

STAFF REPORT

TO COUNCIL

COUNCIL DATE: 7 March 2011

SUBJECT: Political Activity

PURPOSE: To recommend a by-law that defines acceptable and non-acceptable political activity.

BACKGROUND:

1. The Township currently does not have a by-law that would establish what political activity is acceptable within the Township, and by whom, and what political activity is not acceptable.
2. As a municipality it is important to provide clear guidelines as to what political activity will be allowed and what will not be allowed.

RECOMMENDED ACTION:

3. That Council pass the Political Activity By-Law

SUGGESTED RESOLUTION:

MOVED BY: IAN MCLEOD

SECONDED BY: TREVOR BOUGIE

BE IT RESOLVED THAT Staff Report 26-11 be accepted and By-Law 15-11, being a By-Law to establish acceptable and unacceptable political activity and known as the Political Activity By-Law, be read a first, second, and third time, passed, signed, and sealed in Open Council this 7th day of March, 2011.

AUTHOR: DERIK BRANDT

DATE: 3 MARCH 2011

Approved:
Chief Administrative Officer – Derik Brandt



**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 15-11
FOR THE YEAR 2011**

***BEING A BY-LAW TO ESTABLISH ACCEPTABLE AND UNACCEPTABLE
POLITICAL ACTIVITIES.***

WHEREAS Section 10. (2) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, authorizes municipalities to pass by-laws respecting the accountability of the municipality and its operations and of its local boards and their operations;

WHEREAS Section 8. (1) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that the *Municipal Act* shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate.

**NOW THEREFORE THE COUNCIL FOR THE TOWNSHIP OF SOUTH GLENGARRY
ENACTS AS FOLLOWS:**

1. SHORT TITLE

- 1.1. This By-Law may be cited as the "Political Activity By-Law" or "Political Activity Policy".

2. PROHIBITED POLITICAL ACTIVITIES

- 2.1. Township employees, its agents, and its volunteer firefighters as well as members of Township committees shall not:
 - 2.1.1. engage in political activity at Township workplaces;
 - 2.1.2. engage in political activity while wearing a uniform, badge, etc. associated with the Township;
 - 2.1.3. use Township premises, equipment or supplies when engaging in political activity;
 - 2.1.4. associate their position with the Township with political activity, except if they are or are seeking to become a candidate in a federal, provincial or local election, and then only to the extent necessary to identify their position and work experience; or,
 - 2.1.5. comment publicly as part of their position with the Township on matters that are dealt with in the positions or policies of a federal or provincial political party or on the positions or policies of a candidate in a federal, provincial or local election.

- 2.2. Notwithstanding the above, the Chief Administrative Officer and General Managers may comment on matters within the scope of their duties that are directly related to those duties.

3. SPECIALLY RESTRICTED POSITIONS

- 3.1. In addition to the above, management employees of the Township shall not:
 - 3.1.1. do anything in support of or in opposition to a candidate nominated for a position on the Council of the Township, though they are permitted to vote in the election.
- 3.2. Council may, by resolution, designate other positions or individuals that will be required to follow the same restricted provisions outlined above for management employees.

4. VIOLATIONS

- 4.1. Given the nature of municipal government, a violation of this By-Law can be a serious matter. Discipline for a first offence can range from being warned to being removed from one's position, with cause in the case of employees, regardless of whether the individual has any past infractions on any matters.

5. PERMITTED POLITICAL ACTIVITIES

- 5.1. Council may, by resolution, request an individual(s) or group to engage in political activity; notwithstanding anything in this By-Law, such political activity shall not be deemed to be considered prohibited political activity under this By-Law. Council may also, by resolution, exempt an individual(s) or group from parts or all sections of this By-Law where it is in the best interests of the Township to do so.

6. DEFINITION OF POLITICAL ACTIVITY

- 6.1. One is engaged in political activity when:
 - 6.1.1. you do anything in support of or in opposition to a federal or provincial political party;
 - 6.1.2. you do anything in support of or in opposition to a candidate in a federal, provincial or local election; or,
 - 6.1.3. you are or are seeking to become a candidate in a federal, provincial or local election.
- 6.2. One is not engaged in political activity simply by engaging in private and informal discussions among colleagues about politics, policies, politicians or political parties.

7. OTHER

- 7.1. Members of Council are not covered by this By-Law.

- 7.2. If there is conflict between this By-Law and any other By-Law, this By-Law prevails to the extent of the conflict.
- 7.3. If any portion of this By-Law is ruled invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the remainder of the By-Law shall remain valid and binding.
- 7.4. This By-Law shall take force and effect on 1 April 2011.

READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND SEALED IN OPEN COUNCIL THIS 7TH DAY OF MARCH, 2011.

MAYOR:

CLERK:
