

**CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF GROSSE ILE**

**BYLAW 2022-001
TO REPEAL AND REPLACE BYLAW 2021-002 - REGARDING THE
CODE OF ETHICS AND CONDUCT OF MUNICIPAL ELECTED
OFFICIALS**

- WHEREAS** the municipal council of the Municipality of Grosse Ile adopted on November 15, 2021 Bylaw 2021-002 Regarding the Code of Ethics and Professional Conduct of Municipal Elected Officials;
- WHEREAS** pursuant to Article 13 of the *Municipal Ethics and Good Conduct Act* (RSQ, c. E-15.1.0.1, hereinafter: the “MEGCA”), all municipalities must, before March 1 following any general election, adopt a revised code of ethics and conduct that replaces the one in effect, with or without amendments;
- WHEREAS** a general election was held on November 7, 2021;
- WHEREAS** the *Act to amend the Act Respecting Elections and Referendums in Municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions* (LQ, 2021, c.31), assented to on November 5, 2021, amends the mandatory content of the Code of ethics and conduct of municipal elected officials;
- WHEREAS** it is therefore necessary to adopt a revised Code of ethics and conduct of municipal elected officials;
- WHEREAS** the formalities outlined in the *Municipal Ethics and Good Conduct Act* for the adoption of this present bylaw have been respected;
- WHEREAS** the Municipality, which includes the members of council, explicitly adheres to ethical values and rules of conduct provided within the *MEGCA* as well as in this Code;
- WHEREAS** municipal ethics and professional conduct are essential to maintain the bond of trust between the Municipality and citizens;
- WHEREAS** exhibiting a conduct in accordance with municipal ethics and good conduct must remain a constant concern of council members in order to provide citizens with transparent, prudent, diligent and honest management of the Municipality including its public funds;
- WHEREAS** by applying the ethical values and by respecting the rules of conduct provided by this Code, each member of council is able to fulfill their role as an elected municipal official, to assume the responsibilities regarding this role and to meet the expectations of citizens;

WHEREAS this Code contains the obligations as well as the guidelines for the conduct of each member of municipal council, while leaving it up to them to use their judgment in accordance with the values set forth therein;

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

WHEREAS failure to comply with the Code may result in serious consequences for the Municipality and the council members;

WHEREAS it is incumbent upon each member of the municipal council to respect this Code in order to ensure that the highest standards of municipal ethics and conduct are met;

WHEREAS a notice of motion was given at the regular sitting of council held on January 10, 2022, and a draft bylaw was also presented and tabled at this same sitting;

WHEREAS a copy of this bylaw was given to all members of council at least seventy-two (72) hours prior to this present sitting;

WHEREAS the members of council present declare having read the bylaw;

WHEREAS the Assistant Clerk-Treasurer mentions that the purpose of this bylaw is to provide the main ethical values of the Municipality and rules of professional conduct that must guide the members of council, whether they are acting as a member of council of the Municipality or a municipal organisation;

THEREFORE

It is proposed by Johanne Clark

Seconded by Miranda Matthews

And unanimously approved by the Councillors present

THAT Bylaw 2022-001 - To repeal and replace Bylaw 2021-002 - Regarding the Code of Ethics and Conduct of Municipal Elected Officials be hereby adopted and that the following is ordered and decreed by the said bylaw:

ARTICLE 1 DECLARATORY AND INTERPRETATIVE PROVISIONS

1.1 The title of this Bylaw is: Bylaw 2022-001 - To Repeal and Replace Bylaw 2021-002 - Regarding the Code of Ethics and Conduct of Municipal Elected Officials.

1.2 The preamble is an integral part of this Code.

1.3 This Code does not replace the laws and regulations in effect which govern the Municipality and, more generally, the municipal domain. Rather, it is supplementary and complements the various obligations and general duties

applicable to municipal elected officials stipulated in other applicable laws and regulations.

Therefore, the Code must not be interpreted as allowing any exemption from the provisions stipulated in the laws and regulations governing the Municipality, municipal elected officials and, more generally, the municipal domain.

ARTICLE 2 INTERPRETATION

2.1 This Code must be interpreted according to the principles and objectives set forth in the *MEGCA*. The rules of conduct stipulated in that Act are deemed to be an integral part of this Code and shall prevail over any incompatible rules set forth in this present Code.

