

Province of Quebec
Municipality of Hope Town
MRC of Bonaventure

By-Law No. 2022-02

CODE OF ETHICS AND PROFESSIONAL CONDUCT OF ELECTED MUNICIPAL OFFICIALS

WHEREAS the Council of the Municipality adopted, on February 5, 2018, *By-law number 2018-01 enacting a Code of Ethics and Professional Conduct of Elected Officials(es)*;

WHEREAS, pursuant to section 13 of the *Act respecting ethics and professional conduct in municipal matters* (CQLR, c. E-15.1.0.1, hereinafter: the "LEDMM"), every municipality must, before March 1st, following any general election, adopt a revised code of ethics and professional conduct that replaces the one in force, with or without amendment;

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

WHEREAS the coming into force, on November 5th, 2021, of [an Act to amend the Act respecting elections and referendums in municipalities, the Act respecting ethics and professional conduct in municipal matters and various legislative provisions](#) (LQ, 2021, c. 31), which amends the mandatory content of the Code of Ethics and Professional Conduct of Elected Officials;

WHEREAS it is therefore necessary to adopt a revised code of ethics and professional 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 for the principal ethical values of the Municipality and the rules of ethics that must guide the conduct of a person as a member of council, a committee or a commission of the Municipality or, in his/her capacity as a member of the council of the Municipality, of another organization;

WHEREAS the Municipality, which includes the members of its council, explicitly adheres to the ethical values and ethical rules set out in the LEDMM and in this Code;

WHEREAS ethics and professional conduct in municipal matters are essential in order to maintain the bond of trust between the Municipality and the citizens;

WHEREAS conduct consistent with municipal ethics and professional conduct must remain a constant concern of the members of council in order to ensure that citizens are managed transparently, prudently, diligently and with integrity of the Municipality, including its public funds;

WHEREAS by applying the ethical values and respecting the ethical rules provided for in this Code, each member of the council is able to fulfill his or her role as an elected

municipal official, to assume the responsibilities inherent in this function and to meet the expectations of citizens;

WHEREAS this Code contains the obligations and guidelines to guide the conduct of each member of the council, while leaving it to the latter to use his/her judgment according to the values set out therein;

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

WHEREAS any breach of the Code may result in serious consequences for the Municipality and the members of council;

WHEREAS it is the responsibility of each member of the council to comply with this Code to ensure that they meet high standards of ethics and professional conduct in municipal matters.

IT WAS PROPOSED BY TRACY MAJOR, SECONDED BY LIDA FRANCOEUR AND UNANIMOUSLY RESOLVED TO ADOPT THE FOLLOWING REGULATIONS:

REGULATION NUMBER 2022-02 ENACTING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT OF ELECTED MUNICIPAL OFFICIALS

ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS

- 1.1 The title of this by-law is: *By-law number 2022-02 enacting the Code of Ethics and Professional 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 that govern the Municipality and, more generally, the municipal domain. Rather, it is supplementary and complements the various obligations and general duties applicable to the elected municipal officials that 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 that govern the Municipality, elected municipal officials and, more generally, the municipal domain.

ARTICLE 2: INTERPRETATION

- 2.1 This Code shall be interpreted in accordance with the principles and objectives contained in the LEDMM. The rules set out in this Act shall be deemed to form an integral part of this Code and shall prevail over any inconsistent rules set forth in this Code.
- 2.2 In this Code, unless the context indicates otherwise, the following terms mean:

Advantage: Of pecuniary or non-pecuniary nature, constitutes a benefit any gift, favor, reward, service, gratuity, hospitality, remuneration, gain, indemnity, privilege, preference, compensation, profit, advance, loan, reduction, discount, etc.

Code: *By-law number 2022-02 enacting the Code of Ethics and Professional Conduct of Elected Municipal Officials.*

Council: The municipal council of the Municipality of Hope Town

Ethics: Means all the rules and duties that govern the function of council members, their conduct, the relationship between them and relations with municipal employees and the public in general.

Ethics: Refers to the set of moral principles that are the basis of the conduct of council members. Ethics considers the values of the Municipality.

