

BYLAW 2018-001

**REGARDING THE CODE OF ETHICS AND
CONDUCT OF MUNICIPAL ELECTED OFFICIALS**

WHEREAS in virtue of the Act Respecting Municipal Ethics and Conduct, all municipalities must adopt a code of ethics and conduct for municipal representatives, by means of a municipal bylaw;

WHEREAS the formalities outlined in the Act Respecting Municipal Ethics and Conduct for the adoption of this present bylaw have been respected;

WHEREAS a notice of motion and a copy of the draft bylaw were presented at the regular sitting of council held December 11, 2017;

WHEREAS a copy of the present bylaw was given to the members of council two (2) days prior to the sitting;

WHEREAS the members of council declare having read the bylaw;

WHEREAS the Director General, during the sitting, briefed the members of the council on the content and purpose of the bylaw;

THEREFORE

It is moved by Jessica Goodwin

Seconded by Felicia Clarke

And unanimously approved by the members present

THAT Bylaw 2018-001 Regarding the Code of Ethics and Conduct of Municipal Elected Officials of the Municipality of Grosse Ile is hereby adopted and that the following is ordered and decreed by the said bylaw.

ARTICLE 1 APPLICATION OF THE CODE

The present Code applies to all members of the council of the Municipality of Grosse Ile whether they are acting on behalf of the municipal council or a municipal organisation.

ARTICLE 2 INTEPRETATION

All words used in this Code maintain their usual meaning, except for the following expressions and words which are defined as:

Benefit:

Includes any gift, donation, favour, reward, service, commission, bonus, token of hospitality, salary, compensation, profit, indemnity, privilege, preference, income, allowance, advance, loan, discount or any other useful or profitable object of the same nature or any promise of a benefit as such.

Personal Interest:

Interest of the concerned person, whether it be direct or indirect, monetary or not, real, apparent or potential. It is separate, without necessarily being exclusive, from that of the general public or can be perceived as such by a reasonably informed person. Excluded from this term is a case where personal interest involves salaries, allocations, expense refunds, fringe benefits or other work conditions regarding the functions of the concerned person within the municipality or municipal organisation.

Family Interest:

Interest of the spouse of the concerned person, his children, his relatives or interest of an associate, company or cooperative with which he maintains a business relation. It can be direct or indirect, monetary or not, real, apparent or potential. It is separate, without necessarily being exclusive, from that of the general public and can be perceived as such by a reasonable informed person.

Municipal Organisation:

1. An organisation that the law declared mandatory or **an agent of a municipality.**
2. An organisation in which the board consists mainly of municipal council members.
3. An organisation in which the budget is adopted by the Municipality or in which more than half of the funding is ensured by the Municipality.
4. A board, council, or committee formed by the Municipality, responsible to examine and study a question that is submitted to them by the council.
5. A company, corporation or association in which a person is designated or recommended by the municipality to represent their interest.

ARTICLE 3 OBJECTIVES OF THE CODE

The rules foreseen in this present code of ethics and conduct are intended to avoid:

1. Any situation where the personal interest of a council member may influence his judgment in carrying out his duties;
2. Any situation that goes against articles 304 and 361 of the Act Respecting Municipal Elections and Referendums (L.R.Q., chapter E-2.2);
3. Favoritism, embezzlement, breach of trust or other misconduct.

ARTICLE 4 MUNICIPAL VALUES

The following outlines the main values of the Municipality and municipal organisations:

1. Integrity, honesty and professionalism of members of the municipal council;
2. Honour affiliated with the duties of a municipal council member;
3. Caution within the pursuit of public interest;
4. Respect towards other municipal council members;
5. Loyalty towards the Municipality;
6. Efforts to achieve fairness.

ARTICLE 5 GUIDELINES

This present Article outlines the guidelines used as a basis for the application of this present bylaw with the objective of preventing any situation outlined in Article 3.

5.1 Conflict of Interest

5.1.1 Knowingly, any person must avoid putting himself in a position where they are susceptible to have to make a choice between, on one hand, their own personal interest or that of their family and, on the other hand, that of the Municipality or a municipal organisation.

