

BY-LAW NUMBER 2022-040
CODE OF ETHICS AND PROFESSIONAL CONDUCT OF ELECTED OFFICIALS

WHEREAS the council of the Municipality adopted, on February 6, 2018, By-law number 2018-015 enacting a Code of Ethics and Professional Conduct for Elected Officials;

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 1 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 7, 2021;

WHEREAS the coming into force, on November 5, 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 (SQ, 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 set out 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 commission of the Municipality or, in his capacity as a member of the council of the Municipality, of another body;

WHEREAS the Municipality, which includes the members of its council, explicitly adheres to the ethical values and ethical rules provided for 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 council members 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 judgment according to the values provided for therein;

WHEREAS this Code aims 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 council to comply with this Code to ensure that they meet high standards of ethics and professional conduct in municipal matters.

IT IS PROPOSED by Sylvain La France, **SECONDED** by Paul Chamberlain and resolved :

TO ADOPT THE FOLLOWING BY-LAWS:

BY-LAW NUMBER 2022-040 ENACTING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT OF ELECTED OFFICIALS

ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS

- 1.1 The title of this By-law is: By-law number 2022-040 enacting the Code of Ethics and Professional Conduct of Elected Officials.
- 1.2 The preamble is an integral part of this Code.
- 1.3 The Code does not replace the laws and By-laws in force that govern the Municipality and, more generally, the municipal domain. Rather, it is suppletive and complements the various obligations and general duties applicable to elected municipal officials that are provided for in the laws and other applicable By-laws.

Thus, the Code should not be interpreted as allowing derogation from the provisions contained in the laws and By-laws 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 MMDSA. 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 :	Whether pecuniary or not, any gift, gift, favour, reward, service, gratuity, hospitality, remuneration, remuneration, reward, gain, indemnity, privilege, preference, compensation, profit, profit, advance, loan, reduction, discount, etc. constitutes an advantage.
Code :	By-law number 2022-040 enacting the Code of Ethics and Professional Conduct of Elected Municipal Officials.
Council :	The Municipal Council of the Municipality of Kazabazua.
Deontology :	Refers to the set of rules and duties that govern the function of the members of council, their conduct, the relationship between them and the 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 takes into account the values of the Municipality.
Personal interest :	Such an interest is linked to the person of the elected official and is distinct from that of the community he 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 body, when he sits on it in his capacity as a member of the council of the Municipality.
Municipality :	The Municipality of Kazabazua.
Municipal body :	The council, all committee or all commission: <ol style="list-style-type: none">1° A body that the law declares to be an agent or agent of the Municipality;2° A body 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 latter;3° A public body whose council is composed mainly of members of the council of several municipalities;4° Any other body 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** The Municipality's main ethical values:

4.1.1 Integrity of Council Members

Integrity means showing probity and honesty above suspicion.

4.1.2 Honour attached to the duties of a member of the Council

Honour requires remaining worthy of the functions entrusted to it by the citizens.

4.1.3 Prudence in pursuing the public interest

Prudence requires all council members to assume their responsibilities in the face of their public interest mission objectively and with discernment. Caution implique de se renseigner enough, to reflect on the consequences of its actions and to examine 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, its employees and citizens

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

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 Search for equity

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 in particular to prevent:

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

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

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

- 5.2** Rules of conduct and prohibitions

5.2.1 The council member must conduct himself with respect and civility.

No member of council shall behave disrespectfully or uncivilly towards other members of municipal council, municipal employees or citizens

through the use, in particular, of vexatious, denigrating or intimidating words, writings or gestures or any form of incivility of a vexatious nature.

In particular, 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 honour of other council members, municipal employees and citizens.

Every council member must engage in a frank and honest dialogue with other council members in order 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 must conduct himself with honour.

It is forbidden for any member of the council to conduct that offends the honour 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 presents 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 (CQLR, 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 far 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 No member of council may contravene sections 304 and 361 of the Act respecting elections and referendums in municipalities (CQLR, c. E-2.2), subject to the exceptions set out 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 favouritism, in particular with regard to the Municipality's suppliers.

5.2.3.6 Every member of the council must be independent-minded and have objective judgment without personal interest in order 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, at all times, 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 Receipt or solicitation of benefits

5.2.4.1 No member of the council shall solicit, arouse, accept or receive, for himself or for any other person, any advantage whatsoever in exchange for a position on a matter of which he or she is a member may be seized.

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 his or her independence of judgment in the performance of his or her duties or that may compromise his or her integrity.

5.2.4.3 Every gift, mark of 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.

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.

When a member of council represents the Municipality at an event and receives a prize of presence or any benefit, without the member of council having to pay personally for participation to receive it, the latter must give it to the Municipality, which will decide how to benefit or dispose of it.

5.2.5 The council member must not use the 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.

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.

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 and after his or her term of office, information obtained in the exercise or in connection with the performance of 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.

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.

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.

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.

For the purposes of this section, 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 (CQLR, c. A-2.1), discussions held during private meetings and everything that is protected by professional secrecy, as long as the Municipality has not waived it in the latter case.

5.2.7 After mandate

5.2.7.1 No member of the council, within twelve (12) months after the end of his or her term, shall hold any position as a director or officer of a corporation, employment or any other function, so that he or any other person derives an 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 the council shall make an announcement, during a political fundraising event, of the carrying out of a project, the conclusion of a contract or the awarding of a subsidy 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 the council may not interfere in the day-to-day administration of the Municipality or give instructions to municipal employees, other than on the occasion of a decision-making in a public meeting of the municipal council. In such a case, the directives are implemented with municipal employees by the branch.

For greater seriousness, 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, have to 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 the council must forward the complaints he receives to the director general of the Municipality, who will follow up appropriately. If the complaints are directed against the director general, he shall refer them to the mayor.

ARTICLE 6: ENFORCEMENT, MONITORING AND SANCTIONS MECHANISM

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

6.2 A breach of a rule provided for 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 the 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 Commission municipale du Québec;

- 6.2.3** the delivery to the Municipality, within 30 days of the decision of the Commission municipale du Québec:
- a) the gift, hospitality or benefit 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 determined by the Commission, as a member of a council, committee or commission of the Municipality or of a body;
- 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, the suspension of which 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, in particular, 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** This by-law replaces By-law number 2018-015 enacting a code of ethics and professional conduct for elected officials, adopted on February 6, 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** This By-law shall enter into force in accordance with the Law.



Robert Bergeron
Mayor

Pierre Vaillancourt, DMA
Director General / Clerk-Treasurer

Notice of motion given January 11, 2022
Project By-Law presented January 11, 2022
Public notice given January 12, 2022
By-Law adopted February 1st, 2022
Notice of promulgation February 2, 2022
Entry into force February 2, 2022
Adoption resolution 2022-02-041

