

BY-LAW NUMBER 2022-247
CONCERNING THE CODE OF ETHICS AND GOOD
CONDUCT APPLICABLE TO ALL ELECTED OFFICIALS
OF THE MUNICIPALITY OF LITCHFIELD

WHEREAS the Council of the Municipality adopted, on FEBRUARY 5, 2018 By-law number 2018-234 enacting a Code of ethics and good conduct applicable to all elected officials of the Municipality;

WHEREAS pursuant to article 13 of the *Municipal Ethics and Good Conduct Act* (RLRQ, 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 good conduct that replaces the one in force, with or without amendments;

WHEREAS, a general election was held on November 7th, 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* (SQ, 2021, c. 31), which amends the mandatory content of the Code of ethics and good conduct for all elected officials, came into force on November 5th, 2021;

WHEREAS it is therefore necessary to adopt a revised Code of ethics and good conduct for all elected officials;

WHEREAS the formalities provided for in the LEDMM, for the adoption of such a revised code, have been respected;

WHEREAS the Director General, Julie Bertrand, states that the purpose of the present by-law is to provide for the main ethical values of the Municipality and the rules of conduct that must guide the conduct of a person as an elected official of the Municipality;

WHEREAS the Municipality, including its Council, explicitly adheres to the ethical values and rules of conduct set out in the LEDMM and in the present Code;

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

WHEREAS exhibiting a conduct in accordance with municipal ethics and good conduct must remain a constant concern of the elected officials in order to ensure the citizens a transparent, prudent, diligent and honest management of the Municipality, including its public funds;

WHEREAS by applying the ethical values and respecting the rules of good conduct set out in the present Code, all elected officials are able to fulfill their 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 as well as the guidelines for the conduct of all elected officials, while leaving it up to him to use its judgment in accordance with the values set out 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 elected officials;

WHEREAS it is incumbent upon all elected officials to respect this Code to ensure that high standards of ethics and good conduct are met in municipal matters.

WHEREAS a notice of motion of the present by-law was previously given at an ordinary assembly of the Council held on January 10, 2022;

WHEREAS the project of by-law was duly deposited on said Special assembly held on January 27, 2022;

CONSEQUENTLY, it is proposed by Courtney Harris and unanimously resolved:

THAT the Municipality's Council states the following;

THAT Project By-Law number 2022-247 is adopted and it is declared and ruled the following for said by-law:

BY-LAW NUMBER 2022-247 CONCERNING THE CODE OF ETHICS AND GOOD CONDUCT APPLICABLE TO ALL ELECTED OFFICIALS OF THE MUNICIPALITY

ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS

- 1.1 The title of this by-law is: *By-law number 2022-247 concerning the Code of ethics and good conduct applicable to all elected officials of the Municipality.*
- 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 field. Rather, it is supplementary and complements the various obligations and general duties applicable to all elected officials that are stated in the applicable laws and other regulations.

Thus, the Code must not be interpreted as allowing any exemption from the provisions contained in the laws and regulations in force governing the Municipality, all elected officials and, more

generally, the municipal field.

ARTICLE 2: INTERPRETATION

2.1 The present Code shall be interpreted in accordance with the principles and objectives contained in the LEDMM. The rules contained in that Act are deemed to be an integral part of this Code and shall prevail over any incompatible rules contained in the present Code.

2.2 In this Code, unless the context indicates otherwise, the following terms mean:

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

Code: By-law number 2022-247 concerning the Code of ethics and good conduct applicable to all elected officials of the Municipality.

Council: The municipal Council of the Municipality of LITCHFIELD.

Conduct: Refers to the set of rules and duties that govern the function of all elected officials, their conduct, their relationship with the other members of the Council as well as their relationship with the municipal employees and the public in general.

Ethics: Refers to the set of moral principles that underlie the conduct of all elected officials. Ethics take into account the values of the Municipalité.

Personal interest: Such an interest is related to the individual of all elected officials and is separate from the community they represent.

Council member: An elected official of the Municipality, a member of a committee or commission of the Municipality or a member of the council of another municipal body, when sitting in its capacity as a member of the council.

