

**THE CORPORATION OF THE TOWNSHIP OF MCGARRY**

**BY-LAW NO. 2017-07**

**BEING A BY-LAW TO ADOPT A CODE OF CONDUCT FOR  
MEMBERS OF COUNCIL, COMMITTEE MEMBERS AND LOCAL BOARDS.**

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**WHEREAS** section 223.2 of the Municipal Act 2006, c.32, Sch.A, S.98, part.  
Authorizes the municipality to establish codes of conduct for members of the council of  
the municipality and of local boards of the municipality.

**AND WHEREAS** Council is desirous to establish a code of conduct.

**NOW THEREFORE** Council of the Township of McGarry enacts as follows:

1. THAT the code of conduct for members of Council, Committees and Local Boards attached to and forming schedule "A" to this By-Law be adopted.
2. THAT By-Law 2007-34 is hereby repealed.
3. THAT this By-Law shall take effect on the date of its passing.

Read a first, second and third time and passed this 14<sup>th</sup> day of March, 2017.

  
MAYOR

  
CLERK-TREASURER

Schedule "A"  
By-Law No. 2017-07

CODE OF CONDUCT FOR MEMBERS OF COUNCIL, COMMITTEES AND LOCAL BOARDS

**Preamble**

A written Code of Conduct helps to ensure that the members of Council, Committees and Local Boards share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. The McGarry Township Code of Conduct is a general standard that augments the provincial laws and municipal By-Laws that govern its conduct. It is not intended to replace a member's personal ethics. These standards should serve to enhance public confidence that the Municipality of McGarry Township's elected representatives operate from a base of integrity, justice and courtesy. Every member of Council, of Committees and of Local Boards is accountable and responsible to comply with this Code of Conduct to ensure there is no conflict between their personal interests and their official duties.

In addition to all legislative requirements, we the members of Council of the Corporation of the Township of McGarry, have adopted the requirements of this Code of Conduct in the performance of our duties as elected officials.

This Code of Conduct shall apply to all members of Council, the Mayor, and members of Committees and of Local Boards and will be referred hereafter collectively as "Members of Council, Committees and Local Boards".

**1. ROLE OF COUNCIL**

1. To represent the public and to consider the well-being and interests of the municipality;
2. To develop and evaluate the policies and programs of the municipality;
3. To determine which services the municipality provides;
4. To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of the Council;
5. To ensure the accountability and transparency of the operations of the municipality including the activities of the senior management of the municipality;
6. To maintain the financial integrity of the municipality; and
7. To carry out the duties of council under this or any other Act.

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## **2. ROLE OF COMMITTEE AND LOCAL BOARD MEMBERS**

1. Members of the public appointed to committees or local boards are appointed at the pleasure of Council. They do not hold office nor do they represent a constituency within the community nor do they represent Council, or the Committee or the Local Board unless mandated to do so.
2. Members of the public appointed to Committees and Local Boards must respect both the work and spirit of this Code as it applies to them and also as it applies to Members of Council.
3. Committees and Local Boards operate only within meetings for which proper notice has been given pursuant to a set agenda unless otherwise mandated by Council.
4. No Committee/Local Board member may act beyond the mandate of the Committee or Local Board granted by Council except:
  - a) As granted the right to do so by Council
  - b) Pursuant to the duties of a Member of Council; or
  - c) Otherwise if required by law.
5. The minutes of a Committee meeting/Local Board shall be the official record of the position of the Committee/Local Board; Members of Council appointed to Committees/Local Boards shall not impugn or malign a debate or decision of the Committee/Local Board
6. As a committee's function is advisory in nature and the final decision on recommendations made by the Committee rests with Council, a Councillor Committee member may take into account other matters beyond those considered by the Committee when he or she votes at Council and may take a position different from that taken by the Committee.

## **3. RULES OF CONDUCT**

A member shall not:

- a) Engage in any activity, business transaction or have a financial or other personal interest which is incompatible or inconsistent with the ethical discharge of official duties in the public interest;
- b) Use any influence of office for any purpose other than official duties;
- c) Act as a paid agent on behalf of another party before Council, or a Committee of Council, or any Agency, Board, or Committee of the Municipality;
- d) Place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment or financial interest;
- e) Engage in any outside work or activity or business undertaking that interferes or appears to interfere with the members duties;

