

MUNICIPALITY OF ALLEYN AND CAWOOD
BY-LAW 2018-005
Amendment of By-Law 2016-04
Concerning the
Code of ethics and conduct
of Elected Officials

Notice of motion given November 6th, 2018
Public notice given November 7th, 2018
By-Law adopted December 3rd, 2018
Publication and Entry into force December 3rd, 2018

**CANADA
PROVINCE OF QUEBEC
MRC PONTIAC
MUNICIPALITY OF ALLEYN-AND-CAWOOD**

WHEREAS ethics the Act on Ethics and professional conduct in municipal matters (RLRQ c. E-15.1.0.1), requires local municipalities to adopt a code of ethics and professional conduct applicable to elected officials;

WHEREAS, pursuant to the Act, the Municipality adopted By-Law number 2016-04 on the Code of Ethics and Professional Conduct of elected officials of the Municipality of Alleyn and Cawood, which was revised in accordance with the Act for this purpose (hereinafter designated as « By-Law number 2016-04 »);

WHEREAS following the adoption of the Act to amend various legislative provisions concerning municipal affairs especially concerning political financing (L.Q. 2016, chapter 17), the municipality must modify the code of ethics and professional conduct applicable to elected officials;

WHEREAS a notice of motion has been previously given, pursuant to the Act, at the Regular meeting of November 6, 2018;

THEREFORE, IT IS PROPOSED by John Emery
And resolved unanimously:

THAT the municipal Council adopts By-Law number 2018-005 to amend By-Law number 2016-04

PREAMBULE

The preamble of this By-Law forms an integral part.

TITLE

The title of this By-Law is: « By-Law No. 2018-005 amending By-Law No. 2016-04 on the Code of Ethics and Professional Conduct of elected officials of the Municipality of Alleyn and Cawood ».

INTRODUCTION

The Municipal Council shall perform their duties, fix their personal activities and adopt a responsible behavior in order to protect and maintain the trust of citizens towards their municipality and its administration. Thus, the elected officials of the Municipality, must make decisions and operate with the following values:

- (1) the integrity of the members of every council of the municipality;
- (2) the honour attached to the office of council member;
- (3) prudence in the pursuit of the public interest;
- (4) the respect to be shown to the other council members, to the employees of the municipality and to the citizens of the municipality;
- (5) loyalty to the municipality; and
- (6) the quest for equity.

1 - REVISIONS

a. This code must remain adaptable to changing needs and realities of the Municipality and as such it will be reviewed periodically.

b. The municipality must, by March 1 following a general election, adopt the Code of Ethics revised to replace the one in force, with or without modification.

2 - RESPONSIBILITY OF THE ELECTED

Elected officials, must conduct themselves in a rigorous and moral way

3 - COMMON INTERESTS AS A DRIVER MANAGER

a. All decisions of the Council and various services of the Municipality must be taken as a common interest.

b. The common interest means the interest of all citizens, not just the majority, whereas the interest of a majority or a group may be discriminatory to a minority or other group.

c. A list of organizations, movements or institutions that work in our municipality may, by resolution, declared to be of common interest, having regard to the educational, social, cultural or security that these organizations, movements or institutions has for mission.

d. Such an organization, movement or institution must demonstrate that it is for common interest, to declare the purpose of his fundraising and meet other demands of the Council.
the term "municipal body" the Council, any committee or commission:

1 ° a body declared by law as mandatory or agent of a municipality;

2 ° an organization whose council is composed predominantly of members of the council of a municipality, whose budget is adopted by it or for which funding has been secured for more than half by it;

3 ° of a public body whose council is composed predominantly of members of the council of several municipalities;

4 ° of any other agency determined by the ministre des Affaires Municipales, des Régions et de l'Occupation du territoire.

4 - PROBITY IN PURCHASES

Purchase conditions are defined by the Council.