2.2 In this Code, unless the context indicates otherwise, the following expressions and words are defined as:

Benefit: Of monetary nature or not, includes any gift, donation, favour, reward, service, gratuity, hospitality, remuneration, compensation, gain, indemnity, privilege, preference, benefit, profit, advance, loan, reduction, discount, etc.

Code: *Bylaw 2022-001 decreeing the Code of ethics and conduct of municipal elected officials.*

Council: The municipal council of the Municipality of Grosse Ile.

Professional

Conduct: Refers to all of the rules and duties that govern the role of the council members, their conduct, their relationship among themselves as well as their relationship with the municipal employees and the general public.

Ethics: Refers to all of the moral principles that are the basis of conduct of the members of council. Ethics take into account the values of the Municipality.

Personal Interest: An interest as such is related to the individual elected official and is distinct from the community they represent.

Member of council: Elected official of the Municipality, a member of a committee or commission of the Municipality or a member of council of another municipal organisation, when sitting in their capacity as a member of the council of the Municipality.

Municipality: The Municipality of Grosse Ile.

Municipal Organisation: The council, any committee or any commission:

1. of an organisation that is declared by law to be an agent or mandatory of the Municipality.

2. of an organisation whose board is composed mainly of municipal council members, whose budget is adopted by the Municipality or whose financing is ensured for more than half by the Municipality.
3. of a public organisation whose board is composed mainly of council members from several municipalities.
4. of any other organisation determined by the Minister of Municipal Affairs and Housing.

ARTICLE 3 APPLICATION OF THE CODE

3.1 This present Code and more particularly the rules set forth herein shall guide the conduct of all members of council.

3.2 Certain rules set forth in this present Code shall also apply after the mandate of any person who has been a member of council.

ARTICLE 4 VALUES

4.1 The following outlines the main ethical values of the Municipality:

4.1.1 Integrity of members of the municipal council

Integrity implies to demonstrate decency and honesty above all suspicion.

4.1.2 Honour affiliated with the duties of a municipal council member

Honour requires to remain worthy of the duties entrusted by the citizens.

4.1.3 Caution in the pursuit of public interest

Caution requires for all council members to assume their responsibilities within the mission of public interest in an objective and discerning manner. Caution implies obtaining sufficient information, to reflect on the consequences of their actions and to seek alternative solutions.

Public interest implies making decisions for the greater benefit of the community and not for the benefit of private or personal interests at the expense of public interest.

4.1.4 Respect and civility towards other municipal council members, municipal employees and citizens.

In general, respect requires to treat all people with respect and consideration. Civility implies demonstrating courtesy, politeness and good manners.

4.1.5 Loyalty towards the Municipality

Loyalty requires performing one's duties within the best interest of the Municipality, in a neutral and open-minded manner. It also

implies disregarding one's own personal interests and disclosing them in a transparent manner, in accordance with the applicable rules. Moreover, loyalty means to respect the decisions made by the council.

4.1.6 Striving for fairness

Fairness implies to be impartial, by having an objective and independent conduct, and considering the rights of each person. Fairness requires not to discriminate.

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

4.3 When values are integrated into Article 5 of this present Code, these values shall not only guide the conduct of the council members, but shall be respected and applied by them.

ARTICLE 5 RULES OF CONDUCT AND PROHIBITIONS

5.1 The conduct rules are intended to avoid:

5.1.1 Any situation where the personal interest of a council member may influence their independence of judgment in the performance of their duties.

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

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

5.2 Rules of conduct and prohibitions

5.2.1 The member of council must demonstrate respect and civility.

It is forbidden for any council member to behave in a disrespectful or uncivil manner towards the other council members, municipal employees or citizens by using, in particular, abusive, unfavourable or intimidating words, writings or gestures or any type of vexatious incivility.

More specifically, all council members must:

- Demonstrate civility and courtesy in their exchanges and communications, including electronic and social media communications;
- Respect the dignity and honour of other council members, municipal employees and citizens.
- All council members must engage in an open and honest dialogue with the other members of council in order to make an informed decision.

- All council members shall maintain decorum during a public or closed sitting of council. In particular, council members must respect the directives of the chairperson of the meeting.
- In their communications with municipal employees, partners of the Municipality, citizens, media and the general public, council members must not use their position or title to imply that they are acting on behalf of the Municipality, except in the case where a resolution was duly adopted by the municipal council for this purpose.

However, this prohibition does not apply to the mayor who is acting within the scope of the specific powers entrusted to them by law.

