

**TOWN OF MIDDLETON
CODE D - PERSONNEL**

Subject: Code of Ethics

Number: 3.2

Coverage: Staff & Council

Approved by: Council & CAO

Effective Date : December 3 1990

**Revision Date: February 5, 2001
October 2, 2006**

Rationale

The Code of ethics is established to provide a guideline for the expected conduct of Town Officials and to promote a high standard of professionalism.

Policy Statement

1.0) General

- 1.1) The Town believes that the proper operation of municipal government requires that public officials and employees:
- a) be independent of any external influences or pressures;
 - b) be impartial and responsible, on a day-to-day basis, to the citizens of the Town;
 - c) should not use their position for personal advantage;
- in order that the public may have confidence in the government.

2.0) Responsibilities

- 2.1) It is the responsibility of all public officials and employees of the Town to:
- a) uphold and carry out the policies of the Town, as well as applicable Federal and Provincial laws, so as to foster and enhance respect for government;
 - b) observe in their official acts a high standard of morality and to discharge faithfully the duties of their office, regardless of personal considerations and interests;
 - c) be loyal to the objectives expressed by the citizens and the programs developed to attain those objectives,
 - d) adhere to the rules of work and performance established as the standard for their positions;
 - e) never exceed their authority, breach the law or ask others to do so, and
 - f) work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.
- 2.2) It is the responsibility of the Chief Administrative Officer to:
- a) implement, administer and promote the Code of Ethics Policy,
 - b) ensure that department heads promote the ethical standards expressed within the Code of Ethics to their employees,
 - c) recommend amendments to the Code of Ethics to Council,
 - d) investigate and review any reported violation of the Code of Ethics and approve or administer any subsequent corrective action.

- 2.3) It is the responsibility of the Department heads to:
- a) ensure that all department employees are familiar with the Code of Ethics,
 - b) advise the CAO of any perceived violation of the Code of Ethics by a member of staff and institute appropriate corrective action,
 - c) recommend to the CAO any changes to the Code of Ethics.

3.0) Fair and Equal Treatment

- 3.1) No official or employee shall use, request, or permit the use of Municipal-owned vehicles, equipment, materials, labour, or property for personal convenience or profit, except when such services are available to the public generally or are provided through Town policy for the conduct of official business.
- 3.2) No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

4.0) Conflict of Interest

- 4.1) No official or employee, whether paid or unpaid, shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association.
- 4.2) Specific conflicts of interest are listed below for the guidance of officials and employees.
- a) **Incompatible Employment:** No official or employee shall engage in or accept private employment or render service for private interests when such employment of service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment of action in the performance of his official duties.
 - b) **Disclosure of Confidential Information:** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he use such information to advance the financial or other private interest of himself or others.
 - c) **Gifts & favours:** Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the Town, be such that no employee can be accused of showing favouritism or bias toward the vendor. Consequently, all Municipal employees are prohibited from accepting gifts or favours from vendors that would tend to influence them her/him in the discharge of her/his duties. No official or employee shall accept any gift, whether in the form of service, loan, thing, or promise from any person, firm, or corporation when, to his or her knowledge, said entity is interested directly or indirectly in any manner whatsoever in business dealings with the Town.

- d) **Representing Private Interests before Municipal Agencies or Courts:** No official or employee whose salary is paid in whole or in part by the Town, shall appear on behalf of private interests before any agency of the Town in any litigation to which the Town is a party. A Councillor may appear before agencies on behalf of constituents in the course of his duties as representative of the electorate or in the performance of public or civic obligations, however, no official or employee shall accept a retainer or compensation that is contingent upon a specific action by a Town agency.
- e) **Contracts with the Municipality:** No office officer, agent or employee of the Town shall have any interest in any contract made by him in his official capacity or by any Public Committee, Board, Commission or Department of which he is a member, agent or employee, except that an officer, agent or employee of the Town may contract with the Town or any agency thereof for the sale and purchase of supplies, materials or equipment or for the construction of public improvement if:
 - i. he or she is not authorized by law to participate on behalf of the Town or any agency thereof, in the awarding of the contract;
 - ii. the contract is made upon a competitive basis in writing, publicly invited and publicly opened;all bids received and all documents pertaining to the award of the contract are held available for public inspection for at least three (3) months following the date of such award.

5.0) Disclosure of Interest in Legislation

- 5.1) A Councillor who has a financial or other private interest in any legislation shall disclose on the records of the Council or other appropriate authority, the nature and extent of such interest. This provision shall apply even if the Councillor disqualifies himself from voting.
- 5.2) Any other official or employee who has financial or other private interest, and who participates in discussion with or gives an official opinion to the Council, shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest.

6.0) Political Activity

- 6.1) No appointed official or employee in the administrative service shall use the prestige of his position on behalf of any political party.
- 6.2) No appointed official or employee in the administrative service in his official capacity shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution to any political party, nor shall he be a party to such solicitation by others.
- 6.3) Such appointed officials and employees shall not take an active part in political campaigns for elected Municipal positions. No official or employee, whether elected or appointed, shall promise an appointment of any Municipal position as a reward for any political activity.

7.0) Sanctions

- 7.1) Violation of any provisions of this Code shall raise conscientious questions for the official or employee concerned. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.
- 7.2) Any reported incidence of violations of these rules will be subject to investigation by the Department Head, Chief Administrative Officer and, where the complaint is against the Chief Administrative Officer, the Council.
- 7.3) Sanctions or any disciplinary action shall be decided upon investigation and depending upon the specific circumstances of the case. The application of any sanctions and these rules and standards of conduct are subject to the provisions of the Town's disciplinary code policy and any Union contracts and/or Provincial Acts or Regulations that may apply.

Conflicts

Where there is any conflict between the policies adopted by the Town of Middleton and the policies set forth in the appropriate collective agreement or a statute of the Provincial or Federal Government, the collective agreement, or Provincial or Federal statute shall supersede such other policies.

Previous Policies

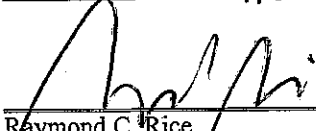
The previous policy 9/2 "Code of Ethics" amended by Council on March 28th, 2001 is hereby amended.

Certification

THIS IS TO CERTIFY that this policy was duly passed by a majority vote of the whole Council at a duly called Council meeting held on the 2nd day of October, 2006.

GIVEN under the hand of the CAO and under the seal of the Town of Middleton this

5th day of March, 2007



Raymond C. Rice
Chief Administrative Officer