5 - CODE OF CONDUCT

5.1 Scope

The rules in this section should guide the conduct of elected officers as members of the council, committee or commission of:

- a) the municipality, or
- b) any other body in their capacity as members of the municipal council.

5.2 Purpose

These rules are intended, in particular, to prevent:

Any situation in which council members' private interest might impair their independence of judgment in course of their official duties;

Any situation that would be contrary to sections 304 and 361 of the Municipal Elections and Referendums Act (R.S.Q. chapter E-2.2)

Favouritism, embezzlement, breach of trust or other misconduct.

5.3 Conflict of interest

5.3.1 Council members of a council are prohibited from acting, or attempting to act, or omitting to act, in the course of their official duties, so as to further their private interest or improperly further the interest of any other person or persons.

5.3.2 Council members of a council are prohibited from using their position to influence or attempt to influence another person's decisions so as to further their private interest or improperly further the interest of any other person or persons.

However, council members are not considered to have violated this section when they benefit from the exceptions mentioned in paragraphs 4 and 5 of subsection 5.3.7.

5.3.3 Council members are prohibited from soliciting, eliciting, accepting or receiving any benefit, whether for themselves or for another person or persons, in exchange for taking a position on a matter that may be brought before a council, committee or commission on which the council member sits.

5.3.4 Council members are prohibited from accepting any gift, mark of hospitality or other benefit, whatever its value, that might impair their independence of judgment in course of their official duties, or otherwise compromise their integrity.

5.3.5 If a council member receives any gift, mark of hospitality or other benefit that is not of a purely private nature or not prohibited under subsection 5.3.4, but that exceeds \$200 in value, the member must file a written disclosure statement with the (clerk) (secretary-treasurer) of the municipality within 30 days of receiving the benefit. The disclosure statement must contain an accurate description of the gift, mark of hospitality or benefit received, and states the name of the donor, the date and the circumstances under which it was received. The (clerk) (secretary treasurer) shall keep a public register of these disclosure statements.

5.3.6 Council members may not knowingly have a direct or indirect interest in a contract with the municipality or public body contemplated in section 5.1

A council member is deemed not to have such interest if:

1° The council member acquires such interest as part of an inheritance or donation, and renounces or disposes of it as soon as possible;

2° The council member's interest consists of holding shares in a company of which the member is not an owner, director or senior executive, and in which the member holds less than 10% of the voting stock;

3° The council member's interest is based on the fact that he or she is a member, director or officer of another municipal or public body within the meaning of the Access to Public Documents and Protection of Personal Information Act (R.S.Q., chapter A-2.1), a non-profit organization, or an body of which he or she is required by law to be a member, director or officer in his or her capacity as a member of the municipal council or municipal body;

4° The contract is for remunerations, allowances, reimbursement of expenses, social benefits, goods or services to which the council member is entitled as a condition of employment associated with his or her office in the municipality or municipal body;

5° The contract is for the council member's appointment to an official post or employment which the member is eligible to hold without prejudice to his or her office;

6° The contract is for the delivery of general services provided by the municipality or municipal body;

7° The contract is for the sale or rental of an immovable on non-preferential terms;

8° The contract is in the form of bonds, notes or other public securities offered by the municipality or municipal body, or is for the acquisition of the securities on non-preferential terms;

9° The contract is for services or goods that the member is required by statute or regulation to supply or render to the municipality or municipal entity;

10° The contract is for the supply of goods by the municipality or municipal body and was signed before the council member assumed office in the municipality or municipal body, and before he or she entered as a candidate for office or was elected to office;

11° In case of force majeure, the general interest of the municipality or municipal body requires that the contract be awarded in preference to all other offers.

5.3.7 A council member who is present at a session when a matter arises in which he or she has a private pecuniary interest, whether directly or indirectly, must disclose the general nature of his or her interest before debate on the matter begins. Interested members must also abstain from taking part in discussion or debate, voting or attempting to influence a vote on the matter.