5.2.2 The member of council must demonstrate honour

- 5.2.2.1 It is forbidden for any council member to behave in a manner that affects the honour and dignity of the duties of a municipal elected official.
- 5.2.2.2 All council members must take reasonable measures to attend public and closed sittings of council. It is the same when they represent the Municipality during various meetings and events.
- 5.2.2.3 It is forbidden for all council members to incur an expense that violates the *Act Respecting the Remuneration of Elected Officials* (RLRQ, c. T-11.001) or to attempt to be reimbursed for an expense as such.
- 5.2.2.4 In the context of their travel and expenses that is reimbursed by the Municipality, all council members must, as much as possible, limit costs to what is reasonable under the circumstances.

5.2.3 Conflict of Interest

- 5.2.3.1 It is forbidden for any member of council to act, to attempt to act or to omit to act in any way to favour, within the performance of their duties, their personal interests or, in an abusive manner, those of any other person.
- 5.2.3.2 It is forbidden for any member of council to prevail of his position to influence or to attempt to influence the decision of another person in a way that favours his personal interests or, in an abusive manner, those of any other person.
- 5.2.3.3 It is forbidden for any member of council to violate Articles 304 and 361 of the *Act Respecting Elections and Referendums in Municipalities* (RLRQ, c. E-2.2), subject to the exceptions provided for in Articles 305 and 362 of this same Act.
- 5.2.3.4 Knowingly, all council members must avoid putting themselves in a situation where they are susceptible to have to choose between their personal interest or the interest of another person and that of the Municipality or a municipal organisation when serving as a member of the council.

- 5.2.3.5 All members of council must demonstrate impartiality and fairness. They shall not show favouritism, particularly with respect to goods and services providers of the Municipality.
- 5.2.3.6 All members of council must be open-minded and have an objective judgment without personal interests in order to make the best decisions for the Municipality.
- 5.2.3.7 Council members who become aware of a situation of conflict of interest or are advised of one must take the necessary measures to resolve it as soon as possible from the moment they become aware of the conflict.
- 5.2.3.8 Council members must avoid and prevent situations where they are at risk of being unduly influenced by a decision that is susceptible to favour their personal interests or, in an undue manner, those of any other person.
- 5.2.3.9 Council members shall ensure, at all times, that their activities other than those related to their elected office do not conflict with the performance of their duties as an elected official.

5.2.4 Receiving or Soliciting Benefits

- 5.2.4.1 It is forbidden for any member of council to accept, receive, evoke or to solicit any benefit whatsoever, for themselves or for any other person, in exchange for taking a position concerning any matter put before the council, or any committee or commission of which they are a member.
- 5.2.4.2 It is forbidden for any member of council to accept any gift, hospitality or any other benefit, no matter the value, that is offered by a goods or services provider or that may influence their independence of judgement in the performance of their duties or that may compromise their integrity.
- 5.2.4.3 Any gift, token of hospitality or any other benefit received by a member of the municipal council and that is not of a purely private nature or provided for in Article 5.2.4.2 must, when the value exceeds \$200.00, prepare a written declaration to the Director General/Clerk-Treasurer of the Municipality within 30 days of its receipt.

This declaration must include an adequate description of the gift, hospitality or benefit received, as well as the name of the donor, the date and the circumstances of its receipt.

- 5.2.4.4 When a member of council represents the Municipality at an event and receives a participation prize or any other benefit, without the member of council having to personally pay a

personal fee to receive it, the member of council shall surrender it to the Municipality who will decide how to receive or dispose of it.

5.2.5 Members of council shall not use the Municipality's resources

5.2.5.1 It is forbidden for any member of council to use the resources of the Municipality or any other municipal organisation within the meaning of this present Code for personal purposes or for purposes other than activities related to the performance of their duties. However, this prohibition does not apply when a member of council uses, under non-preferential terms, a resource that is generally made available to citizens.

5.2.5.2 A council member shall not allow a municipal employee or a third party to use the resources of the Municipality or of any other municipal organization linked to the Municipality for personal purposes unless it is for a service or activity which is generally offered by the Municipality.

5.2.5.3 It is forbidden for a council member to misappropriate for their own benefit or for the benefit of a third party, any supplies or a sum of money belonging to the Municipality.

5.2.6 Privileged information

5.2.6.1 It is forbidden for any member of council, both during and after their mandate, to use, communicate or to attempt to use or communicate information obtained during their time in office that is not generally available to the public in order to favour their personal interests or those of any other person.

5.2.6.2 It is forbidden for any member of council to use or disclose, for their own benefit or for the benefit of a third party, privileged information or any information that they are aware of and that would not otherwise be available or that the municipal council has not yet disclosed.

