

BY-LAW 267 – CODE OF ETHICS AND GOOD CONDUCT OF ELECTED MUNICIPAL OFFICIALS

WHEREAS the town Council adopted, on July 18, 2018, By-law number 246 enacting a Code of ethics and good conduct for elected officials;

WHEREAS under section 13 of the Municipal Ethics and Good Conduct Act (RLRQ, c. E-15.1.0.1, hereinafter: the "LEDMM"), every municipality must, before March 1 following any general election, adopt a revised code of ethics and good conduct that replaces the one in force, with or without modification;

WHEREAS a general election was held on November 7, 2021;

WHEREAS the coming into force, on November 5, 2021, of the Act to amend the Act respecting elections and referendums in municipalities, the Act respecting ethics and good conduct in municipal matters and various legislative provisions (LQ, 2021, c 31), which modifies the mandatory content of the Code of Ethics and Good Conduct for Elected Officials;

WHEREAS it is therefore necessary to adopt a revised code of ethics and good conduct for elected officials;

WHEREAS the formalities provided for in the LEDMM, for the adoption of such a revised code, have been complied with;

WHEREAS the Mayor mentions that the purpose of this by-law is to provide the main values of the city in terms of ethics and the rules of conduct that must guide the conduct of a person as a member of the Council, of a committee or a town commission or, as a member of the town Council, another body;

WHEREAS the town, including the members of its Council, explicitly adheres to the ethical values and rules of conduct provided for in the LEDMM as well as in this Code;

WHEREAS ethics and deontology in municipal matters are essential in order to maintain trust between the town and the citizens;

WHEREAS conduct consistent with municipal ethics and good conduct must remain a constant concern of Council members in order to ensure transparent, prudent, diligent and honest management of the town, including its public funds;

WHEREAS by applying the values in terms of ethics and respecting the ethical rules provided for in this Code, each member of Council is able to properly fulfill his role as an elected municipal official, to assume the responsibilities inherent in this function and meet the expectations of citizens;

WHEREAS this Code contains the obligations as well as the guidelines to guide the conduct of each member of the Council, while leaving it to the latter to use his judgment according to the values provided for therein;

WHEREAS this Code aims to identify, prevent and avoid situations of conflict of interest;

WHEREAS any violation of the Code can lead to serious consequences for the town and the members of Council;

WHEREAS it is the responsibility of each member of Council to respect this Code to ensure that they meet high standards of ethics and professional conduct in municipal matters;

WHEREAS a notice of motion of the present by-law was given at the regular meeting held on January 15th, 2022 by Councilor Stephen Lloyd;

WHEREAS a draft by-law was presented by Council and explained by the Mayor at the regular meeting of January 15th, 2022;

CONSEQUENTLY, the municipal Council decrees the following:

IT IS PROPOSED BY _____ ,

SECONDED BY _____

AND RESOLVED :

TO ADOPT THE FOLLOWING BY-LAW:

BY-LAW 267- CODE OF ETHICS AND GOOD CONDUCT OF ELECTED MUNICIPAL OFFICIALS

ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS

- 1.1** The title of this by-law is: By-law number 267 Code of ethics and good conduct of elected municipal officials.
- 1.2** The preamble is an integral part of this Code.
- 1.3** The Code does not replace the laws and regulations in force which govern the Town and, more generally, the municipal domain. Rather, it is supplementary and completes the various obligations and general duties applicable to elected municipal officials which are provided for in the laws and other applicable regulations.

Thus, the Code must not be interpreted as allowing derogation from the provisions contained in the laws and regulations in force which govern the Town, elected municipal officials and, more generally, the municipal domain.

ARTICLE 2: INTERPRETATION

- 2.1** This Code must be interpreted according to the principles and objectives contained in the LEDMM. The rules provided for in this law are deemed to be an integral part of this Code and prevail over any incompatible rule set out in this Code.
- 2.2** In this Code, unless the context indicates otherwise, the following terms mean:

Advantage: Whether pecuniary in nature or not, constitutes an advantage in particular any gift, donation, favour, reward, service, gratification, mark of hospitality, remuneration, gain, indemnity, privilege, preference, compensation, benefit, profit, advance, loan, reduction, discount, etc.