In a closed session, the council member must, in addition to the preceding, disclose the general nature of his or her interest, and then leave the session and remain absent until the matter has been debated and voted upon.

If the matter on which a council member has a pecuniary interest is taken up during a session when the member is absent, the member, once he or she becomes aware that matter is under discussion, must disclose the general nature of his or her interest to the first session at which he or she is present.

This subsection does not apply in cases where the council member's interest consists of remunerations, allowances, reimbursement of expenses, social benefits, goods or services to which the member is entitled as a condition of employment associated with his or her office in the municipality or municipal body;

Nor does it apply in a case where a council member's interest is so small that the member cannot reasonably be expected to be influenced by it.

Modified 5.4 POLITICAL FINANCING AND PUBLIC ANNOUNCEMENT

It is prohibited for any member of the Council to make the announcement at a political fundraising event, realization of a project, the conclusion of a contract or a grant by the Municipality unless a final decision on this project, contract or grant has already been taken by the competent authority of the Municipality.

Council member firm that employs staff must ensure that its employees comply with the prohibition in the first paragraph. In case of noncompliance with this prohibition by one of these, the Council member is attributable for the purposes of the imposition of sanctions under the Act.

6 - BEHAVIOR AND THE PRINCIPLE OF CONDUCT

a. All persons representing the Municipality are ambassadors of the Municipality and shall, in their relations with the public, with vendors, agencies and partners, demonstrate professionalism, courtesy and objectivity.

b. Certain dress and certain behaviors may not be suitable for activities or functions.

c. Council members of the Municipality also show the professionalism and courtesy between themselves by remembering that an unacceptable behavior in the workplace has a negative effect.

d. All have reasonable expectations and fairness to others and resolve conflicts with maturity and professionalism.

7 - HARASSMENT

a. Harassment means a situation in which an elected has a humiliating and offensive behavior, verbal or otherwise, making the workplace a source of tension, degradation or discrimination against other elected officials or employees.

b. The Municipality is committed to provide its employees with a workplace free from discrimination and harassment and promotes an atmosphere that respects the dignity, self respect and the rights of any person.

c. No form of harassment is tolerated, it relates to employees, elected officials or members of the public.

8 - ALCOHOL AND DRUGS

a. It is categorically forbidden for the elected to exercise their functions and fulfill the responsibilities of their office if they are impaired by alcohol or are under the influence of drugs.

9 - USE OF PROPERTY OF THE MUNICIPALITY

Using the resources of the municipality or of any other body referred to in subparagraph 1 of the first paragraph of section 5 for personal purposes or for purposes other than activities related to the duties of office;

Elected officials avoid using, except for approved municipal activity, property or other resources of the Municipality for personal reasons. In addition, they ensure the protection of property under their care as part of their duties.

10 - SECURITY OF INFORMATION

a. An elected official should take all means to ensure the accuracy of the information gathered, produced or otherwise obtained in the exercise of his functions, be they reports, memos, oral or electronic communications.

b. It deliberately avoids misleading his colleagues, members of Council or the public on any matter of municipal jurisdiction.

c. The following information is used or disclosed except in accordance with the laws on this subject:

- Information of a personal nature;
- Information for the exclusive use of a third of an individual or group;
- Information which it is reasonable to believe that it was communicated confidentially to the employee;
- The sensitive information;
- Information that gives the person who has a benefit to which the general public has no access.

d. It is forbidden for a elected to use in connection with a personal external information acquired during the performance of his duties to the Municipality.

e. It is forbidden for a member of council to use, disclose or attempt to use or disclose, as during his tenure after this, the information obtained in the course of or in connection with the performance of his duties and which are not generally available to the public to promote his personal interests or those of any other person;

f. Within 12 months after the expiry of his or her term, serve as a director or officer or senior executive of a legal person or hold employment or any other position so as to obtain for himself or herself or another person undue benefit from his or her prior office as council member.