Personal interest: Such an interest is related to the person of the elected official and is distinct from that of the community he or she represents.

Member of council: Elected member of the Municipality, a member of a committee or commission of the Municipality or a member of the council of another municipal organization, when he sits on it in his capacity as a member of the council of the Municipality.

Municipality: The Municipality of Hope Town

Municipal organization: The council, committee, or commission:

- 1- an organization that the law declares to be mandatory or agent of the Municipality;
- 2- An organization whose council is composed mainly of the members of the council, whose budget is adopted by the Municipality or whose financing is provided for more than half by the municipality;
- 3- A public organization whose council is composed mainly of members of the council of several municipalities;
- 4- Any other organization determined by the Minister of Municipal Affairs and Housing.

ARTICLE 3: APPLICATION OF THE CODE

- 3.1 This Code and more specifically the rules set out in it guide the conduct of any member of the council.
- 3.2 Certain rules in this Code also apply after the term of office of any person who has been a member of the council.

ARTICLE 4: VALUES

- 4.1 Principal ethical values of the Municipality:
 - 4.1.1 Integration of Council members
Integrity involves showing probity and honesty above suspicion.
 - 4.1.2 Honor attached to the duties of a member of the council.
Honor requires remaining worthy of the functions entrusted to it by the citizens.
 - 4.1.3 Truancy in the pursuit of the public interest

Prudence requires all board members to assume their responsibilities in the face of their public interest mission objectively and with discernment. Prudence involves being sufficiently informed, thinking about the consequences of one's actions and considering alternative solutions.

The public interest involves 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 other members of the council of the municipality, employees of the municipality and citizens

In general, respect requires treating all people with consideration. Civility implies showing courtesy, politeness, and respect.

4.1.5 Loyalty to the Municipality

Loyalty requires the performance of one's duties in the best interest of the Municipality, with objectivity and independence of mind. It involves disregarding one's personal interests and disclosing them in full transparency, in accordance with the applicable rules. In addition, loyalty means respecting the decisions made by the council.

4.1.6 Research for fairness

Fairness means impartiality, i.e., objective, and independent conduct, and considering the rights of everyone. Fairness requires no discrimination.

4.2 These values must guide the members of the council of the Municipality in assessing the ethical rules applicable to them.

4.3 Where values are incorporated into section 5 of this Code, they must, in addition to guiding the conduct of the council member, be respected, and applied by the council member.

ARTICLE 5: RULES OF CONDUCT AND PROHIBITIONS

5.1 The rules of conduct are intended to prevent:

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

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

5.1.3 Any misconduct that violates the honor and dignity of the office of elected municipal official.

5.2 Rules of conduct and prohibitions

5.2.1 The council member shall conduct himself or herself with respect and civility.

No member of council shall behave disrespectfully or uncivilly towards other members of municipal council, municipal employees, or citizens using vexatious, denigrating, or intimidating words, writings or gestures or any form of incivility of a vexatious nature.

Every member of the council must:

- a) Demonstrate civility and courtesy in exchanges and communications, including those on the Web and social media;
 - b) Respect the dignity and honor of other council members, municipal employees, and citizens;
- Every council member must engage in a frank and honest dialogue with other council members to arrive at an informed decision.
 - Every member of the council must respect the decorum at a public or private meeting of the municipal council. In particular, the member of the council must comply with the directives of the chair of the meeting.
 - In his communications with municipal employees, partners of the Municipality, citizens, the media, and the public in general, the member of council may not use his function or title to suggest that he is acting on behalf of the Municipality, except where a resolution has been duly adopted to that effect by the municipal council.

However, this prohibition does not apply to the mayor who acts within the framework of the specific powers conferred on him by law.

5.2.2 The member of the council shall conduct himself or herself with honor.

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

Every member of council must take reasonable steps to attend public and private meetings of council. The same is true when he represents the Municipality at various meetings or events.

No member of council shall make an expenditure in contravention of the *Act respecting the salary of elected municipal officers* (RLRQ, c. T-11.001) or attempt to be reimbursed for such an expense.