Municipality: Municipality of LITCHFIELD

Municipal organization: the Council or any committee or commission:

- 1° of an organization declared by law as a representative or agent of the Municipality;
- 2° of an organization whose council is composed in majority from members of the Council, for which the budget is adopted by the Municipality or who is financed for more than half of its budget by the Municipality;
- 3° of a public organization composed in majority by members of many municipalities' councils;
- 4° of any other organisation determined by the Ministre des Affaires municipales et de l'Habitation.

ARTICLE 3: APPLICATION OF THE CODE

- 3.1 The present Code, and in particular the rules set out in the Code, shall guide the conduct of all elected officials.
- 3.2 Certain rules contained in the present Code shall also apply after the mandate of any person who has been an elected official.

ARTICLE 4 : VALUES

- 4.1 The Municipality main ethical values:

- 4.1.1 Integrity of all elected officials

Integrity implies probity and honesty above suspicion.

- 4.1.2 Honour of all elected officials

Honour requires remaining worthy of the duties entrusted by the citizens.

- 4.1.3 Prudence in the pursuit of the public interest

Prudence requires that all elected officials assume their responsibilities regarding the public interest in an objective and discerning manner. Prudence involves becoming sufficiently informed, considering the consequences of one's actions and examining 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 at the expense of the public interest.

- 4.1.4 Respect and civility towards other members of the council, municipal employees and citizens

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

- 4.1.5 Loyalty to the Municipality

Loyalty requires performing one's duties in the best interest of the Municipality, with objectivity and independence of mind. It implies disregarding one's personal interests and disclosing them in a transparent manner, in accordance with the applicable rules. Furthermore, loyalty implies respecting the decisions made by the Council.

4.1.6 Striving for fairness

Fairness implies impartiality, i.e., objective and independent conduct, and consideration of the rights of all. Fairness requires the lack of discrimination.

- 4.2 These values must guide all elected officials in the assessment of the ethical rules applicable to them.
- 4.3 Where values are incorporated into Section 5 of this Code, these values shall not only guide the conduct of all elected officials, but shall be respected and applied by all elected officials.

ARTICLE 5: RULES OF CONDUCT AND PROHIBITIONS

5.1 The purpose of the rules of conduct is to prevent:

5.1.1 Any situation in which any elected official's personal interest may influence its independence of judgment in the performance of its duties.

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

5.1.3 Any misconduct that is detrimental to the honour and dignity of the office of the Council.

5.2 Rules of conduct and prohibitions

5.2.1 All elected officials shall conduct themselves with respect and civility.

It is forbidden for all elected officials to behave in a disrespectful or uncivil manner towards other members of the Council, municipal employees or citizens by using, among other things, vexatious, derogatory or intimidating words, writing or gestures or any form of incivility of a vexatious nature.

5.2.1.1 Specifically, all elected officials shall:

- a) Be civil and courteous in their interactions and communications, including those on the web and social media;

b) Respect the dignity and honour of the other members of the Council, municipal employees and citizens;

5.2.1.2 All elected officials shall engage in frank and honest dialogue with other members of the Council in order to arrive at an informed decision.

5.2.1.3 All elected officials shall maintain decorum in a public or private meeting of the council. In particular, all elected officials shall respect the directions of the assembly President.

5.2.1.4 In their communications with municipal employees, partners of the Municipality, citizens, the media and the general public, a member of the Council may not use their position or title to imply that they are acting on behalf of the Municipality, except in the case of a resolution duly passed to that effect by the Municipal Council.

This prohibition does not, however, apply to the mayor who is acting within the scope of the specific powers vested in them by law.

5.2.2 Council members shall conduct themselves with honour.

It is forbidden for all elected officials to engage in conduct that is detrimental to the honour and dignity of an elected official's functions.

5.2.2.1 All elected officials shall make reasonable arrangements to attend public and private meetings of the council. The same applies when presenting the Municipality at various meetings or events.

5.2.2.2 It is prohibited for all elected officials to make any expense in contravention of the *Act respecting the remuneration of elected municipal officers* (R.S.Q., c. T-11.001) or seek reimbursement for such expense.

