

**BY-LAW NO. 2011-07 CONCERNING  
THE ETHICS AND CODE OF CONDUCT  
OF THE ELECTED MEMBERS OF THE COUNCIL**

Whereas the *Law on ethics and code of conduct in municipal matters*, which came in to force on December 2, 2010, imposes on the local municipalities and the regional county municipalities whose warden is elected by universal suffrage to establish a code of ethics and a code of conduct which would apply to the elected members of Council;

Whereas the Council of all municipalities which does not have a code in conformity with the requirements of the *Law on ethics and code of conduct in municipal matters* must adopt it by resolution no later than December 2, 2011;

Whereas the formalities indicated in the *Law on ethics and code of conduct in municipal matters* were respected;

Whereas a notice of motion was given;

It is moved by Councillor André Martel;  
Seconded by Councillor France Coulombe;

And determined to adopt the following code of ethics and code of conduct:

**ARTICLE 1 : TITLE**

The title of the present code is : Code of ethics and code of conduct for the elected members of the Council of the Municipality of the Village of Ayer's Cliff.

**ARTICLE 2 : APPLICATION OF THE CODE**

The present code applies to each member of the Council of the Municipality of the Village of Ayer's Cliff.

**ARTICLE 3 : PURPOSE OF THE CODE**

The aim of the present code is to achieve the following goals:

- 1) Give priority to the values on which the decisions of a member of the municipal Council are based, and contribute to a better understanding of the values of the municipality;
- 2) Instil standards of behaviour which favour the integration of these values in the decision making process of the members of the Council and, in a general fashion, in their conduct under this title;
- 3) Prevent ethical conflicts, and should they occur, help to resolve them efficiently and with good judgement;
- 4) Ensure the application of measures of control to the violations of the code of conduct;

## ARTICLE 4 : VALUES OF THE MUNICIPALITY

The following values serve as guide in decision making and, in a general fashion, the conduct of the members of the Council of the municipality in their capacity as elected members, particularly in situations they may encounter which are not explicitly defined in the present code or in the various policies of the Municipality.

### 1) Integrity

Every member must value honesty, self-discipline and justice.

### 2) Caution in the pursuit of the public interest

Every member assumes his/her responsibilities when faced with a matter of public interest which is incumbent on him. In dealing with this matter, he/she is to act with professionalism, as well as with vigilance and good judgement.

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

Every member favours respect in human relations. He/she is entitled to this and must act respectfully towards the whole of the people with whom he/she is interacting within the framework of his/her duties.

### 4) Loyalty towards the municipality

Every member seeks the interest of the municipality

### 5) Pursuit of equity

Every member treats each person with justice and, whenever possible, by interpreting the laws and the by-laws in the spirit of their intent.

### 6) Honour associated with the duties of a member of the Council

Every member guards the honour associated his/her duties, which pre-supposes the constant exercise of the five previous values: integrity, caution, respect, loyalty and equity.

## ARTICLE 5 : RULES OF CONDUCT

### 5.1 Application

The rules mentioned in the present article must serve as guide of conduct for a member of the Council, of a committee or of a commission

- a) of the municipality or,
- b) of an other organization when participating in the role as a member of the Council of the Municipality.

### 5.2 Objectives

The aim of these rules is notably to prevent:

1. any situation where the private interest of a council member might influence his/her independence of judgement in carrying out the duties of office;
2. any situation that would be contrary to sections 304 and 361 of the *Act respecting elections and referendums in municipalities* (L.R.Q., chapter E-2.2);
3. favouritism, embezzlement, breach of trust or other misconduct.

### 5.3 Conflict of interest

5.3.1 It is forbidden for any council member to act, to attempt to act or to omit to act in a manner as to favour, in the exercise of their duties, his/her personal interests or, in an abusive manner, that of any other person.

- 5.3.2 It is forbidden for any council member to take advantage of his/her position in order to influence or to try to influence the decision of another person in such a manner as to favour his/her personal interests or, in an abusive manner, that of any other person.

The council member is considered not to be in contravention of the present article when he/she benefits from the exceptions indicated in the fourth and fifth paragraphs of article 5.3.7.

- 5.3.3 It is forbidden for any council member to solicit, to cause, to accept or to receive, for him/herself or for another person, any benefit whatsoever in exchange for a taking a position on a question which a council, a committee or a commission on which the council member sits.
- 5.3.4 It is forbidden for any council member to accept any donation, any form of hospitality or any other advantage, regardless of its worth, which could influence his/her independence of judgement in carrying out the duties of office or which could risk compromising his/her integrity.
- 5.3.5 Any donation, any type of hospitality or any other advantage received by a municipal member of the Council and is not of a purely private nature or referred to in article 5.3.4 must, when the value exceeds 200 \$, be the object, within thirty (30) days of reception, of a written declaration by this council member and submitted to the clerk or the secretary-treasurer of the municipality. This declaration must adequately describe the donation, the type of hospitality or the advantage which was received and specify the name of the donator, as well as the date and the circumstances of its reception. The secretary-treasurer keeps a public register of these declarations.
- 5.3.6 A council member must not knowingly have a direct or indirect interest in a contract with the municipality or an organisation referred to in article 5.1.

