

BY-LAW NO. 1448 ON THE CODE OF ETHICS AND GOOD CONDUCT FOR ELECTED MUNICIPAL OFFICERS OF THE TOWN OF MOUNT ROYAL

ADOPTION PROCEDURE SUMMARY	
NOTICE OF MOTION AND PRESENTATION:	DECEMBER 11, 2017
ADOPTION OF BY-LAW:	JANUARY 22, 2018
COMING INTO EFFECT:	JANUARY 25, 2018

WHEREAS the Municipal Ethics and Good Conduct Act (the “Act”), which came into force on December 2, 2010, requires that every local municipality must have a code of ethics and good conduct which applies to its elected municipal officers;

WHEREAS on January 27, 2014, Council has adopted By-law No. 1431 on the Code of Ethics and Good Conduct for elected municipal officers of the Town of Mount Royal;

WHEREAS the council of every municipality must, before March 1st following a general election, adopt a revised code of ethics and conduct to replace the one in force, with or without amendments;

WHEREAS the formalities contemplated by the Act have been duly complied with; and

WHEREAS a notice of motion has been given on December 11, 2017;

ON JANUARY 22, 2018, COUNCIL ENACTED THE FOLLOWING:

Scope

1. This code applies to every member of the council of the Town of Mount Royal.

Purpose of this code

2. The purpose of this code is as follows:
 - (1) to give priority to those values on which individual members of the 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.

Values of the municipality

3. The following values shall serve as guides to decision making; to the general conduct of the members of the council of the municipality 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.

Rules of conduct

Scope

4. The rules in the following sections should guide the conduct of elected officers as members of the council, committee or commission of:

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

Purpose

5. These rules are intended, in particular, to prevent:

- (1) any situation in which council member's 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.

Conflict of interest

6. Council members 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.

7. Council members 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 section 12.

8. Council 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.

9. Council 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.

10. 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 section 9, but that exceeds \$200 in value, the member must file a written disclosure statement with the clerk 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 state the name of the donor, the date and the circumstances under which it was received. The clerk shall keep a public register of these disclosure statements.

11. Members may not knowingly have a direct or indirect interest in a contract with the municipality or public body contemplated in section 4.

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.
12. 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.

Use of municipal resources

13. Members are prohibited from using the resources of the municipality or any other body referred to in section 4 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.

Use or communication of confidential information

14. 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.

After term of office

15. During the 12 months after the end of council member's 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 municipal council.

Breach of trust and embezzlement

16. Council members are prohibited from diverting goods belonging to the municipality for their private use or use by a third party.

Announcements during political financing activities

17. Council members are prohibited from announcing, during a political financing activity, the carrying out of a project, the making of a contract or the granting of a subsidy by the municipality, the whole unless a final decision regarding the project, the contract or the subsidy has already been made by the competent authority of the municipality.

A council member who employs office personnel must ensure that those employees comply with the prohibition under the first paragraph. If an employee fails to comply with that prohibition, the council member is accountable and subject to the sanctions set out in section 17 of this By-Law.

Mechanics and enforcement

18. 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 4, 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.

19. By-law No. 1431 on the Code of Ethics and Good Conduct for elected municipal officers of the Town of Mount Royal is replaced by this by-law.
20. This by-law shall come into effect according to law.

Philippe Roy
Mayor

Alexandre Verdy
Town clerk