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- f) Engage in any outside work or activity or business undertaking in which the member has advantage or appears to have an advantage derived from involvement in the Corporation of the Township of McGarry;
- g) Engage in a professional capacity that will or might appear to influence or affect the carrying out of duties as a Township representative;
- h) Use the Township of McGarry property, equipment, supplies or services of consequence for personal gain;
- i) Use information gained in the execution of his or her duties, which is not available to the general public, for any purposes other than his or her official duties;
- j) Obtain financial gain from the use of the McGarry Township developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the McGarry Township, while an elected official or thereafter. All such property remains the exclusive property of McGarry Township. It is incumbent upon the member to make restitution for any additional expenses which are incurred by the Municipality for the use of said equipment, supplies or services;
- k) Use the internet access to access or download material that is of a defamatory, obscene, offensive, or sexual nature;
- l) Use the e-mail system to engage in sporting pools, distribution of graphically offensive material, etc.
- m) Place him/herself in situation where he/she is under obligation, direct or indirect, financial or otherwise, to any person who could benefit from a decision or recommendation of the member;
- n) Place him/herself in a situation where he/she is under obligation, direct or indirect, financial or otherwise, from any contracts about which the member can influence decisions;
- o) Solicit or accept any gifts, services, privileges, favours or entertainment, the acceptance of which will place or appear to place the member under any obligation whatsoever to the donor;
- p) Disclose any confidential information relating to the affairs of the Township of McGarry.
- q) Borrow money from any person who regularly does business with the Municipality, unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

#### 4. GIFTS AND BENEFITS

- a) Gifts, services, privileges, favours or entertainment of a nominal value of \$100.00 may be received or given to members on occasion, but they must always be of such form and substance that they could not be construed by an impartial observer as a bribe, pay-off or improper incentive and also must meet criteria set out in o) above.

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- b) Gifts, services, privileges, favours or entertainment that will exceed a value of \$100.00 will require prior approval by Council as a whole. If Council is not immediately available, approval must be received at the first available opportunity.
- c) Examples of gifts, services, privileges, favours or entertainment are as follows:
  - Acceptance of occasional business meals;
  - Infrequent attendance at social or sporting events;
  - Acceptance of occasional gifts of a nominal value.
- d) Details of any situation regarding gifts, services, privileges, favours or entertainment received or given to members which exceed \$100.00 must be immediately disclosed to the Clerk-Treasurer.
- e) Township members may solicit gifts for the benefit of community events, as well as Township sanctioned events.
- f) No member shall seek or obtain, by reason of his/her office, any personal privilege or advantage with respect to the Municipality's services not otherwise available to the general public and not consequent to his or her official duties.

## 5. DRESS CODE

All members should note that their appearance matters when representing the Corporation of The Township of McGarry in front of clients, visitors or other parties. A member's appearance can create a positive or negative impression that reflects on the Township.

These dress code rules always apply:

- All members must be clean and well-groomed. Grooming styles dictated by religion and ethnicity aren't restricted
- All clothes must be work-appropriate. Clothes that are typically in workouts and outdoor activities aren't allowed.
- All clothes must project professionalism. Clothes that are too revealing or inappropriate aren't allowed.
- All clothes must be clean and in good shape. Discernible rips, tears or holes aren't allowed.
- All members must avoid clothes with stamps that are offensive or inappropriate.

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## **6. CONFIDENTIALITY OF MUNICIPAL INFORMATION**

It is every members responsibility to ensure that all information collected, produced or obtained in the course of his/her duties, whether in reports, memos, oral communication or electronic format, is as accurate as possible. No Council member shall willfully mislead other Council members, employees or the public, about any issue of municipal concern.

## **7. CONFLICT OF INTEREST**

It is the responsibility of individual Council Members to ensure that they are aware and be trained in the application of the Municipal Conflict of Interest Act. The onus is on the Council Member to identify a conflict of interest, and shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty by verbally declaring a conflict of interest.

A conflict of interest exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, directly or indirectly, financial (pecuniary) or otherwise, when carrying out their public duty.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a member's term of office and, those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers to be non-existent.

The following principles should be used as a guide:

- a) In making decisions, always place the interest of the taxpayers first and, in particular, place them before the interests of Council Members, staff, friends or family.
- b) A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the member of Council.
- c) Always interpret the phrase "Conflict of Interest" in the broadest possible terms.
- d) If in doubt, it is better to disclose a situation. It is the responsibility of the individual Council member to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
- e) It is considered a breach of this policy to require or to attempt to require staff members to assist in the determination of a conflict of interest for individual Council members.

## **8. COMPLIANCE WITH THE CODE OF CONDUCT**

Council members have the primary responsibility to assure that these ethical standards and codes are understood and met and that the public can continue to have full confidence in the integrity of the Corporation of the Township of McGarry's municipal government.

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In addition to any other consequence imposed by law, members found to have breached this Code of Conduct may be subject to discipline, including return of a gift or benefit, removal from a Committee or Local Board, loss of Chairship, censure, a reprimand, or where applicable, suspension of remuneration paid for his or her services as a member, for a period of up to ninety (90) days.