11 - PROTECTION OF INFORMATION

Council members have access to municipal documents when absolutely necessary and ensure safety.

Examples of information about the Municipality, persons or entities that staff protects against unlawful use and disclosure, unauthorized or unintentional:

- records of taxpayers;
- information in business strategies or business plans;
- imminent proposals or contracts;
- estimates prior to the opening of bids;
- services not yet announced;
- research results;
- data and financial projections;
- projects for acquisition or divestiture;
- expert opinion;

12 - RELATIONS WITH THE MEDIA AND THE PUBLIC

a. Information provided to the media or the public must come from an authoritative source at the Municipality.

b. The municipal official spokespersons include elected officials, the general manager, department heads and other authorized persons.

c. The comments for the media should be subject to the approval of the above.

13 - POLITICAL ACTIVITIES AND COMMUNITY

a. Council members must be both personally impartial and free of undue political influence in the performance of their official duties, to ensure that the public gives trust to the Municipality.

b. The Municipality encourages members to participate in community activities.

14 - FAMILY AND PERSONAL RELATIONSHIPS

a. Both the public and the municipal staff expect the hiring, promotion, performance evaluation and discipline are held in the objectivity and impartiality, qualities which govern in other municipal sectors.

b. Municipality ensures and prohibits employment situations (except for the fire department) in which:

- a person is supervised by a parent or subordinate to a parent;
- a parent is receiving preferential treatment as part of a recruitment process and Selection

15 - FRAUD AND THEFT

a. Fraud can include acts to deceive the Municipality, as manipulation, falsification of documents, the suppression of information, transaction or document, the recording of transactions without merit and the misapplication of accounting principles.

b. Elected officials must demonstrate honesty, integrity, objectivity and diligence and not involved in fraudulent activity, including theft.

c. Confirmed cases of fraud or theft against the Municipality are considered criminal and treated accordingly.

16 - MANAGEMENT'S RESPONSIBILITY

a. Management makes every effort to prevent and detect fraud, theft, embezzlement, conflict of interest, discrimination, and other forms of crime.

b. On finding of an infringement, management is notified with an appropriate report.

17 - MECHANICS AND ENFORCEMENT

Any violation of a rule or rules of this Code of Ethics and Good Conduct by a member of a municipal council may result in one or more of the following sanctions:

- 1) A reprimand;

- 2) The delivery to the municipality, within 30 days after the decision of the Commission municipale du Québec:
 - a) the gift, mark of hospitality or benefit received, or its equivalent value;
 - b) any profit obtained in violation of a rule or rules of this code;

- 3) Repayment of the remuneration, allowance or other amounts received as a member of a municipal council, committee or commission, or as a member of a body contemplated in section 5.1, while the violation of the rule or rules continues;

- 4) Suspension of the municipal council member for a period of up to 90 days and not exceeding the expiry date of the member's term of office.

When suspended, a municipal council member may not sit on any council, committee or commission of the municipality, or on any other body in his or her capacity as a municipal council member; nor receive any remuneration, allowance or other amounts from the municipality or such body.

18 - DEFINITIONS AND PRECISION

- a. One member of council is an elected.

- b. The Municipal Council consists of councillors and the mayor.

- c. An executive is an employee exercising managerial functions, conception, and control, benefiting a special status.

- d. The staff is all employees of the Municipality.

- e. When the masculine gender is used, it is also for women.

- f. A relative means spouse or spouse by law, child, grandchild, father, mother, stepfather, stepmother, son, son in law, daughter, brother, sister, sister in law, brother in law, nephew, niece.

19 - REPEAL AND ENTRY INTO FORCE

This By-Law replaces and repeals all previous municipal By-Laws inconsistent with the provisions of this By-Law.

This By-Law shall enter into force according to Law.

Carl Mayer, Mayor

Isabelle Cardinal, Director General /Secretary-Treasurer