

MUNICIPALITY OF PONTIAC

M.R.C. DES COLLINES-DE-L'OUTAOUAIS

BYLAW 03-18

BYLAW 03-18 REPLACING BYLAW 02-18 REGARDING THE STANDARDS APPLICABLE TO THE MEMBERS OF THE PONTIAC MUNICIPAL COUNCIL – CODE OF ETHICS AND PROFESSIONAL CONDUCT ON A MUNICIPAL LEVEL

WHEREAS according with the *Act with respect to ethics and professional conduct on a municipal level*, the local municipalities must have a code of ethics and professional conduct that is applicable to the municipal elected members;

WHEREAS the formalities provided in the *Act with respect to ethics and professional conduct on a municipal level* have been respected;

WHEREAS a notice of motion for the present bylaw has been given at the regular Council meeting of May 10, 2018;

FOR THIS REASON, it is

Moved by : Leslie-Anne Barber
Seconded by : Isabelle Patry

AND RESOLVED to replace the bylaw 02-18 and to adopt the following code of ethics and professional conduct :

SECTION 1 : TITLE

The title of the present code is : Code of ethics and professional conduct of the elected members of the Municipality of Pontiac.

SECTION 2 : APPLICATION OF THE CODE

The present code applies to all Council members of the Municipality of Pontiac.

SECTION 3 : PURPOSES OF THE CODE

The present code has the following purposes:

- 1) To give priority to the values related to the decisions of a municipal council member and to contribute to a better understanding of the Municipality's values;
- 2) To implement behavioral standards promoting the integration of said values in the decision-making process of the elected members and, therefore, for their behavior in general;
- 3) To prevent ethical conflicts and if it happens, to help solve them efficiently and with discernment;
- 4) To ensure the enforcement of the control measures to the deontological shortcomings;

SECTION 4 : MUNICIPALITY'S VALUES

The following values serve as guidelines for making decisions and, generally, for the conduct of the Municipal Council members as elected members, particularly when the situations are not explicitly provided in the present code or by the different policies of the Municipality.

1) Integrity

A member promotes honesty, rigour and justice.

2) Caution in the pursuit of public interest

The members of the Municipal Council assume their responsibilities in view of the public's interest, that is incumbent upon them to do. In accomplishing this mission, they shall act with

professionalism as well as vigilance and discretion.

3) Respect towards other members, the employees of the Municipality and the citizens

The members promote respect in the aspect of human relations. He/she has the right to this and acts with respect towards all people that they deal with, as part of their employment.

4) Loyalty towards the Municipality

The members shall seek the interest of the Municipality.

5) Searching for equity

The members of the Municipal Council shall treat everyone with justice and, as to the extent possible, by interpreting the laws and regulations, in accordance with their ethics.

6) Honour associated with the duties of a member of the Municipal Council:

Every member of the Municipal Council protects the honour associated to their duties, which presupposes the constant practical use of the five values listed above, that is integrity, prudence, respect, loyalty and equity.

SECTION 5 : RULES OF CONDUCT

5.1 Application

The rules listed in this section shall guide the conduct of an elected Council member, of a committee or of a commission:

- a) of the Municipality or
- b) of another organization when he acts as a Municipal Council member;

5.2 Objectifs

These rules are intended in particular to prevent:

- 1. any situation where the personal interest of the Council member may affect his independence of judgement in his executive capacity;
- 2. any situation that would go against sections 304 and 361 of the *Act with respect to ethics and professional conduct on a municipal level* (L.R.Q., section E-2.2);
- 3. favoritism, wrong doing, breach of trust or other misbehaviors.

5.3 Conflicts of interest

- 531** It is prohibited to any member to act, to attempt to act or fail to act in such a way as to promote, in his executive capacity, his personal interests or, in an abusive manner, those of anyone else;
- 532** It is prohibited to any member to take advantage of his capacity to influence someone else's decision in a way to promote his personal interests or, in an abusive manner, those of anyone else.

The member is deemed to not have violated the present section when he benefits from the exceptions provided in the fourth and fifth subparagraphs of section 5.3.7.

- 533** It is prohibited to any member to solicit, create, accept or receive, for himself or for someone else, any benefit whatsoever in exchange for a position statement regarding a question of which a council, a committee or a commission of which he is a member, may be consulted.
- 534** It is prohibited to any member to accept any gifts, offers of hospitality or other advantages, whatever its value may be, that would risk having an influence on their judgement in his executive capacity or that could risk compromising his integrity.
- 535** Any donation, act of hospitality or any other advantage received by a member of the Municipal Council which is not purely of a private nature or aimed at what is applicable to section 5.34, if its value is greater than \$200, must be the object of a written declaration by said Council member, and submitted to the Secretary-treasurer and Director General of the Municipality of Pontiac within 30 days of its reception. This declaration must include an adequate description of the donation, of the act of hospitality or the advantage received, and specifies the name of the donor as well as the date and the circumstances of its reception. The Secretary-treasurer and Director General keeps a public register of these declarations.

53.6 A member must not knowingly have a direct or indirect interest in a contract with the Municipality or an organization listed in section 5.1.

A member is deemed to not have such interest in the following cases:

1. the member got his interest through succession or donation and has renounced to it or gave it up as soon as possible;
2. the member's interest consists in the possession of shares of a company that he does not control, of which he is not the administrative nor the executive and from which he owns less than 10 % of the issued shares giving the right to vote;
3. the member's interest consists in the fact that he is a member, administrative or executive of another municipal organization, of a public organization under the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, of a non-profit organization or of an organization from which the law provides for this individual to be a member, administrative or executive as a Municipal Council member or the municipal organization;
4. the contract's objective is for a compensation, an allocation, a reimbursement of expenditures, a social benefit, a good or a service from which the member can benefit as a working condition related to his position within the Municipality or the municipal organization;
5. the contract's objective is for the designation of the member in an officer or employee's position from which his occupation does not make him ineligible its holder;
6. the contract's objective is for the supply of services generally offered by the Municipality or the municipal organization;
7. the contract's objective is for the sale or the rental, at non-preferential conditions, of a property;
8. the contract consists in bonds, notes or other titles offered to the public by the Municipality or by the municipal organization or in the acquisition of said bonds, notes or other titles at non-preferential conditions;
9. the contract's objective is for the supply of services or goods that the member must do in favour of the Municipality or of the municipal organisation under a legislative or regulatory provision;
10. the contract's objective is for the supply of services or goods by the Municipality or the municipal organization and was concluded before the member takes up his position within the Municipality or the municipal organization and before he applies for this position during the election where he was elected;
11. In the case of *force majeure*, the general interest of the Municipality or the municipal organization requires that the contract be conclude in preference to any other.

53.7 A member who is present at a meeting at the moment a question is addressed, in which he has a direct or indirect particular pecuniary interest, must disclose the general nature of this interest, before the beginning of the deliberations on this question. He must also refrain from participating in the deliberations, from voting or attempting to influence the vote on this question.

When the meeting is not public, in addition to the above, the member must divulgate the general nature of his interest and leave the meeting for the duration of the deliberations and the vote regarding this question.

When a member is absent at a meeting and a question in which he has a pecuniary interest is addressed, he must, after becoming aware of said deliberations, divulgate the general nature of his interest, as soon as he attends the next meeting, after becoming aware of this fact.

The present section does not apply in the case when the member's interest consists in compensations, allocations, reimbursement of expenditures, social benefits or other working conditions related to his capacity within the Municipality or the Municipal organization.

It also does not apply in the case when the interest is so minimal that the member cannot be reasonably be influence by it.

5.4 Use of municipal resources

It is prohibited to any member to use municipal resources or those of any other organization specified at section 5, for personal purposes or for any purposes other than the ones related to his

executive capacity.

This prohibition does not apply when a member uses, at non-preferential conditions, a resource made available to the citizens.

The members of the Municipal Council must refrain from using or allowing the use of municipal resources, goods or services for other purposes than those intended, or those of municipal organizations, or to use the authority in their executive capacity for their personal interest or that of a member of their immediate family

5.5 Use or communication of confidential information

It is prohibited to any member to communicate or to attempt to use or communicate, both during and after his mandate, information that was obtain in, or during, his executive capacity, and that is not generally made available to the public, in order to promote his, or anyone else's, interests.

5.6 Post-mandate

The members of the Municipal Council shall refrain, within the twelve (12) months following the end of their mandate, to occupy an administrative or executive position for a corporation, an employment or any other function that could make them or anyone take an undue advantage from their previous functions as Municipal Council member.

5.7 Breach of trust and wrong doing

It is prohibited to a member to divert property belonging to the Municipality, for his own use or for use by third parties.

5.8 Announcement during political fundraising events

It is prohibited to any Council member to announce, during a political fundraising event, the implementation of a project, the conclusion of a contract or the award of a grant by the Municipality, unless a final decision with respect to the project, contract or grant has already been taken by the competent authority of the Municipality.

The Council member who employs office staff must ensure that the employees respect the prohibition provided at the first subparagraph. In the case of non-respect of this prohibition by one of them, the member is attributable for the imposition of the sanctions provided in section 6.

SECTION 6 : CONTROL PROCESS

6.1 Any violation of a rule provided for in this code by a Municipal Council member may lead to the imposition of the following sanctions:

1. A reprimand.
2. Handing over to the Municipality, within 30 days of the Quebec Municipal Commission's decision :
 - a. The donation received as a hospitality or advantage, or their value ;
 - b. Any profit made in breach of a rule, of the present Code.
3. The reimbursement of any payment, allocation or other sums received as a member of the Municipal Council, of a committee or a commission of the Municipality or an organization listed at section 5.1, for the period during which there was breach of a rule of the present Code.
4. The suspension of the member of Council for no more than 90 days, which cannot have effect beyond the day when his term expires.


When a member of the Municipal Council is suspended, he may not attend any council meeting, committee or Municipal commission or, in his capacity as member of the Municipal Council, or another organization, and may not receive neither payment, allocation or any other sum from the Municipality or a such organization.

SECTION 7: COMING INTO EFFECT

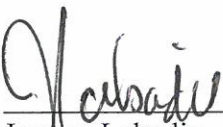
The present bylaw will come into effect after the accomplishment of formalities enacted by Law.

Carried

GIVEN IN PONTIAC (QUEBEC), this August 14, 2018



Benedikt Kuhn
Director General



Joanne Labadie
Mayor

Notice of motion : May 10, 2018
Publication : July 18, 2018
Adoption : August 14, 2018
Resolution: 18-08-3501