

**PROVINCE OF QUÉBEC
MRC DE MEMPHRÉMAGOG
MUNICIPALITY OF THE VILLAGE OF NORTH HATLEY**

BY-LAW NO 2018-606

By-law for the adoption of a Code of Ethics and Good Conduct for elected municipal officials and members of municipal organizations

WHEREAS the Municipal Ethics and Good Conduct Act (2010, c. 27) requires the adoption of a code of ethics and good conduct for elected municipal officials;

WHEREAS the said code of ethics and good conduct applies to municipal employees as well;

WHEREAS the Municipality wishes to state clearly how the code of ethics and good conduct applies to elected municipal employees as well as to members of municipal organizations;

WHEREAS the Municipal Ethics and Good Conduct Act (2010, c. 27) requires that all municipalities in Québec adopt, prior to March 1st following a general election, a revised code of ethics and good conduct replacing the one in force, with or without amendments;

WHEREAS the rules set out in the said code of ethics and good conduct aim to prevent, notably:

1. Any situation where the private interest of a council member or member of a municipal organization might impair her or his independence of judgement in the exercise of her or his duties;
2. Any situation that would be contrary to sections 304 and 361 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
3. Favouritism, embezzlement, breach of trust or other form of misconduct.

INTERPRETATION

All words used in this code retain their common meaning with the exception of the expressions and words below which are defined as follows:

"Benefit":

A Benefit includes any gift, donation, favour, reward, service, commission, bonus, mark of hospitality, remuneration, payment, gain, indemnity, privilege, preference, compensation, advantage, profit, cash advance, loan, reduction, discount or any other useful or profitable arrangement of the same nature or any promise under the said benefit.

"Personal Interest":

Interest of the person involved, whether it be direct or indirect, monetary or not, real, apparent or potential. It is distinct, without necessarily being exclusive, from that of the public in general or possibly perceived as such by a reasonably well-informed person. Excluded from the above is a case where the personal interest consists of remunerations, allocations, reimbursement of expenses, group benefits and other work conditions related to the duties of the person concerned within the municipality or the municipal organization.

"Interest of close relations":

Interest related to a spouse, children, relatives of the person involved or to a company, cooperative or association with which the person concerned has a business relationship. It can be direct or indirect, monetary or not, real, apparent or potential. It is distinct, but not necessarily exclusive, from that of the public in general or can be perceived as such by a reasonably well informed person.

"Municipal Organization":

An organization that the law declares as representative or agent of the municipality;

An organization in which the legislators are mainly comprised of members of the municipal council;

An organization whose budget is adopted by the municipality or for which more than half of the financing is assured by the municipality;

A commission or committee formed by the municipality and charged with examining and studying questions submitted to it by council;

Any enterprise, corporation, company or association for which a person is designated or recommended by the municipality to represent its interests.

1. OBJECTIVE OF THE BY-LAW

The objective of the by-law is to ensure complete adherence by council members and members of a municipal organization to the core values of the municipality in matters of ethics, of adopting rules of good conduct and of establishing a protocol for the application and control for the said rules.

2. VALUES

The main values outlined in the code of ethics and good conduct are:

1. Integrity;
2. Honour in the exercise of one's duties;
3. Prudence in the pursuit of public interest;
4. Respect for other municipal council members, for members of a municipal organization and for municipal employees and citizens;
5. Loyalty to the municipality;
6. Quest for equity.

The values set out in the code of ethics and good conduct must guide all individuals concerned in their understanding of the rules of conduct that apply to them.

3. SCOPE

The current code applies to every council member of the municipality and to all members of a municipal organization.

4. PROFESSIONAL DEVELOPMENT

Any member of a municipal council who has not already participated in a professional development program on municipal ethics and good conduct must participate in such a program within the first six months of her or his term.

A council member must, within 30 days after participating in such a professional development program, report her or his participation to the secretary-treasurer of the municipality, who in turn reports it to council.