5.2.2.3 In the context of their travel and expenses that involve reimbursement by the Municipality, all elected officials must, as far as possible, limit the costs to what is reasonable in the circumstances.

5.2.3 Conflict of interest

- 5.2.3.1 It is forbidden for all elected officials to act, attempt to act or fail to act in a manner that promotes, in the performance of its duties, its own personal interests or, in an abusive manner, those of any other person.
- 5.2.3.2 It is forbidden for all elected officials to use their position to influence or attempt to influence the decision of another person in order to favor their personal interests or, in an abusive manner, those of any other person.
- 5.2.3.3 It is forbidden for all elected officials to contravene to articles 304 and 361 of the *Act respecting elections and referendums in municipalities* (R.S.Q., c. E-2.2), subject to the exceptions set out in articles 305 and 362 of that Act.
- 5.2.3.4 All elected officials shall avoid knowingly placing themselves in a position where they are likely to have to choose between their personal interest or the interest of another person and the interest of the Municipality or any other organization when serving as an elected official.
- 5.2.3.5 All elected officials shall act impartially and fairly. They shall not show favoritism, particularly with respect to suppliers to the Municipality.
- 5.2.3.6 All elected officials shall be independent in spirit and objective in judgment without self-interest so as to make the best decisions for the Municipality.
- 5.2.3.7 All elected officials who become aware of or are informed of a conflict of interest shall take steps to resolve it as soon as possible after becoming aware of the conflict.
- 5.2.3.8 All elected officials shall prevent and avoid situations in which they are likely to be unduly influenced by a decision that is likely to favour their personal interest or, in an abusive manner, those of any other person.
- 5.2.3.9 All elected officials 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 all elected officials to solicit, induce, accept or receive for themselves or for any other person any benefit in exchange for taking a position on any matter that may come before the Council or any committee or commission of which they are a member.

5.2.4.2 It is forbidden for all elected officials to accept any gift, hospitality or other benefit of any value from a supplier of goods or services that may influence the elected official's independence of judgment in the performance of their duties or that may compromise the elected official's integrity.

5.2.4.3 Any gift, hospitality or other benefit received by all elected officials that is not of a purely private nature or covered by the article 5.2.4.2 shall, when its value exceeds \$200.00, be the subject of written declaration by the elected official to the Clerk-Treasurer of the Municipality within 30 days of its receipt.

Such statement shall contain an adequate description of the gift, hospitality or benefit received and shall state the name of the donor and the date and circumstances of its receipt.

5.2.4.4 When a member of the Council represents the Municipality at an event and receives a participation prize or benefit of any kind, without the member of the Council having to pay any persona fee to receive it, the member of the Council shall surrender it to the Municipality, which shall decide how to receive or dispose of it.

5.2.5 All elected officials shall not use the Municipality's resources

5.2.5.1 It is forbidden for all elected officials to use any resources of the Municipality or any other municipal organization within the meaning of the present Code for personal purposes or for purposes other than activities related to the performance

of their duties. This prohibition does not apply, however, when an elected official uses, on non-preferential terms, a resource that is generally available to citizens.

5.2.5.2 All elected officials shall not permit a municipal employee or a third party to use the resources of the Municipality or any other municipal organization related to the Municipality for personal purposes unless it is for a service or activity that is offered generally by the Municipality.

5.2.5.3 It is forbidden for all elected officials to misappropriate any property or money belonging to the Municipality for their own benefit or for the benefit of a third party.

5.2.6 Privileged information

5.2.6.1 It is forbidden for all elected officials to, both during and after their mandate, use, disclose or attempt to use or disclose information obtained in the course of or in connection with the performance of their duties that is not generally available to the public to further their personal interests or those of any other person.

5.2.6.2 It is forbidden for all elected officials to use or disclose, for their own benefit or for the benefit of any third party, any privileged information or information in their possession that would not otherwise be available or that has not been disclosed by the Council.