Code:	By-law number 267 enacting the Code of ethics and good conduct for elected municipal officials.
Council:	The municipal Council of the Town of Barkmere.
Good conduct:	Refers to the set of rules and duties that govern the function of the members of the Council, their conduct, the relationship between them as well as the relationship with municipal employees and the public in general.
Ethics:	Refers to the set of moral principles that are the basis of the conduct of members of Council. Ethics takes into account the values of the Town.
Personal interest:	Such an interest is linked to the very person of the elected official and is distinct from that of the community he represents.
Member of the Council:	Elected by the Municipality, a member of a committee or commission of the Municipality or member of the Council of another municipal body, when he sits there in his capacity as a member of the Council of the municipality. Municipality.
Town:	The Town of Barkmere.
Municipal body:	Council, any committee or commission: 1° A body declared by law to be a mandatary or agent of the Town; 2° A body whose Council is composed of a majority of Council members, whose budget is adopted by the Municipality or whose funding is provided for more than half by the latter; 3° A public body whose board is composed in the majority of members of the Council of several municipalities; 4° Any other body determined by the Ministère des affaires municipales et de l'habitation.

ARTICLE 3: APPLICATION OF THE CODE

- 3.1 This Code, and more specifically the rules set out in it, guide the conduct of all Council members.
- 3.2 Certain rules provided for in this Code also apply after the mandate of any person who has been a member of the Council.

ARTICLE 4: VALUES

- 4.1 Main values of the Town in terms of ethics:

4.1.1 Integrity of Council members

Integrity requires demonstrating probity and honesty beyond reproach.

4.1.2 Honour attached to the functions of members of the Council

Honour requires remaining worthy of the functions entrusted by citizens.

4.1.3 Prudence in pursuing the public interest

Prudence dictates that all Council members assume their responsibilities with regard to the public interest mission incumbent on them objectively and with discernment. Prudence involves informing oneself sufficiently, thinking about the consequences of one's actions and considering alternative solutions.

The public interest implies making decisions for the greater good of the community and not for the benefit of private or personal interests to the detriment of the public interest.

4.1.4 Respect and civility towards the other members of the Town Council, the employees of the Town and the citizens

In general, respect requires treating all people in a respectful manner and with consideration. Civility involves showing courtesy, politeness and good manners.

4.1.5 Loyalty to the Town

Loyalty requires performing one's duties in the best interest of the Town, with objectivity and independence of mind. It involves ignoring personal interests and disclosing them transparently, in accordance with the applicable rules. In addition, loyalty involves respecting the decisions made by the board.

4.1.6 Seeking equity

Fairness involves demonstrating impartiality, that is, having an objective and independent conduct, and considering the rights of each person. Equity requires non-discrimination.

4.2 These values must guide the members of the Town Council in the assessment of the ethical rules that apply to them.

4.3 When values are included in section 5 of this Code, these must, in addition to guiding the conduct of the member of Council, be respected and applied by the council member.

ARTICLE 5: RULES OF CONDUCT AND PROHIBITIONS

5.1 The rules of conduct aim in particular to prevent:

5.1.1 Any situation where the personal interest of the Council member may influence his independence of judgment in the performance of his duties.

5.1.2 Favoritism, malfeasance, breach of trust or other misconduct.

5.1.3 Any misconduct affecting the honour and dignity of the office of elected municipal official.

5.2 Rules of conduct and prohibitions

5.2.1 Council members must conduct themselves with respect and civility.

It is forbidden for any member of the Council to behave in a disrespectful or uncivil way towards the other members of the municipal Council, the Town employees or the citizens by the use, in particular, of words, writings or gestures that are vexatious, denigrating or intimidating or any form of incivility of a vexatious nature.

5.2.2 The Council member must conduct himself with honour.

It is forbidden for any member of the Council to engage in conduct that undermines the honour and dignity of the office of elected municipal official.

5.2.3 Conflicts of interest

5.2.3.1 It is prohibited for any Council member to act, attempt to act or omit to act in such a way as to promote, in the performance of his duties, his personal interests or, in an abusive manner, those of any other person.

5.2.3.2 It is forbidden for any Council member to avail himself of his position to influence or attempt to influence the decision of another person in such a way as to promote his personal interests or, in an abusive manner, those of any other anybody.

5.2.3.3 It is prohibited for any Council member to contravene articles 304 and 361 of the Act respecting elections and referendums in municipalities (CQLR, c. E-2.2), subject to the exceptions provided for in articles 305 and 362 of this law.