In the context of travel and expenses involving reimbursement by the Municipality, every member of council shall, as much as possible, limit the costs to what is reasonable in the circumstances.

5.2.3 Conflicts of interest

5.2.3.1 No member of the council shall act, attempt to act, or omit to act in such a way as to further, in the performance of his or her duties, his or her personal interests or, in an abusive manner, those of any other person.

5.2.3.2 No member of the council shall use his or her office to influence or attempt to influence the decision of another person in such a way as to further his or her personal interests or, in an abusive manner, those of any other person.

- 5.2.3.3 The member of council is prohibited from contravening sections 304 and 361 of the *Act respecting elections and referendums in municipalities* (RLRQ, c. E-2.2), subject to the exceptions provided for in sections 305 and 362 of that Act.
- 5.2.3.4 Every member of the council must avoid knowingly placing himself in a situation where he is likely to have to make a choice between, on the one hand, his personal interest or of another person and, on the other hand, that of the Municipality or another body, when he sits on it in his capacity as a member of the council.
- 5.2.3.5 All council members must be impartial and fair. He may not show favoritism, regarding the Municipality suppliers.
- 5.2.3.6 Every member of the council must be independent-minded and have objective judgment without personal interest to make the best decisions for the Municipality.
- 5.2.3.7 A member of the council who becomes aware of or is notified of a conflict of interest must take steps to put an end to it as soon as possible from the time he becomes aware of it.
- 5.2.3.8 Every member of the council must prevent and avoid situations in which he is likely to be unduly influenced as to a decision that is likely to further his personal interest or, in an abusive manner, those of any other person.
- 5.2.3.9 Every member of the council must ensure, always, that his activities other than those related to his function as an elected official do not conflict with the exercise of his functions as an elected municipal official.

5.2.4 Reception or solicitation of benefits

- 5.2.4.1 No member of the council shall solicit, stimulate, accept or receive, for himself or for any other person, any benefit whatsoever in exchange for a position on a matter of which he or she is a member may be referred.
- 5.2.4.2 No member of the council shall accept any gift, hospitality, or other benefit, regardless of its value, that is offered by a supplier of goods or services or that may influence its independence of judgment in the performance of its duties or that may compromise its integrity.
- 5.2.4.3 Every gift, hospitality or other benefit received by a member of the municipal council, and which is not of a purely private nature or referred to in section 5.2.4.2 must, where its value exceeds \$200, be the subject, within 30 days of its receipt of a written declaration by that member to the clerk-treasurer of the Municipality.
- 5.2.4.4 This declaration must contain an adequate description of the gift, hospitality or benefit received, and specify the name of the donor and the date and circumstances of its receipt.

5.2.5 Use of resources of the Municipality

The member of council shall not use resources of the Municipality:

- 5.2.5.1 No member of council shall use the resources of the Municipality or any other municipal body within the meaning of this Code for personal purposes or for purposes other than activities related to the performance of his or her duties. However, this prohibition does not apply when a member of the council uses, on non-preferential terms, a resource generally made available to citizens.
- 5.2.5.2 A member of council may not permit a municipal employee or a third party to use the resources of the Municipality or any other municipal body related to the Municipality for personal purposes unless the service or activity is generally offered by the Municipality.
- 5.2.5.3 It is forbidden for a member to divert for his own benefit or for the benefit of a third party, property or a sum of money belonging to the Municipality.

5.2.6 Privileged information

- 5.2.6.1 No member of the council shall use, communicate, or attempt to use or communicate, both during or after his or her term of office, information obtained during his or her duties and which is not generally available to the public to further his or her personal interests or those of any other person.
- 5.2.6.2 No member of council shall use or disclose, for his or her own benefit or for the benefit of a third party, any inside information or information held by him or her that would not otherwise be available or that council has not yet disclosed.
- 5.2.6.3 A member of the council may not disclose in any way whatsoever, directly, or indirectly, the opinion expressed in private session by another member of the council or any other person participating there in it.
- 5.2.6.4 All council members should exercise caution in their communications, including on the web and social media, to avoid directly or indirectly disclosing inside or non-public information.
- 5.2.6.5 For the purposes of this division, and without limiting the generality of the foregoing, documents and information that cannot be disclosed or whose confidentiality must be ensured under the *Act respecting Access to documents held by public bodies and the Protection of personal information* must be respected are, but not limited to, inside information and information that is not of a public nature. (CQLR, c. A-2.1), discussions held during private meetings, and anything protected by professional secrecy, if the Municipality has not waived it in the latter case.

