

The Corporation of the Municipality of Brockton



By-Law 2020-124

Being a By-Law to Amend the Municipal Vehicle Use Policy for the Municipality of Brockton.

Whereas The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

And Whereas the *Municipal Act 2001, S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas Section 8 of the Municipal Act, S.O. 2001 c. 25 provides that the powers of the municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

And Whereas the Council of the Municipality of Brockton wishes to amend the Municipal Vehicles Use Policy that was adopted by By-law 2011-97 and came into effect on January 1, 2012.

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That The Corporation of the Municipality of Brockton Council hereby amends the Municipal Vehicle Use Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 That By-Law 2011-97 be hereby amended.
- 3.0 This By-Law shall come into full force and effect on January 1, 2020.
- 4.0 This By-Law may be cited as the "Amend Municipal Vehicle Use Policy By-Law".

Read, Enacted, Signed and Sealed this 27th day of October, 2020.

Mayor – Chris Peabody

Clerk – Fiona Hamilton

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| Department: | All Staff | | |
| Section: | Human Resources | Effective Date: | January 1 st , 2012 |
| Subject: | Municipal Vehicle Use | Revised Date: | October 22, 2020 |
| Authority: | | | |

Purpose:

To establish a policy for the use of Municipal vehicles by employees of the Municipality of Brockton.

Policy:

Municipal vehicles are provided for the exclusive use of designated municipal positions for the conduct of their daily municipal work duties. The Municipality may provide vehicles to those positions that the Council deems necessary. Vehicles are not permitted outside the limits of the Municipality of Brockton without authorization from the Department Head or CAO. Vehicles shall not be used at any time for the transportation of any person(s) other than municipal employees or persons engaged in municipal business without authorization from the Department Head or CAO.

Employees required to use municipal vehicles for municipal business shall observe safe driving practices. This includes, but is not limited to, the use of seat belts and obeying speed limits and traffic signs and signals. Municipal vehicles will be operated in keeping with safe driving practices. When employees are operating any municipal vehicle or equipment, they are not to use cell phones or hand held personal digital assistants (PDA) unless equipped with a hands free set.

Employees shall be responsible for conducting regular inspections of the vehicles that they are using and shall report to their supervisor, any damage or maintenance issues identified during such inspections. Employees assigned a municipal vehicle shall keep the interior and exterior of the vehicle in a clean and tidy condition at all times. All municipally owned vehicles must have the approved Municipality of Brockton logo (crest) displayed in a prominent location on each side of the vehicle.

Employees shall be responsible for any tickets or fines received for moving violations or parking infractions. Discipline may be initiated for frequent violations of laws resulting in such tickets or fines.

The Municipality may require an employee who is required to drive municipal vehicles on municipal business to undergo a Safe Driver Training Program. The cost of attending such program will be borne by the Municipality.

All employees that drive municipal vehicles will maintain a valid driver's license. The Municipality may obtain a driver's abstract from the Ministry of Transportation at any time to ensure the validity of all drivers' licenses. If it is found that an employee using a municipal vehicle does not hold a valid driver's license, they shall not be permitted to operate a municipal vehicle and will be subject to discipline within the process outlined in the Employee Discipline Policy.

The Municipality shall not provide municipal vehicles for non-municipal business. This includes transportation to and from the employee's normal place of residence to the employee's place of work for the Municipality (the employee's place of work for purposes of this policy will include any Municipal facility). This also includes the use of a municipal vehicle to attend to personal non-work related activities (i.e. Personal errands or appointments).

Notwithstanding the above paragraph, the Brockton Council can approve the use of municipal vehicles by municipal employees that would entitle such employee to have the care and control of the said vehicle seven days a week, 24 hours per day. This will allow for such employees, as determined by the Council, under conditions as determined by Council, to use the vehicle supplied by the Municipality to travel to and from their normal place of residency to their place of work. The employees thus designated shall be subject to a calculation, on a yearly basis, of the estimated value of the taxable benefit derived from the use of the vehicle to travel from their normal place of residence to their place of employment. This calculation shall be based upon the Canada Revenue Agency (CRA) formula designed for this purpose. The employees hereby authorized by the Council are identified in Paragraph 1.1 and 1.2 of this Policy. Employees using municipal vehicles seven days a week, 24 hours a day will be subject to all taxable benefit provisions prescribed by law. In the case of a clearly marked emergency vehicle, as described in the Income Tax Act (Fire Command Vehicle), there shall be no standby charge calculation for a taxable benefit in accordance with the law. This provision does not permit the said employees to use the municipal vehicle as their own vehicle for personal non-work related activities. Any personal mileage must be recorded and is subject to a Taxable Benefit.

All municipal vehicles shall be secured, when not in service for municipal purposes, at facilities on municipal property as determined by the respective Department Head and approved by the CAO. This would include all hours outside of normal working hours and on weekends

1. Authorized Employees

- 1.1 The following are the municipal employees authorized to have their municipally-supplied vehicle on a seven day a week, 24 hour per day basis, including the use to transport the employee to and from their normal place of residence to their place of employment (including any municipal facility). In exchange for this allowance, the employees will be subject to a fuel and maintenance and tire charge calculated on a per kilometer basis for the distance travelled between the Brockton boundary and their normal place of residence. The fuel charge shall be a function of the highway fuel consumption attained by the specific vehicle (as per the manufacturer's manual) and

the average cost of regular gas as per the fuel receipts submitted for the vehicle. The maintenance and tire charge will be calculated as a per kilometer rate based upon the current Canadian Automobile Association (CAA) rates for a vehicle with the same number of engine cylinders.:

- I. Director of Operations
 - II. Roads Supervisor
- 1.2 When the following municipal employees are assigned winter patrol duties or other emergency response duties by senior management staff, they will have access to a municipal vehicle, including the use to transport the employee to and from their normal place of residence to their place of employment:
- I. Lead Hand
 - II. Heavy Equipment Operator, only when assigned patrol duties