5.2.4 Receiving or soliciting benefits

5.2.4.1 It is prohibited for any Council member to solicit, induce, accept or receive, for himself or for another person, any advantage whatsoever in exchange for taking a position on a question of which the Council, a committee or a commission of which he is a member may be seized.

5.2.4.2 Any Council member is prohibited from accepting any gift, hospitality or other advantage, regardless of its value, which is offered by a supplier of goods or services or which may influence its independence judgment in the performance of his duties or which risks compromising his integrity.

5.2.4.3 Any gift, any sign of hospitality or any other advantage received by a member of the municipal Council and which is not of a purely private nature or covered by article 5.2.4.2 must, when its value exceeds \$50, be the subject, within 30 days of its receipt, of a written declaration by this member to the clerk-treasurer of the Town.

This statement must contain an adequate description of the gift, hospitality or advantage received, and specify the name of the donor as well as the date and circumstances of its receipt.

5.2.5 The Council member must not use the resources of the Town

5.2.5.1 It is forbidden for any member of the Council to use the resources of the Town or of any other municipal body within the meaning of this Code for personal purposes or for purposes other than the activities related to the exercise of their functions. However, this prohibition does not apply when a Council member uses, under non-preferential conditions, a resource made generally available to citizens.

5.2.6 Inside Information

5.2.6.1 It is prohibited for any Council member to use, communicate or attempt to use or communicate, both during his term of office and after it, information obtained in the exercise or on the occasion of the exercise of his functions and which are not generally available to the public to further his personal interests or those of any other person.

5.2.7 Post-employment

5.2.7.1 It is prohibited for any Council member, within the twelve (12) months following the end of his term, to occupy a position of director or officer of a legal person, a job or any other , in such a way that he or any other person takes undue advantage of his previous duties as a member of the Town Council.

5.2.8 Announcement at a political fundraising event

5.2.8.1 It is forbidden for any Council member to announce, during a political fundraising activity, the realization of a project, the conclusion of a contract or the awarding of a grant by the Town, unless a final decision regarding this project, contract or grant has already been made by the competent authority of the Town.

ARTICLE 6: MECHANISM OF APPLICATION, CONTROL AND SANCTIONS

6.1 The enforcement and control mechanisms of this Code are those provided for in the LEDMM;

6.2 A breach of a rule provided for in this Code, by a member of the Town Council, may lead to the imposition of the sanctions provided for in the LEDMM, namely:

6.2.1 reprimand;

6.2.2 participation in training on ethics and conduct in municipal matters, at the expense of the member of Council, within the time prescribed by the Commission municipale du Québec;

6.2.3 the delivery to the Town, within 30 days of the decision of the Commission municipale du Québec:

(a) the gift, hospitality or advantage received or the value thereof;

b) any profit withdrawn in contravention of a rule set out in this Code;

6.2.4 the reimbursement of any remuneration, allowance or other sum received, for the period that the Commission determines, as a member of a Council, a committee or a commission of the Town or of an organization;

6.2.5 a penalty, of a maximum amount of \$4,000, to be paid to the Town;

6.2.6 the suspension of the member of the Council for a period whose duration cannot exceed 90 days, this suspension being able to have effect beyond the day when his mandate ends if he is re-elected during an election held during his suspension and that this is not over on the day his new mandate begins.

When a member of Council is suspended, he may not exercise any function related to his office as mayor or councillor and, in particular, he may not sit on any Council, committee or commission of the Town or, in his capacity as a member of the Town Council, of another organization, nor to receive a remuneration, an allowance or any other sum from the Town or from such an organization.

ARTICLE 7: REPLACEMENT

7.1 This by-law replaces By-law number 246 enacting a code of ethics and professional conduct for elected officials, adopted on July 18, 2018.

7.2 Any mention or reference to a code of ethics and professional conduct for elected officials, whether in a regulation, resolution, policy, contract, etc., is deemed to refer to this regulation.

ARTICLE 8: ENTRY INTO FORCE

8.1 These rules come into force in accordance with the law.

(Original signé)

Luc Trépanier, Mayor

(Original signé)

Martin Paul Gélinas,
secretary-treasurer

Procedure for entry into force	
Notice of motion	January 15th, 2022
Public notice	January 31st, 2022
Adoption of the by-law	February 12th, 2022

Public notice of promulgation	February 14th, 2022
Transmission to the MAMOT	February 14th, 2022

Certified Copy
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Martin Paul G elinas, secretary-treasurer