5.2.7 After-mandate

5.2.7.1 No member of the council shall, within twelve (12) months after the end of his or her term, hold any position as a director or officer of a corporation, employment, or any other function, such that he or she or any other person derives undue advantage from his or her previous duties as a member of the council of the Municipality.

5.2.8 Announcement at a political fundraiser

5.2.8.1 No member of council shall make an announcement at a political fundraising event of the completion of a project, the conclusion of a contract or the awarding of a grant by the Municipality, unless a final decision on the project, contract or subsidy has already been made by the competent authority of the municipality.

5.2.9 Interference

5.2.9.1 A member of council may not interfere in the day-to-day administration of the Municipality or give instructions to municipal employees other than during a decision being made in open session of the municipal council. In such a case, the directives are implemented with the general director.

It is understood, a member of council who is a member of a committee, or of a commission formed by the municipal council or who is mandated by the municipal council to represent the Municipality in a particular matter, may, however, cooperate with the general management and municipal employees. This collaboration is limited to the mandate assigned to him by the municipal council.

Under no circumstances may this provision be applied or interpreted in such a way as to limit the mayor's right of supervision, investigation, and control under the law.

5.2.9.2 Every member of council shall forward the complaints he receives to the Director general of the Municipality who will follow up as appropriate. If the complaints are directed against the director general, he shall refer them to the mayor.

ARTICLE 6: MECHANISM FOR ENFORCEMENT, CONTROL AND SANCTIONS

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

6.2 A breach of a rule set out in this Code by a member of the council of the Municipality may result in the imposition of the penalties provided for in the LEDMM, namely:

6.2.1 Reprimand;

6.2.2 Participation in training on ethics and professional conduct in municipal matters, at the expense of the member of council, within the time prescribed by the Quebec Municipal Commission;

6.2.3 The delivery to the Municipality, within 30 days of the decision of the Quebec Municipal Commission:

- a) the gift, hospitality or benefit received or the value thereof;
- b) any profit derived in contravention of a rule set out in this Code;

6.2.4 The reimbursement of any remuneration, allowance or other amount received, for the period determined by the Commission, as a member of a council, committee or commission of the Municipality or of an organization;

6.2.5 A penalty, up to a maximum of \$4,000, to be paid to the Municipality;

6.2.6 The suspension of the member of the council for a period not exceeding 90 days, such suspension may have effect beyond the day on which his term ends if he is re-elected in an election held during his suspension and the suspension is not terminated on the day on which his new term begins.

When a member of the council is suspended, he may not exercise any function related to his office as mayor or councillor and he may not sit on any council, committee, or commission of the Municipality or, as a member of the council of the Municipality, of another body, nor may he receive any remuneration, allowance or any other sum from the Municipality or such a body.

ARTICLE 7: REPLACEMENT

7.1 The present by-law replaces *Regulation no. 2018-01 enacting a code of ethics and professional conduct for elected officials, adopted on February 5th, 2018*

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

ARTICLE 8: ENTRY INTO FORCE

8.1 The present regulation comes into force in accordance with the law.

ADOPTED BY MUNICIPAL COUNCIL, MARCH 2ND, 2022

Linda MacWhirter, Mayor

Sylvie Francoeur, General Director

Notice of Motion:	February 2 nd , 2022
Deposit and presentation of project by-law:	February 2 nd , 2022
Public Notice and Certificate of Publication:	February 23 ^r , 2022
Adoption of the regulation:	March 2 nd , 2022
Notice of Promulgation and Certificate of Publication:	March 7 th , 2022
Transmission to MAMH:	March 7 th , 2022

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