

MUNICIPALITY OF LITCHFIELD

Minutes of the regular council meeting held on January 8, 2018 at 6pm.at the municipal office located at 1362 rte 148 Campbell's Bay, Quebec.

Present: Mayor Colleen Larivière, councillors Denis Dubeau, Joe Belanger, Donald Graveline, Emile Morin, John Stitt and Terry Racine.

Also present: Director General, Julie Bertrand,

Quorum is met and Mayor Colleen Larivière presides the meeting.

2018-01-01

Adoption of Agenda

It is moved by Donald Graveline and unanimously resolved to adopt the agenda for January 8th, 2018 with additions.

Carried

2018-01-02

Adoption of Minutes

It is moved by Donald Graveline and unanimously resolved to adopt the minutes of December 4th, 2017 as presented.

Carried

URBANSIM

Municipal Inspectors Report

2018-01-03

It is moved by Denis Dubeau and unanimously resolved to approve the municipal inspector's yearend report and the monthly report and to authorize payment for kilometres submitted.

Carried

FINANCE

Payment of accounts

2018-01-04

It is moved by Joe Belanger and unanimously resolved to authorize payment of invoices to be paid and to accept the payment of invoices paid prior to this meeting.

Carried

Monthly Invoices

Invoices paid prior to meeting: \$ 4585.65

Invoices to be paid: \$ 36 976.20

Total amount of invoices: \$ 41 561.85

Certificate of availability

I, Julie Bertrand, Director General of the Municipality of Litchfield, certify that there are sufficient credits available to pay the approved amount of bill totalling, \$45 561.85 for the month of January 2018.

Signed: _____

Date: _____

Julie Bertrand, Director General

Carried

PROGRAMMATION DES TRAVAUX TECQ 2014-2018

Attendu que :

- La Municipalité de Litchfield a pris connaissance du Guide relatif aux modalités de versement de la contribution gouvernementale dans le cadre du programme de la taxe sur l'essence et de la contribution du Québec (TECQ) pour les années 2014 à 2018;
- La Municipalité de Litchfield doit respecter les modalités de ce guide qui s'appliquent à elle pour recevoir la contribution gouvernementale qui lui a été confirmée dans une lettre du ministre des Affaires municipales et de l'Occupation du territoire;

2018-01-05

En conséquence,

Il est proposé par Émile Morin et résolu à l'unanimité que :

- la Municipalité de Litchfield s'engage à respecter les modalités du guide qui s'appliquent à elle;
- la Municipalité de Litchfield s'engage à être seule responsable et à dégager le Canada et le Québec de toute responsabilité quant aux réclamations, exigences, pertes, dommages et tous de toutes sortes ayant comme fondement une blessure infligée à une personne, le décès de celle-ci, des dommages causés à des biens ou la perte de biens attribuable à un acte délibéré ou négligent découlant directement ou indirectement des investissements réalisés au moyen de l'aide financière obtenue dans le cadre du programme de la TECQ 2014-2018;
- la Municipalité de Litchfield approuve le contenu et autorise l'envoi au ministère des Affaires municipales et de l'Occupation du territoire de la programmation de travaux jointe à la présente et de tous les autres documents exigés par le Ministère en vue de recevoir la contribution gouvernementale qui lui a été confirmée dans une lettre du ministre des Affaires municipales et de l'Occupation du territoire;
- la Municipalité de Litchfield s'engage à réaliser le seuil minimal d'immobilisations en infrastructures municipales fixe à 28 \$ par habitant par année, soit un total de 140 \$ par habitant pour l'ensemble des cinq années du programme;
- la Municipalité de Litchfield s'engage à informer le ministère des Affaires municipales et de l'Occupation du territoire de toute modification qui sera apportée à la programmation de travaux approuvée par la présente résolution.
- La municipalité atteste par la présente résolution que la programmation de travaux ci-jointe comporte des coûts réalisés réels et reflète les prévisions de dépenses des travaux admissibles jusqu'au 31 mars prochain.

Carried

Evolu-Tic 2018 contract renewal

2018-01-06

It is moved by Denis Dubeau and unanimously resolved to renew the Evolu-Tic 2018 contract at the base rate of \$94.22/ton and \$37.47/lift.

Carried

Summer student grant

2018-01-07

It is moved by Joe Belanger and unanimously resolved that Director General Julie Bertrand verify the Municipality's eligibility to the Summer Student Funding and if so confirmed, that she continue with the application.

Carried

2018-01-08 **Pontiac Artist Tour support**
It is moved by John Stitt and unanimously resolved to support the request from the Pontiac Artist Tour with a financial donation of \$60.00. This expensed authorized from the budgetary item “good will donations” from the 2018 provisional budget.
Carried

2018-01-09 **By-law 2018-233 Regulation in regards to the terms of payment for Municipal property taxes and compensations, starting January 1, 2018.**
Whereas the Municipality of Litchfield wishes to provide for regulations related to the payment of municipal property taxes and compensations;
Whereas the Municipality also wishes to apply this regulation to the supplement taxes resulting from a role change;
Whereas that under article, 263, paragraph 4, of the Act on municipal taxation (RSQ cF -2.1) the Minister may make regulations to determine the amount required so that the debtor has the right to pay in installments;
Whereas the Minister has adopted the “Regulation for the payment of property taxes in installments” (chapter F – 2.1, a.9) which provides in article 1, that the debtor of municipal property taxes has the right to pay by installments when the total of these taxes is \$300 or greater;
Whereas that under article 252, paragraph 1, of the law on municipal taxation (RSQ,cF-2.1) municipal property taxes must be paid in a single payment;
Whereas under the same article, when an amount of property taxes owing is equal to or greater than the amount of \$300 as prescribed by regulation made under subsection 4 of section 263 of the act on municipal taxation (RSQ.,c.F 2.1), they may be paid, at the option of the debtor, in a single payment or in two equal installments;
Whereas that also under the 1st paragraph of article 252 of the Ac on municipal taxation (RSQ., cF 2.1) the council may, by by-law, determine that a debtor can make payment in more than 2 installments;
Whereas the council wishes to fix 3 installment options for payment of municipal property taxes and compensations;
Whereas a notice of motion was given on November 13, 2017;
Whereas the members of council have received, at least 2 days prior to the meeting of council, the by-law 2018-233 regarding the terms of payment for municipal property taxes and compensations as of January 1,2018.
Whereas council has read the by-law and therefore dispenses of the reading of by-law 2018-233;
Therefore,
It is moved by Donald Graveline and unanimously resolved that the by-law 2018-233 is adopted and orders the following:
Article 1
The preamble is an integral part of this by-law and, in addition, all members of council have received and read By-law 2018-233 Regulations on the terms of payment of municipal property taxes and compensations.

Article 2

Municipal property taxes and municipal compensations must be paid in a lump sum when, an account total does not reach \$300. The due date in no later than 30 days following the mailing of the bill;

However, when the total of municipal property taxes and compensations is equal to or greater than \$300 for each unit of assessment, the debtor may choose to pay in 1 single payment or a maximum of 3 equal installments according to the due dates;

Dates of payments

- The dates of when municipal property taxes are to be paid are as follows;
- The lump sum or first payment must be made no later than the thirtieth (30) day of the mailing of the bill.
- The second payment must be made sixty (60) days after the date of the 1st payment.
- The third payment must be made no later than sixty (60) days after the second payment.

If these respective dates fall on a holiday or when the municipal office is closed, the due date of such payment is postponed to the first opened day of the office;

When a payment is not made within the time specified, then the total amount of the bill is payable.

The rules prescribed by article 2 of this by-law 2018-233 apply also to all municipal compensations and supplemental taxes due resulting from a change to the role.

Article 3

The interest rate is fixed by a resolution in accordance with article 981 of the Municipal Code of Quebec and becomes due at the end of each tax account.

Article 4

Under the terms of the municipal taxation Act and the relevant regulations;

- a) The debtor may in any case pay in one lump sum.
- b) No recourse in collection can be exercised against a debtor making payments according to prescribed deadlines.

Article 5

Only the single payment rules apply to a tax imposed as a result of a supplementary budget.

Article 6

This by-law replaces all previous by-laws regarding payment methods of municipal property taxes and compensations as of January 1, 2018.

Article 7

The by-law comes into force according to the law.

Carried

*Notice of Motion is given by Emile Morin that at a subsequent meeting of council a draft by-law regarding the Code of Ethics and Deontology for elected officials will be presented.

Correspondence

It is noted that the correspondence was read and discussed with the members of council.

Project By-law 2018-233

CODE OF ETHICS AND CONDUCT OF ELECTED MUNICIPAL OFFICIALS

2018-01-10

Whereas

the *Municipal Ethics and Good Conduct Act* (the "Act"), which came into force on December 2, 2010, requires that every local municipality or regional county municipality whose warden is elected by its citizens must have a code of ethics and good conduct which applies to its elected municipal officers;

Whereas

The council of any municipality that does not have a code of ethics and good conduct that meets the requirements of the Act must adopt one not later than December 2, 2011;

Whereas

The formalities contemplated by the Act have been duly complied with; Whereas a notice of motion has been given by Emile Morin at the regular meeting, held on January 8th, 2018;

Therefore,

It is moved by Emile Morin and unanimously resolved that a Project 1 Code of Ethics and Good Conduct be adopted as follows;

SECTION 1: TITLE

The title of this code is: "Code of Ethics and Good Conduct of Municipal Officers of the Municipality of Litchfield."

SECTION 2: SCOPE

This code applies to every member of the (a) council of the Municipality of Litchfield

SECTION 3: PURPOSE OF THIS CODE

The purpose of this code is as follows:

- 1) To give priority to those values on which individual members of (the) (a) municipal council base their decisions, and to contribute toward a better understanding of the values of the municipality;
- 2) To establish standards of behaviour which promote these values as being integral to the process of decision making by elected officers, and in their general conduct as well;
- 3) To prevent ethical conflicts and, if they arise, help in resolving them effectively and judiciously;
- 4) To ensure measures to enforce this code are applied in case of any breach of conduct.

SECTION 4: VALUES OF THE MUNICIPALITY

The following values shall serve as guides to decision making; to the general conduct of the members of the **council of the municipality of Litchfield** in their capacity as elected officials; and particularly when situations are encountered that are not explicitly provided for in this code or in the municipality's various policies.

1) Integrity

Members shall promote the values of honesty, rigorousness and justice.

2) Prudence in pursuit of the public interest

Members shall endeavour to meet their responsibilities toward the public duties entrusted to them. In fulfilling this mission, they shall act with professionalism, diligence and good judgment.

3) Respect for other members, municipal employees and citizens

Members shall promote respect in human relations. They have a right to respect in turn, and shall act respectfully toward all those with whom they have dealings in the course of their official duties.

4) Loyalty to the municipality

Members shall work in the best interests of the municipality.

5) Fairness

Members shall treat all people justly by acting, as far as possible, in the spirit of the laws and regulations.

6) Honour attached to municipal councillors

Members shall safeguard the honour of their position, which presupposes constant practice of the five above-mentioned values: integrity, prudence, respect, loyalty and fairness.

SECTION 5: RULES OF CONDUCT

5.1 Scope

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

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

5.2 Purpose

These rules are intended, in particular, to prevent:

- 1) Any situation in which council members' private interest might impair their independence of judgment in course of their official duties;
- 2) 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)
- 3) Favouritism, embezzlement, breach of trust or other misconduct.

5.3 Conflict of interest

5.3.1 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 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, members are not considered to have violated this section when they benefit from the exceptions mentioned in paragraphs 4 and 5 of subsection 5.3.6

5.3.3 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 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 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 member is deemed not to have such interest if:

- 1)The member acquires such interest as part of an inheritance or donation, and renounces or disposes of it as soon as possible;
- 2)The 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 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 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 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 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 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.

Members are prohibited from using the resources of the municipality or any other body referred to in section 5.1 for personal use or for purposes other than activities related to their official duties.

This prohibition does not apply when a council member uses a resource generally available to citizens, and does so on non-preferential terms.

5.5 Use or communication of confidential information

Council members must respect the confidentiality of information not generally available to the public but which they have obtained in the course of their official duties. This confidentiality applies both during and after their terms of office, and they are further prohibited from using or communicating, or attempting to use or communicate, such information so as to further their private interests or those of another person or persons.

5.6 After terms of office.

During the 12 months after the end of council members' respective terms of office, they are prohibited from serving as a director, officer or senior executive of a corporation, or hold employment or any other position so as to obtain undue benefit for themselves or another person, based on their previous office as members of (the) (a) municipal council.

5. Breach of trust and embezzlement. Council members are prohibited from diverting goods belonging to the municipality for their private use or use by a third party.

SECTION 6: MECHANICS AND ENFORCEMENT

6.1 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, of:

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 continued;

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.

SECTION 7 Entry into force

This regulation shall come into force according to the relevant provisions of the Act.

MISCELLANEOUS

PAARRM GRANT

2018-01-11

It is moved by Terry Racine and unanimously resolved :
THAT council approves the expense for works performed on the roads covered by the 2017 PAARRM grant in the amount of \$ 76 648.18 according the requirements of the Minister of Transport;
THAT the work and expenses were executed in conformity under the supervision of the municipal council and that a verification file is in existence.
Carried

Support of the common declaration of the Forestry community

2018-01-12

WHEREAS that the economies of the forest provide direct to over 106,000 people jobs and represent 2.8% of economy;
WHEREAS that economic activities that form the forest savings contribute to more than \$ 9.5 billion economy, with nearly 1 billion related to exploitation of forest products NTFPs and recreation;
WHEREAS that the Forum of forest communities organized by the FQM, which was held in Quebec City on November 28, ended with the signing of a joint statement by more than 14 signatories representative of the various economic activities related to the forest;
It is moved by Donald Graveline and unanimously resolved:
To support the joint statement adopted at the Forum of community forest 2017;
To ask to FQM to carry out the necessary actions for the implementation of the commitments of the joint statement of the Forum of forest communities 2017;
To transmit this resolution to the Premier of Quebec (MDDELCC, MFFP, MFQ, MESI, MAPAQ, MAMOT c.c.) and the Prime Minister of the Canada.
ADOPTED

Motion to adjourn

2018-01-13

It is moved by Joe Belanger and unanimously resolved to close the meeting at 7:40 pm.
Carried

Colleen Larivière
Mayor

Julie Bertrand
Director General