If necessary, such situations must be made known publically by the person concerned and abstain from participating in the discussions and debates surrounding the said situations.

5.1.2 Without limiting the generality of the above, it is forbidden for any person to act, to attempt to act or to omit in any way to favour, within the carrying of their duties, their personal interests or, in an improper way, those of any other person.

5.1.3 It is also prohibited for any person to prevail of his position to influence or to attempt to influence the decision of another person in a way that favours his person interests or, in an improper way, those of any other person.

5.2 Benefits

5.2.1 It is forbidden for any person:

-To accept, to receive, to evoke or to solicit any benefit for themselves or for any other person in exchange for a position taken concerning a question put before a council, committee or board in which he is a member of;

-To accept any benefit, no matter the value, that may influence his independence of judgement within the carrying out of his duties or that risk to compromise his integrity.

-The person who receives any benefit that exceeds \$200.00 and that is not of a purely private nature or described in paragraph 2 must, within 30 days of its reception, prepare a written declaration to the director general of the municipality which includes an adequate description of

this benefit, the name of the donor, the date and the circumstances surrounding its reception.

5.3 Discretion and Confidentiality

5.3.1 It is forbidden for any person, during and after his mandate, to use, to communicate or to attempt to use or communicate information obtained during his time in office that is not for public knowledge in order to favour his personal interests or those of any other person.

During a political financing activity or election campaign, it is forbidden for any council member of the municipality 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 taken by the competent authority of the municipality.

The member of council who employs the executive staff must ensure that these employees respect the prohibition in the second paragraph. In a case where this prohibition is not respected by one of them, the member of council is accountable for imposing the sanctions stipulated in Article 31 of the *Act Respecting Municipal Ethics*.

5.4 Use of Municipal Resources

5.4.1 It is forbidden for any person to use or to allow the use of resources, property or services of the Municipality or municipal organizations for personal purposes or for other purposes other than those regarding the carrying out of his duties.

5.5 Respect for the decision-making process

5.5.1 Any person must respect the laws, policies and norms (by-laws and resolutions) of the municipality and municipal organizations regarding decision-making mechanisms.

5.6 Loyalty obligation After mandate

5.6.1 Any person must demonstrate loyalty towards the municipality after the completion of his mandate within the respect of the provisions of the law. It is forbidden for him to use or to reveal confidential information that he learned about within the carrying out of his duties.

5.6.2 Without limiting the generality of the above, it is forbidden for any person, in the twelve (12) months following the end of his mandate, to hold an administrator or manager position in a corporation, a job or any other function as such that he or any other person draws an undue benefit from because of his previous duties as a municipal council member.

ARTICLE 6. CONTROL MECHANISMS AND PENALTIES

In accordance to articles 7 and 31 of the Act Respecting Municipal ethics and conduct (2010, c.27): “A municipal council member who fails to comply with the present code of ethics and conduct, may see the enforcement of the following penalties:

1. Reprimand;
2. Returning to the municipality, within the 30 days of the decision of the Quebec Municipal Commission:
 - a) the donation, hospitality token or the benefit received or the value of these;
 - b) any profit improperly drawn from a rule stated in this code;
3. The refund of any salary, allocation or other sum received, for the period that the breach of the rule lasted, as a council, committee or board member of the municipality or organization;
4. The suspension of a council member for a period in which the duration cannot exceed 90 days, this suspension cannot go beyond the day where his mandate ends.

When a member of council is suspended, he cannot sit on any council, committee or board of the municipality or, due to his behavior as a municipal council member, another organization, he cannot receive a salary, allocation or any other sum from the municipality or an organization as such.

ARTICLE 7. REPEALED BYLAWS

This bylaw repeals and replaces any previous bylaws of the Municipality of Grosse Ile of the same nature.

ARTICLE 8: COMING INTO FORCE

This bylaw is adopted and comes into force in accordance to the law.

Rose Elmonde Clarke
Mayor

Janice Turnbull
Director General

NOTICE OF MOTION: December 11, 2017
ADOPTION: January 8, 2018
PUBLICATION: January 23, 2018