

**MUNICIPALITY OF
CENTRAL MANITOULIN**

BY-LAW NUMBER 2008-25

BEING A BY-LAW OF THE MUNICIPALITY OF CENTRAL MANITOULIN TO ESTABLISH AN ACCOUNTABILITY AND TRANSPARENCY POLICY FOR MUNICIPAL EMPLOYEES.

WHEREAS the Municipal Act, S.O. 2001, c. 25. S. 5 (3) requires a Municipal Council to exercise its powers by by-law, except where otherwise provided;

AND WHEREAS Section 207 (1) 5 of the Municipal Act 2001, as amended, authorizes municipalities to establish an Accountability and Transparency Policy;

AND WHEREAS Council of the Municipality of Central Manitoulin deems it expedient to establish a Code Of Ethics;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF CENTRAL MANITOULIN HEREBY ENACTS as follows:

1. **THAT** this Council does hereby adopt the Code of Ethics for Municipal Employees, attached hereto as Schedule 'A'
2. **THAT** Schedule 'A' forms part of this by-law.
3. **THAT** this by-law shall come into force and take effect upon receiving the final reading thereof.

**READ A FIRST, SECOND AND THIRD TIME,
AND FINALLY PASSED THIS 13th DAY OF NOVEMBER, 2008.**

Richard Stephens, Reeve

Ruth Frawley, Clerk/Treasurer

I, _____, Clerk of the Municipality of Central Manitoulin, do hereby certify that this is a true copy of By-law 2008-25 as passed in open Council the _____ day of _____, 2008.

Clerk

SCHEDULE "A"

2008-25

CODE OF ETHICS

Employees of the Municipality of Central Manitoulin are expected to adhere to the highest standards of personal and professional competence, integrity and impartiality.

The purpose this **Code of Ethics** document is to establish a policy statement, adopted by Council, which outlines the high standards of practices expected of employees. The code will represent general standards that aim to be comprehensive but not exhaustive. By implication, the code will also recognize more stringent requirements by specific staff, according to the role they play.

Definitions

For these purposes the following shall have the meanings as indicated below:

Council Member means the Reeve and Council Members of the Municipality of Central Manitoulin.

Administration means the Clerk-Treasurer, Deputy Clerk-Treasurer, Road Superintendent, Maintenance Supervisor and Fire Chief.

Clerk means the Clerk of the Municipality of Central Manitoulin.

Municipality means the Municipality of Central Manitoulin.

Municipal Employees means staff employed under direct responsibility of the Clerk-Treasurer..

Public Comment means a disclosure made in a public speech, lecture, radio or television broadcast, in the press or book form.

Confidential Information includes but is not limited to:

- i) Personal data of employees or others.
- ii) Records related to internal policies and practices that if disclosed, may prejudice the effective performance of a municipal operation.
- iii) Records of a financial nature reflecting information given or accumulated in confidence.
- iv) Files prepared in connection with litigation and adjudicative proceedings
- v) Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the Municipality of Central Manitoulin.

POLICY

For purposes of this policy, FAMILY and RELATIVE shall include immediate family; i.e., spouse (includes common law or same sex), mother, father, sons, daughters, brothers, sisters and in-laws.

1. Confidential Information

Some municipal employees have access to confidential information; some more than others. Employees **shall** not make such information public unless it is deemed public information. Where there is uncertainty about the status of any information, he/she **shall** confirm with the Clerk before any release.

Examples of confidential information for which care should be exercised are:

- Items under litigation;
- Personnel matters;
- Information about suppliers which might be useful to competitors;
- Information which infringes upon the right to privacy to others;
- Sources of complaints about a variety of matters where the identity of the complained is given in confidence;
- Items under negotiation;
- Information supplied in support of license applications, etc., where such information is not part of public documentation;
- Schedule of prices in contract tenders.

2. Media Relations

Only the Reeve or his/her designate **shall** comment to the media on all matters concerning operations, actions and functions of the municipality. This policy is not intended to restrict the ability of employees to express an opinion, or give input to, non-municipal matters. However, where applicable, the employee **shall** make it clear that he/she is commenting as a private citizen and not in a capacity of a municipal employee.

3. Conflict of Interest

An employee will be considered to have a conflict of interest where he/she, or a family member, has a direct or indirect financial interest in matters, including contracts with the municipality, and where the employee could influence the decision of the Municipality with respect to those financial matters.

A conflict of interest exists where the employee could directly influence the decision made in the course of performing his/her job duties. This includes exerting influence over the decision-maker.

If a conflict exists because of an employee's personal or family interest in a property matter, a business dealing with the Municipality, or similar circumstance, the employee shall notify the Clerk, and he/she will make appropriate alternative arrangements to handle the matter. Of course, if the employee is not sure of a conflict, the advice of the Clerk **shall** be sought and a discretionary decision made by the Clerk on the matter.

Employees **shall** not sell goods, materials or services to the Municipality. An exception, with the approval of the Clerk, could be where an employee competes, outside of regular working hours, in competitive bidding on a fee for services basis, to supply goods, materials or services.

Employees **shall** not engage in private employment or render services for any person or corporation, which has, or may have, business dealings with the Municipality of Central Manitoulin. Where such action occurs, the Clerk **shall** be notified and discretionary action pursued.

Employees **shall** recognize that they are seen to exert influence on public policy decisions, or, on the other hand, have positions requiring neutrality and trust in dealing with the public. If any employee wishes to exercise his/her rights as a private citizen in respect to decisions by Council and/or Administration, their intentions **shall** be made to the Clerk and appropriate measures taken to protect the integrity of the Municipality.

4. Use of Municipal Property

Municipal property shall not be used by employees for personal use unless through prior approval of the Clerk.

No employee **shall** make financial gain from the use of or sale of Municipal property including computer programs, technological innovations or other patentable items either while an employee of the Municipality or thereafter. All such property shall remain in exclusive ownership of the Municipality.

5. Gifts and Benefits

In order to preserve the image and integrity of the Municipality, business gifts and invitations of hospitality **shall** be discouraged. However, the Municipality recognizes that moderate hospitality is an accepted courtesy in any business relationship. The key is to not reach the level where it becomes obvious that an influence on a business matter is sought or implied. All employees, when in doubt regarding a gift or invitation, **shall** consult with the Clerk.

6. Political Involvement and Activity

No employee shall have an involvement in a partisan manner, in municipal elections for Central Manitoulin. Employees may become involved in other municipalities' elections as well as Provincial and Federal elections.

Where an employee wishes to run for Council of the Municipality of Central Manitoulin, he/she shall first seek a leave of absence to cover the campaign period, and, if elected, pursuant to Section 38(5) of the Municipal Act, must resign from his/her position with the Municipality.

7. Hiring Relatives

No employee **shall** influence, in any way, the hiring or appointment of relatives to positions within the municipality.

8. Enforcement

It **shall** be the responsibility of all staff to ensure that this Code is enforced. Where an employee has some reason to be concerned about a possible breach of this Code, the Clerk **shall** be consulted, in total confidence, immediately. The Clerk is responsible for ensuring that the problem is appropriately addressed.

Conflict of interest matters concerning the Clerk shall be referred to the Reeve or Council.

The observance of this Code of Conduct **shall** be a condition of employment with the Municipality. Breaches of the Code will provide grounds for disciplinary action including, in serious cases, dismissal.

All employees **shall** read and subscribe to this Code. A signed acknowledgement that each employee has read and understood this policy document shall be placed in each employee's personnel file.

9. Severability

The provisions of this Code of conduct are severable and, if any provision, section or word is held invalid or illegal, such validity or illegality shall not effect or impair any of the remaining provisions, sections or words.