Council, Committee and Local Board members shall comply with the laws of Canada, the Province of Ontario and the Township of McGarry in the performance of their public duties.

The following rules and regulation shall apply to all members of Council, Committees and Local Boards and shall become effective immediately upon the signing of this Code of Conduct.

Members shall be subject to disciplinary action or dismissal for any infraction thereof along with classification of infraction and method of discipline:

- a) Disclose of confidential information (A)
- b) Bringing or consuming liquor or illegal narcotics as set out in the Narcotic Control Act of the Liquor License Act. (B)
- c) Reporting for work under the influence of alcohol, legal or illegal substances (B)
- d) Under the influence of a prescribed drug that affects his/her or any other persons safety (B)
- e) Incompetency (A)
- f) Theft (C)
- g) Disorderly conduct (B)
- h) Neglect of duty (A)
- i) Failure to report for duty without a bona fide reason (A)
- j) Insubordination (B)
- k) Disobeying safety regulations (B)
- l) Misusing or careless use of Employer's equipment (A)
  - No damage (A)
  - Minor damage (B)
  - Major damage (C)

**Method of Disciplinary Action:**

**Method "A"**

- 1<sup>st</sup> infraction - verbal warning (immediate supervisor)
- 2<sup>nd</sup> infraction - written warning (immediate supervisor)
- 3<sup>rd</sup> infraction - 2 days off without pay (immediate supervisor and dept. head)
- 4<sup>th</sup> infraction - further suspension or Dismissal (immediate supervisor and dept. head, Clerk Treasurer and Council)

**Method "B"**

- 1<sup>st</sup> infraction - sent home (immediate supervisor and department head)
- 2<sup>nd</sup> infraction - 2 days off without pay (immediate supervisor and department head)
- 3<sup>rd</sup> infraction - further suspension or dismissal (immediate supervisor, department head Clerk Treasurer and Council)

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**Method "C"**

**Immediate Dismissal**

All steps must be fully documented with copies to all involved parties. It is understood that should an employee have a clear record for a full twelve (12) month period between steps, their record shall be considered clear.

**9. COMPLAINT PROCEDURES**

**1. INFORMAL COMPLAINT PROCEDURES**

Any individual who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code of Conduct may address their concerns in the following manner:

- a) Advise the member that their behaviour or activity contravenes the Code of Conduct;
- b) Encourage the member to stop the prohibited behaviour or activity
- c) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter;
- d) If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the Integrity Commissioner.

**2. FORMAL COMPLAINT PROCEDURES**

Any individual who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code of Conduct may address their concerns through the formal complaint process set out below:

- a) All formal complaints must be made using the McGarry Township complaint form and shall be dated and signed by the complainant.
- b) The complaint must include an explanation as to why the issue raised may be contravention of the Code of Conduct and any evidence in support of the allegation must be included with the complaint form such as witnesses, date, time and location.
- c) The complaint form shall be filed with the Clerk-Treasurer by mail or in person who shall confirm that the information is complete.
- d) The Clerk-Treasurer shall advise Council in a confidential report that a formal complaint has been received and will be forwarded to the Integrity Commissioner for review.
- e) The Integrity Commissioner will determine whether the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or policies.

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**10. HARASSMENT**

Harassment of another member, staff or any other member of the public is misconduct. It is the policy of the McGarry Township that all person be treated fairly in the workplace, in an environment free of discrimination and free of personal and sexual harassment.

Harassment may be defined as any behaviour, by any person that is directed at, or is offensive to, another person, on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship creed, sex, age, handicap, sexual orientation, marital status, physical or mental disability, pardoned conviction, or family status and any other ground under the provision of the *Ontario Human Rights Code*.

**11. ENCOURAGEMENT OF RESPECT FOR THE MUNICIPALITY AND ITS BY-LAWS**

Members shall encourage public respect for the Municipality and its By-Laws.

**12. IMPLEMENTATION**

Information regarding this Code of Conduct will be included as part of the orientation for each new members of Council, Committees and Local Boards.

**13. INTERPRETATION**

Members seeking clarification of any part of this Code of Conduct should consult with the Clerk Treasurer or the Solicitor of the Municipality.

**14. TERMS**

This Code of Conduct shall be in effect from the date of passage by Council and shall continue in effect from year to year. The Clerk-Treasurer shall cause a review of this Code of Conduct to be conducted.

***Initials:\_\_\_\_\_***

I, \_\_\_\_\_, as a member of \_\_\_\_\_,  
have reviewed and clearly understand the Code of Conduct for members of Council, Committees  
and Local Boards of the Township of McGarry and hereby agree to comply with all provisions as so  
stated. Furthermore, I am aware one signed copy of this Code of Conduct will be retained on file.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

APPROVED \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Authority*

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