5.2.6.3 A member of council shall not disclose in any way whatsoever, directly or indirectly, the opinion expressed by another council member or any other person during a closed sitting.

5.2.6.4 All council members must exercise caution in their communications, particularly on the web and social media, in order to avoid directly or indirectly disclosing privileged or confidential information.

5.2.6.5 For the purposes of this section, and without limiting the generality of the aforementioned, the following are mainly, but not limited to, considered inside information or information that is not of public nature: documents and information that cannot be disclosed or whose confidentiality must be ensured pursuant to the *Act respecting access to documents held by public bodies*

and the Protection of personal information (RLRQ, c. A-2.1), discussions held during closed sessions and all information that is protected by professional secrecy, as long as the Municipality has not waived the latter.

5.2.7 Post mandate obligation

5.2.7.1 It is forbidden for any member of council, during the twelve (12) months following the end of their mandate, to hold an administrator or manager position in a corporation, a job or any other position as such, that they or any other person draws an undue benefit from due to their previous duties as a member of council of the Municipality.

5.2.8 Announcement during a political financing activity

5.2.8.1 It is forbidden for any member of council, during a political fundraising activity, to make an announcement concerning the completion of a project, the conclusion of a contract or the awarding of a grant by the Municipality, unless a final decision regarding this project, contract or grant has been made by the competent authority within the Municipality.

5.2.9 Interference

5.2.9.1 A member of council shall not interfere in the daily administration of the Municipality or give instructions to municipal employees, other than when a decision is made at a public sitting of the municipal council. In a case as such, instructions are given to municipal employees by the Director General.

However, it is understood that a member of council who is a member of a committee or commission formed by municipal council or who is designated by the municipal council to represent the Municipality in a particular matter may be required to collaborate with the Director General and employees of the Municipality. This collaboration is limited to the mandate assigned to them by the municipal council.

Under no circumstances shall this provision be applied or interpreted in such a way to limit the Mayor's statutory right of supervision, investigation and/or control which is granted by law.

5.2.9.2 All members of council shall forward any complaints they receive to the Director General of the Municipality who shall do the appropriate follow-up. If the

complaints are against the Director General, they shall refer them to the mayor.

ARTICLE 6 CONTROL AND ENFORCEMENT PROCEDURES AND PENALTIES

6.1 The control and enforcement procedures of this Code are those stipulated in the MEGCA;

6.2 A municipal council member who fails to comply with a rule stipulated in this present Code may see the enforcement of the following penalties provided for in the MEGCA:

6.2.1 Reprimand;

6.2.2 Participation in a training regarding municipal ethics and conduct, at the expense of the member of council, within the time period determined by the Quebec Municipal Commission;

6.2.3 Remittance to the municipality, within 30 days of the decision of the Quebec Municipal Commission:

a) of the gift, hospitality or benefit received or the value thereof;

b) of any profit received in violation of a rule stated 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 council, committee or commission of the Municipality or of an organization;

6.2.5 A penalty not exceeding \$4 000.00, to be paid to the Municipality;

6.2.6 The suspension of a council member for a period in which the duration shall not exceed 90 days, this suspension can go beyond the day on which their mandate ends if they are re-elected in an election held during their suspension and if this suspension has not been fully served on the day that they begin their new mandate.

When a member of council is suspended, they may not carry out any duties regarding their office as mayor or councillor and, in particular, they may not sit on any council, committee or commission of the Municipality or, as a member of council of the Municipality, of another organization, nor receive any remuneration, allowance or any other sum from the Municipality or an organization as such.

ARTICLE 7 REPEALED BYLAWS

7.1 This bylaw repeals and replaces Bylaw 2021-002 – Regarding the Code of Ethics and Professional Conduct of Municipal Elected Officials, adopted on November 15, 2021.

7.2 Any mention or reference to a Code of ethics and conduct for municipal elected officials, whether it be in a bylaw, resolution, policy, contract, etc., is deemed to refer to this present bylaw.

ARTICLE 8 COMING INTO FORCE

8.1 This bylaw comes into force in accordance with the law.

Diana-Joy Davies
Mayor

Maxine Matthews
Assistant Clerk-Treasurer

NOTICE OF MOTION: January 10, 2022
PRESENTATION OF
DRAFT BYLAW: January 10, 2022
ADOPTION: February 14, 2022
PUBLICATION: February 17, 2022