5. CONFLICT OF INTEREST

A person must avoid knowingly placing herself or himself in a situation where, on the one hand, one might have to choose between one's personal interest or that of a relative and, on the other hand, that of the municipality or of a municipal organization.

If such is the case, the person must make these situations known publicly and abstain from participating in discussions and deliberations relative to the said situations.

Without limiting the scope of the above, it is prohibited for any person, in the performance of her or his duties, to act, attempt to or omit to act in any way that will further her or his personal interest or improperly further those of another person.

It is also prohibited to use her or his position to influence or attempt to influence another person's decision so as to further her or his private interests or to improperly further those of another person.

6. BENEFITS

It is prohibited for a person to:

To solicit, elicit, accept or receive any benefit, whether for herself or himself or for another person, in exchange for taking a position on a matter that may be brought before a council, a committee or a commission on which the council member sits.

To accept any gift, hospitality or any other benefit, whatever its value that may impair her or his independence of judgment in carrying out the duties of office, or that may compromise her or his integrity.

Any gift, mark of hospitality or other benefit received by a member of the municipal council that is not of a purely private nature or prohibited under subparagraph 4 of the first paragraph must, when its value exceeds \$200, be the object of a disclosure statement in writing to the secretary-treasurer of the municipality. The statement must contain an accurate description of the gift, form of hospitality or benefit received and specify the name of the donor, the date and the circumstances under which it was received.

The secretary-treasurer keeps a public register of such disclosure statements. At the last regular council sitting in the month of December, the secretary-treasurer tables an extract from the register containing the disclosure statements filed since the last sitting at which such extracts were tabled.

7. DISCRETION AND CONFIDENTIALITY

It is prohibited for a person to use or communicate, or attempt to use or communicate, whether during or after her or his term, information obtained in connection with the carrying out of the duties of office that is not generally available to the public so as to further her or his private interests or those of another person.

It is prohibited for a municipal council member to announce, during a political financing activity, the carrying out of a project, the conclusion of a contract or the granting of a subsidy by the municipality, unless a final decision regarding the project, contract or subsidy has already been made by the competent authority of the municipality.

8. UTILIZATION OF MUNICIPAL RESOURCES

It is forbidden for any person to utilize or to allow the use of the resources, assets and services of the municipality or of a municipal organization, for personal purposes or for purposes other than for activities related to the carrying out of duties of office.

9. LOYALTY BEYOND THE TERM

All persons must maintain loyalty towards the municipality following the term of their mandate with respect to the rules of law. They are prohibited from using or divulging confidential information they acquired under their duties of office.

Without limiting the generality of the above mentioned, it is forbidden for any person, within 12 months after the expiry of her or his term, to hold a position as an administrator or an officer of a corporate body, employment or other function from which she or he or any other person can derive undue benefit from her or his previous position as a member of a municipal council.

10. SANCTIONS

A violation to a rule under the present Code of Ethics and Good Conduct by a municipal council member or member of a municipal organization may result in the imposition of the following sanctions:

1. a reprimand;

2. the remittance to the municipality, within 30 days following a decision of the Commission municipale du Québec:
 - a) of any gift, mark of hospitality or benefit received, or of their value;
 - b) of any resulting form of profit;
3. the reimbursement of any remuneration, allowance or other sum received, for the length of time the violation occurred;
4. the suspension of the council member or member of a municipal organization for a period not to exceed ninety (90) days, the said suspension not extending beyond the end of her or his term.

When suspended, a council member may not sit on any council, committee or commission of the municipality or, in her or his capacity as council member, for any other organization, nor receive a form of remuneration, an allowance or other sums of money from the municipality or from a said organization.

11. EFFECTIVE DATE

This by-law will come into effect in accordance with the law.

PASSED

Michael Page
Mayor

Daniel Décary
Director-General and
Secretary-Treasurer

NOTICE OF MOTION:
NOTICE OF
PRESENTATION:
ADOPTION:
PUBLICATION: