

**ADMINISTRATIVE COMPILATION
BYLAW NUMBER 02-22**

**BYLAW 02-22 REPLACING BYLAW 03-18 ENACTING STANDARDS FOR MEMBERS OF
PONTIAC MUNICIPAL COUNCIL - CODE OF ETHICS AND PROFESSIONAL CONDUCT IN
MUNICIPAL MATTERS**

Adopted as a formality by Municipal Council on February 8, 2022,
and officially adopted on March 8, 2022
Entry into force on March 14, 2022

Name and/or number of bylaw, policy, resolution	Date of approval by Council	Date of coming into force	Status
Bylaw 02-18	March 13, 2018	March 22, 2018	Abrogated and replaced
Bylaw 03-18	July 18, 2018	August 14, 2018	Abrogated and replaced

PREFACE

The reader is hereby advised that any errors or omissions that may be identified in the text below do not affect the enforceability of the regulations and amendments referred to therein, as sanctioned in their original version.

BYLAW 02-22 REPLACING BYLAW 03-18 ENACTING STANDARDS FOR MEMBERS OF PONTIAC MUNICIPAL COUNCIL - CODE OF ETHICS AND PROFESSIONAL CONDUCT IN MUNICIPAL MATTERS

REGULAR meeting of the Council of the Municipality of Pontiac, held on March 8, 2022, at 7:30 p.m., at the Luskville Community Center, at which meeting were present:

The Mayor, Mr. Roger Larose

The Council Members:

Diane Lacasse

Caryl McCann

Garry Dagenais

Serge Laforest

Chantal Allan

Jean Amyotte

All Council members and being a quorum.

WHEREAS the Council of the Municipality of Pontiac adopted, on August 14, 2018, bylaw 03-18 enacting the Code of Ethics and Professional Conduct for elected officials;

WHEREAS, pursuant to section 13 of the Act respecting ethics and professional conduct in municipal matters (R.R.S.Q., c. E-15.1.0.1, hereinafter: the "LEDMM"), every municipality must, before March 1 following any general election, adopt a revised code of ethics and professional conduct that replaces the one in force, with or without amendments;

WHEREAS a general election was held on November 7, 2021;

WHEREAS the coming into force on November 5, 2021, of the Act to amend the Act respecting elections and referendums in municipalities, the Act respecting ethics and professional conduct in municipal matters and various legislative provisions (SQ, 2021, c. 31), which modifies the mandatory content of the Code of Ethics for elected officials;

WHEREAS, consequently, it is necessary to adopt a revised Code of Ethics for elected officials;

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

WHEREAS Mayor Roger Larose mentions that the purpose of this bylaw 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 a member of Council, a committee or a commission of the Municipality or, in his or her capacity as a member of the Council of the Municipality, of another body;

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

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

WHEREAS conduct in accordance with municipal ethics and professional conduct must remain a constant concern of the Council members to ensure that the Municipality, including its public funds, is managed transparently, carefully, diligently and with integrity;

WHEREAS by applying ethical values and respecting the rules of conduct set out in this Code, each Council member can fulfill his or her role as an elected municipal official, to assume the responsibilities inherent to this function and to meet the expectations of citizens;

WHEREAS this Code contains obligations as well as guidelines for the conduct of each Council member while leaving it up to the latter to use his or her judgment in accordance with the values set out therein;

WHEREAS this Code aims at identifying, preventing and avoiding situations of conflict of interest;

WHEREAS any breach of the Code may have serious consequences for the Municipality and the Council members;

WHEREAS each Council member is responsible to respect this Code, to ensure that high standards of ethics and professional conduct are met in municipal matters;

THEREFORE, it is moved by Councillor Chantal Allen and seconded by Councillor Garry Dagenais.

AND RESOLVED THAT Council adopt bylaw 02-22 as follows:

CHAPTER 1

DECLARATORY AND INTERPRETATIVE PROVISIONS

SECTION 1

DECLARATORY PROVISIONS

1. **Purpose of the Code**

The title of this bylaw is: Bylaw 02-22 replacing bylaw 03-18 enacting standards applicable to members of Pontiac Municipal Council - Code of ethics and professional conduct in municipal matters. The preamble is an integral part of this bylaw.

This bylaw's primary objective is to establish a Code of ethics and professional conduct to each elected municipal official to:

- 1.1 To give priority to the values that underlie a Council member's decisions and to contribute to a better understanding of the values of the Municipality;
- 1.2 Establish standards of behaviour that promote the integration of these values into the decision-making process of elected officials and, in general, into their conduct as such;
- 1.3 To prevent ethical conflicts and, if they arise, to help resolve them effectively and sensibly;
- 1.4 To ensure of the application of control measures to ethical breaches.

2. Enforcement of the Code

- 2.1 This Code, and in particular the rules set out in this Code, shall guide the conduct of any Council member.
- 2.2 Certain rules contained in this Code shall also apply after the term of office of any person who has been a Council member.

SECTION II

INTERPRETATIVE PROVISIONS

3. Text interpretation

- 3.1 This 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 part of this Code and prevail over any conflicting rules contained in this Code.
- 3.2 The Code does not replace the laws and regulations 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 elected municipal officials that are provided for in the applicable laws and other regulations.
- 3.3 In case of diversion between the French version and the English version, the French version is the one that predominates in the bylaw's application.

4. Terminology

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

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

Code : Bylaw number 02-22 enacting the Code of Ethics and Professional Conduct for Elected Municipal Officers.

Council :	Municipal Council of the Municipality of Pontiac.
Professional conduct :	Means the set of rules and duties that govern the office of Council members, their conduct, the relationship between them, and their relationship with the Municipality’s employees and the public.
Ethics :	Refers to the set of moral principles that underlie the conduct of Council members. Ethics considers the values of the Municipality.
Personal interest :	Such an interest is linked to the person of the elected official and is distinct from that of the community he represents.
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 serving as a Council member of the Municipality.
Municipality :	The Municipality of Pontiac.
Municipal organization :	The Council, any committee or commission: <ol style="list-style-type: none"> (1) an organization that is declared by law to be an agent or mandatary of the Municipality; (2) an organization whose board is composed of a majority of the Council members, whose budget is adopted by the Municipality or whose financing is provided for more than half by the Municipality; (3) a public body whose council has a majority of council members from more than one municipality; (4) any other body determined by the Minister of Municipal Affairs and Housing.

CHAPTER II

VALUES

5. Municipality’s Values

The following values serve as a guide for decision-making and, in general, for the conduct of the Council members of the Municipality in their capacity as elected officials, particularly when the situations encountered are not explicitly provided for in the present code or in the various policies of the Municipality.

5.1 Municipality’s main ethical values:

- The integrity of the Council members:

Integrity means demonstrating probity and honesty above suspicion.

- Caution in the pursuit of public interests:

Caution requires that every Council member assume his or her responsibilities in the public interest in an objective and discerning manner. Caution implies being sufficiently informed, thinking about the consequences of one's actions and considering alternative solutions.

- Respect and civility towards other council members, employees and citizens:

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

- Loyalty towards the Municipality:

Loyalty means performing one's duties in the best interests 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 Council.

- The quest for fairness:

Fairness implies impartiality, i.e., objective and independent conduct, and consideration of the rights of all. Fairness requires not discriminating.

- The Honour of being a Council member:

Every member shall uphold the honour of the office, which presupposes the consistent practice of the five values listed above: integrity, prudence, respect, loyalty and fairness. Honor requires that one remain worthy of the duties entrusted to one by the citizens.

5.2 These values must guide the Council members of the Municipality in the assessment of the ethical rules applicable to them.

5.3 Where values are included in section 5 of this Code, these values shall not only guide the conduct of the Council member but shall also be respected and applied by the Council member.

5.4 No member shall engage in any conduct that is detrimental to the honour and dignity of the elected office.

CHAPTER III

RULES OF CONDUCT AND PROHIBITIONS

SECTION I

RULES OF CONDUCT

6. Enforcement

- 6.1 The rules set forth in this section shall guide the conduct of an elected official as a Council member, committee or commission member and are intended to prevent:
- any situation where the Council member's personal interest may influence his or her independent judgment in the performance of his or her duties;
 - any situation that would be contrary to sections 304 and 361 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
 - favouritism, embezzlement, breach of trust or other misconduct;
 - Any misconduct that is detrimental to the honour and dignity of the office of elected municipal official.

SECTION II

INTERDICTIONS

7. Conflicts of interest and prohibitions

- 7.1 No member shall behave in a disrespectful manner towards other members of Council, municipal employees or citizens by using, among other things, vexatious, derogatory or intimidating words, writings or gestures or any form of incivility of a vexatious nature.

8. Honour

- 8.1 No member shall behave in a way as to violates the honour and dignity of the function of the elected municipal official.

9. Conflicts of interests

- 9.1 No member shall use his or her position to influence or attempt to influence the decision of another person in a manner that promotes his or her interest or the improper interest of any other person.
- 9.2 No member shall not use his or her position of office to influence, or try to influence, the decision of another person in a way to favour personal interests or, in any abusive manner, the ones of any other person.
- 9.3 No Council member shall contravene sections 304 and 361 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), subject to the exceptions provided for in sections 305 and 362 of that Act.
- 9.4 All Council members shall avoid putting themselves in a situation where they are susceptible to have to choose between their own personal interest or another person's, and the interest of the Municipality or of an organisation, when they sit as Council members.
- 9.5 All Council members must be impartial and exercise fairness. They must not show favoritism, especially towards the Municipality.

- 9.6 All Council members must be independent-thinking and have an objective judgement without personal interests in a way to take the best decisions for the Municipality.
- 9.7 All Council members who are aware of a conflict of interest or have been notified of one must take the necessary measures to end it as soon as possible from the moment they notice it.
- 9.8 All Council members must prevent and avoid the situations in which they risk being influenced regarding a decision that could potentially favour they personal interests or, in an abusive manner, the ones if any other person.
- 9.9 All Council members must always ensure that their activities, other than the one related to their elected member functions don't get in conflict with their elected member municipal functions.

The member is deemed not to have any such an interest in the following situations:

- the member acquired his or her interest by inheritance or gift and renounced or disposed of it as soon as possible;
- the member's interest consists of ownership of shares of a company over which he or she has no control, of which he or she is not a director or officer and of which he or she owns less than 10% of the issued voting shares;
- the interest of the member is that he or she is a member, director or officer of another municipal body, a public body within the meaning of the Act respecting access to documents held by public bodies and the protection of personal information, a non-profit organization or an organization for which the law provides that the person must be a member, director or officer as a member of the council of the Municipality or of the municipal body;
- the purpose of the contract is to provide remuneration, an allowance, reimbursement of expenses, a benefit, property or service to which the member is entitled as a condition of employment with the Municipality or municipal body;
- the purpose of the contract is for the appointment of the member to a position as an officer or employee, the occupancy of which does not render the member ineligible to hold office;
- the purpose of the contract is to provide services generally offered by the Municipality or municipal body;
- the contract is for the sale or lease, on non-preferential terms, of real property;
- the contract consists of bonds, bills or other securities offered to the public by the Municipality or municipal body or the acquisition of such bonds, bills or other securities on non-preferential terms;
- the purpose of the contract is to provide services or goods that the member is obligated to perform for the Municipality or municipal body under a statutory or regulatory provision;
- the contract is for the supply of property by the Municipality or municipal body and was entered into prior to the Member holding office in the Municipality or municipal body and prior to the Member being a candidate for that office in the election in which he or she was elected;

- in a case of force majeure, the general interest of the Municipality or municipal body requires that the contract be entered into in preference to any other.

10. Receiving or soliciting benefits

- 10.1 No member shall solicit, induce, accept or receive, for himself or herself or for any other person, any benefit in exchange for taking a position on any matter that may be before a council, committee or commission of which he or she is a member.
- 10.2 No member shall accept any gift, hospitality or other benefit of any value which may affect the member's independent judgment in the performance of his or her duties or which may compromise the member's integrity.
- 10.3 Any gift, hospitality or other benefit received by a member of Council that is not of a purely private nature or covered by section 5.3.4 shall, when its value exceeds \$200, be declared in writing by the member to the clerk or Secretary-treasurer of the Municipality within thirty days of its receipt.
- 10.4 When a Council member represents the Municipality at an event and he or she receives a door prize or any benefit, without the Council member personally paying for his or her participation, he or she must give it back to the Municipality, which will decide what to do or dispose of it.

11. Use of the Municipality's resources

- 11.1 No member shall use the resources of the Municipality or of any other organization referred to in section 5.1 for personal purposes or for purposes other than activities related to the performance of his or her duties. This prohibition does not apply where a member uses, on non-preferential terms, a resource made available to citizens.
- 11.2 A Council member cannot let a municipal employee or another person use the Municipality's resources or the resources of any other municipal organization's that is related to the Municipality, for personal uses unless it is for a service or activity that is offered in a general manner by the Municipality.
- 11.3 A Council member shall not divert for his or her own use or the use of another person a good or an amount of money belonging to the Municipality.

12. Use or disclosure of confidential information

- 12.1 No Council member shall, both during and after his or her term of office, use or disclose, or attempt to use or disclose, any information obtained in the course of, or in connection with, the performance of his or her duties and not generally available to the public, to further his or her interests or those of any other person.
- 12.2 No Council member shall use or disclose in any way, for her or his advantage or the one of another person, a specific information or an information that he or she has and that would not be available otherwise or that the municipal council has not disclosed yet.
- 12.3 No Council member shall disclose in any way directly or indirectly, the view expressed in private session by another Council member or any other person attending it.

- 12.4 All Council member must use caution while communicating, especially on the Web and social medias, to avoid disclosing directly or indirectly privileged information or one that is not intended to be public.
- 12.5 To end this section and without limiting the generality of what have been said, are considered but not considered as privileged information the information that are public: the documents and information that cannot be disclosed or that the confidentiality must be preserved under the *Loi sur l'Accès aux documents des organismes publics et sur la protection des renseignements personnels* (RLRQ, c.- A-2.1), the discussions held during the private sessions and all that is protected by duty of confidentiality as long as the Municipality has not renounced it in the last resort.

13. After-mandate

- 13.1 No member shall, for a period of twelve months following the end of his or her term of office, hold any office as a director or officer of a corporation, or any employment or other position, in such a manner that he or she or any other person derives improper advantage from his or her previous service as a member of Council of the Municipality.

14. Announcement at a political fundraising event

- 14.1 No Council member shall make any 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 already been made by the appropriate authority of the Municipality.

15. Interference

- 15.1 A Council member shall not interfere in the day-to-day administration of the Municipality or give instructions to municipal employees, other than while making a decision at a public meeting of Council. In such a case, the directives shall be carried out with the municipal employees by the Director General.
- 15.2 It is understood that a Council member who is a member of a committee or commission formed by municipal Council or who is mandated by the Municipal Council to represent the Municipality in a particular matter may still be required to co-operate with the Director General Manager and the municipal employees. Such co-operation shall be limited to the mandate given to him or her by the Municipal Council.
- 15.3 In no case shall this provision be applied or construed to limit the Mayor's statutory right of supervision, investigation and control.
- 15.4 Any Council member 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/she shall refer them to the Mayor.

CHAPTER IV

SANCTIONS

16. Monitoring mechanisms

- 16.1 The enforcement and control mechanisms for this Code are those set out in the LEDMM;
- 16.2 Any violation of a rule under this Code by a member of City Council may result in the imposition of the following penalties:
- Reprimand
 - Participation in a training course on ethics and professional conduct in municipal matters, at the expense of the Council member, within the period prescribed by the *Commission municipale du Québec*;
 - The remittance to the Municipality, within thirty days of the decision of the *Commission municipale du Québec* :
 - o of the gift, hospitality or advantage received or the value thereof
 - o any profit received in contravention of a rule of this Code;
 - o The reimbursement of any remuneration, allowance or other sum received, for the period determined by the Commission, as a member of a council, committee, or commission of the Municipality or of an organization.
 - A penalty of up to \$4,000.00, to be paid to the Municipality.
 - The suspension of the Council member for a period not exceeding 90 days, which suspension shall not extend beyond the day on which his or her term of office expires if he or she is re-elected in an election held during his or her suspension and the election has not ended on the day on which his or her new term of office begins. When a Council member is suspended, he or she may not hold any office related to his or her membership on Council and, in particular, he or she may not serve on any Council, committee or commission of the Municipality, or as a member of any Council of the Municipality, or of any other body, or receive any remuneration, allowance or other sum from the Municipality or any such organization.

CHAPTER IV

ADMINISTRATIVE AND FINAL PROVISION

17. Modification and replacement

- 17.1 This bylaw replaces bylaw number 03-18 enacting a code of ethics and professional conduct for elected officials, adopted on August 14, 2018.
- 17.2 Any mention or reference to a code of ethics and professional conduct for elected officials, whether in a bylaw, resolution, policy, contract, etc., is deemed to refer to this bylaw.

18. Coming into force

This bylaw shall come into force in accordance with the Law.

Given at PONTIAC (Québec), this March 14, 2022.



Pierre Saïd, Director General
and Secretary-treasurer



Roger Larose, Mayor

<u>Notice of motion :</u>	January 18, 2022
<u>Tabling of the draft bylaw</u>	January 18, 2022
<u>Public notice:</u>	February 9, 2022
<u>Adoption:</u>	March 8, 2022
<u>Resolution:</u>	22-03-4572
<u>Public notice and coming into force:</u>	March 14, 2022
<u>Sent to MAMH :</u>	March 14, 2022

