passing.

Read and adopted by Resolution 2022-04-12 this 6th Day of April, 2022.



Mayor, Sheldon Keller



Deputy Clerk, Virginia Phanenhour

Schedule "A" of Bylaw 2022-19 - Receipt of Feedback

The Receipt of Feedback Guidelines shall include the following:

1. A process for providing informal Feedback which includes:
 - a. That describes that informal Feedback is generally Feedback that is most appropriately considered by the Municipal Manager or designate and does not require investigation or Council intervention.
 - b. How to submit informal Feedback including a standard form which at a minimum includes the name of the individual, group or business and relevant contact information.
 - c. How the receipt of informal Feedback will be acknowledged including:
 - i. A service standard wherein informal Feedback will be acknowledged by the Township under normal circumstances within twenty-four (24) business hours of receiving the Feedback.
 - ii. Identifies circumstances when the standard may not be met (i.e. state of emergency, office closure, officer/employee vacation etc.)
 - iii. That acknowledgement will be made by way of:
 1. telephone, or in-person, and followed up in writing
 2. in writing including email or other electronic means (social media) or traditional mail
 - iv. An explanation of how the informal Feedback was or will be responded to by the Township and when a further response by the Township may be necessary. Some Feedback may require more extensive work for response and as such the response may indicate that a further response will be forthcoming
 - d. How the receipt of informal Feedback will be documented including:
 - i. Who is responsible for documenting informal Feedback received
 - ii. How the informal Feedback will be statistically documented
2. A process for providing formal Feedback
 - a. That formal Feedback is generally Feedback that requires investigation by the Municipal Manager or designate.
 - b. How to submit formal Feedback including a standard form which at a minimum includes the name of the individual, group or business and relevant contact information.
 - c. How the receipt of formal Feedback will be acknowledged including:
 - i. A service standard wherein formal Feedback will be acknowledged by the Township under normal circumstances within twenty-four (24) hours of receiving the Feedback.
 - ii. Identifies circumstances when the standard may not be met (i.e. state of emergency, office closure, officer/employee vacation etc.)
 - iii. That acknowledgement will be made by way of:
 1. telephone, or in-person, and followed up in writing
 2. in writing including email or other electronic means (social media) or traditional mail
 - iv. Identifies who will be carrying out an investigation and the process that will be followed.
 - d. How the receipt of informal Feedback will be documented including:
 - i. Who is responsible for documenting informal Feedback received
 - ii. How the informal Feedback will be statistically documented

Schedule "B" of Bylaw 2022-19 - Investigation of Concerns/Complaints

The Investigation of Concerns/Complaints Guidelines shall include the following:

1. A preliminary review of the Feedback received to determine if sufficient information has been provided or if the Feedback needs to be crystalized or made clear.
2. When a full review (inquiry) will be required.
3. The preparation of full review strategy that includes:
 - a. A summary of the Feedback
 - b. A list of the law or policy that applies
 - c. An estimated timeline for completing the full review that does not exceed ninety (90) days from the complaint unless there are extenuating circumstances
 - d. Who will be interviewed which at a minimum will include:
 - i. the individual(s) submitting the Feedback
 - ii. any officer, employee or volunteer identified
 - iii. witnesses
 - e. An interview schedule
 - f. A list of topics to be covered with each of the parties being interviewed
 - g. A list of documents or other evidence that needs to be obtained and why it is relevant
4. All full reviews are confidential while the review is being undertaken and that failure to maintain confidentiality by
 - a. the individual(s) providing the Feedback may result in the review being stopped and the matter dismissed; and
 - b. Any officer, employee or volunteer involved and that any breach of confidentiality may result in disciplinary action.
5. All matters will be subject to the civil burden of proof.
6. A final report summarizing the investigation, the findings, and any related decision to be delivered to the individual(s) providing the Feedback within thirty (30) days of the completion of the investigation.