5.2.6.3 All elected officials shall not disclose in any way, directly or indirectly, the opinion expressed in closed session by other members of the Council or any other person participating in the meeting.

5.2.6.4 All elected officials shall exercise caution in their communications, including on the web and social media, to avoid directly or indirectly disclosing privileged or non-public information.

5.2.6.5 For the purposes of this section, and without limiting the generality of the foregoing, the following are considered to be privileged information and information that is not of a public

nature: documents and information that cannot be disclosed or whose confidentiality must be insured under 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 session and anything protected by professional secrecy, as long as the Municipality has not waived the latter.

5.2.7 After the mandate

It is forbidden for all elected officials, during the twelve (12) months following the end of their mandate, to hold a position as director or officer of a legal person, employment or any other position, in such a way that themselves or any other person derive undue benefit from their previous duties as elected officials of the Municipality.

5.2.8 Announcement during a political fundraising activity

It is forbidden for all elected officials to make an announcement at a political fundraising event that a project, contract or grant has been awarded by the Municipality, unless a final decision on the project, contract or grant has been made by the competent authority within the Municipality.

5.2.9. Interference

5.2.9.1 All elected officials shall not interfere in the day-to-day administration of the Municipality or give instructions to municipal employees, other than in the course of making a decision at a public meeting of the Council. In such a case, the directives shall be carried out with the municipal employees by the Director general.

It is understood that all elected officials who are a member of a committee or commission formed by Council or who are mandated by the Council to represent the Municipality in a particular matter may still be required to co-operate with the Director general and municipal employees. Such co-operation shall be limited to the mandate given to them by the Council.

In no case shall this provision be applied or construed to limit the mayor's statutory right of supervision, investigation and control.

5.2.9.2. All elected officials shall forward any complaints received to the Director general of the Municipality who shall make the appropriate follow-up. If the complaints are against the Director general, he shall refer them to the mayor.

ARTICLE 6 : ENFORCEMENT, CONTROL AND SANCTIONS MECHANISM

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

A breach of a rule provided for in the present Code by all elected officials of the Municipality may result in the imposition of the sanctions provided for in the LEDMM namely:

6.2.1 Reprimand;

6.2.2 Participation in a training course on ethics and conduct in municipal matters, at the expense of the elected official, within the period prescribed by the Commission municipale du Québec;

6.2.3 The remittance to the Municipality, within 30 days of the decision of the Commission municipale du Québec:

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

b) any profit received in contravention of a rule set out in the present Code;

6.2.4 The reimbursement of any remuneration, allowance or other sum received, for the period determined by the Board, as an elected official, of a committee or commission of the Municipality or of an organization;

6.2.5 A penalty, not exceeding \$4,000, to be paid to the Municipality;

6.2.6 The suspension of the elected official for a period not exceeding 90 days, which suspension may extend beyond the day on which its mandate expires if he is re-elected in an election held during its suspension and the suspension has not ended on the day on which its new mandate begins.

When an elected official is suspended, he may not hold any office related to its position as elected official and, in particular, he may not sit on any council, committee or commission of the Municipality or, in its capacity as an elected official of the

Municipality, of any other organization, nor receive any remuneration, allowance or other sum from the Municipality or any such organization.

ARTICLE 7 : REPLACEMENT

- 7.1 This regulation repeals and replaces *By-law number _____ concerning the Code of ethics and good conduct applicable to all elected officials of the Municipality of _____*, adopted on _____.
- 7.2 Any mention or reference to a code of ethics and good conduct applicable to all elected officials, whether in a by-law, a resolution, a policy, a contract, etc., is deemed to refer to this regulation.

ARTICLE 8: COMING INTO FORCE

- 8.1 This regulation shall come into force in accordance with the law.

ADOPTED IN Campbells Bay THIS 7th DAY OF February 2022.

Director General

Mayor

Julie Bertrand

Colleen Lariviere

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- Notice of motion given on : January 27, 2022
 - Presentation of the project of by-law : January 27, 2022
 - Public Notice : Janaury 28, 2022
 - Date of adoption : February 7, 2022
 - Date of publication : February 8, 2022
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