A council member is deemed not having such an interest in the following cases:

1. the member acquired his/her interest from a inheritance or by donation and has renounced to it or dispensed of it as soon as possible;
2. the interest of the member consists of owning shares of a company which he does not control, of which he/she is neither an administrator nor a director and of which he/she owns less the 10% of the issued shares giving the right to vote;
3. the interest of the member consists in the fact that he/she is a member, an administrator or a director in a municipal organisation, of a public organization in the definition of the *Loi sur l'accès aux documents des organismes publics et sur la protection des renseignements personnels*, of a non-profit organization and of an organization who's law requires that this person must be a member, an administrator or a director as a member of the Council of the municipality or the municipal organization;
4. the purpose of the contract is a remuneration, an allocation, a refund of expenses, a social advantage, a good or a service to which the member is entitled under the terms of his/her work agreement associated with his/her duties within the municipality or the municipal organization;
5. the aim of the contract is the nomination of the member to a position as a clerk or an employee whose position does not render him/her ineligible;
6. the object of the contract is the supply of services offered in a general manner by the municipality or the municipal organisation;
7. the aim of the contract is the sale or the rental, with non-preferential conditions, of an immovable;
8. the purpose of the contract consists in some obligations, bills or other titles offered publicly by the municipality or the municipal organism or in the acquisition of those obligations, bills or other titles with non-preferential conditions;

9. the object of the contract is the supply of services or of goods the member is obligated to carry out in favour of the municipality or the municipal organization in accordance with a legislated or regulated provision;
10. the aim of the contract is the supply of a good by the municipality or municipal organization and which was determined prior to the member having taken his/her position within the municipality or the municipal organisation and prior to he/she having presented his/her candidacy for this position during the election when he/she was elected;
11. in the event of absolute necessity, the general interest of the Municipality or the municipal organization requires that the contract be concluded in preference to all other.

5.3.7 A member, who is present at a meeting at which time a matter must be taken in to consideration in which he/she has a particular direct or indirect financial interest, must divulge the general nature of this interest, prior to the beginning of the deliberations on this matter. He/she must also abstain from participating in these deliberations, to vote or to attempt to influence the vote regarding this matter.

When the meeting is not public, the member must, as well as the afore mentioned, divulge the general nature of his/her interest, as well as leave the meeting, for the duration of the deliberations as well as the vote regarding this matter.

When a matter in which a member has a financial interest is taken into consideration during a meeting when he/she was absent, he/she must, after having taking note of the deliberations, divulge the general nature of his/her interest, at the first meeting he/she is present after having taken note of this fact.

The present article does not apply in the case when the interest of the member consists of remunerations, allocations, reimbursement of expenses, social advantages or other work related conditions associated to his/her tasks within the municipality or the municipal organization.

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

#### **5.4 Use of municipal resources:**

It is forbidden for any member to use the resources of the municipality or of any other organization mentioned in article 5.1, for personal use or for any other means other than for activities associated with the carrying out of his/her tasks.

The present restriction does not apply when a member uses, in non-preferential manner, a resource which is made available to the citizens.

#### **5.5 Use or communication of confidential information :**

It is forbidden for any member to use, communicate or attempt to use or communicate, as well during his/her mandate or after termination of such, information obtained in the exercise, or associated to the exercise of his/her duties and were not generally available to the public, in order to favour his/her interests or those of any other person.

#### **5.6 After the mandate**

In the twelve (12) months following the termination of the mandate, it is forbidden for a member to occupy a position as an administrator or as a director of a business, be employed or any other function, in such a manner that him/herself or any other person may take undue advantage of his/her previous position as member of the Council of the Municipality.

## 5.7 Breach of trust and embezzlement

It is forbidden for a member to misappropriate or embezzle, for his/her personal use or for the use of a third party, a good belonging to the municipality.

## ARTICLE 6 : METHODS OF CONTROL

6.1 Any violation of a rule indicated in the present code by a member of the municipal Council could lead to the imposition of the following sanctions :

- 1) A reprimand
- 2) The remittance to the municipality, within thirty (30) days of the decision of the *Commission municipale du Québec*:
  - a) the donation, the type of hospitality or the advantage received or the value of these:
  - b) any profit gained from the violation of a rule of the present code;
- 3) The reimbursement of all remuneration, allocation or other sum received, for the period of time of the violation of the rule of the present code, as a member of Council, of a committee or of a commission of the municipality or of an organization indicated in article 5.1;
- 4) The suspension of the member of the municipal Council for a period which cannot exceed ninety (90) days; this suspension cannot be carried past the date of the end of his/her mandate.

When a member of the Council is suspended, he/she may not sit on any council, committee or commission of the municipality or in his/her position as a member of the municipal Council, of another organization, nor receive remuneration, an allocation, or any other sum from the municipality or this type of organization.

## ARTICLE 7 : ENTERING INTO FORCE

The present by-law enters into force according to the Law.

Signed and adopted by the Municipality of the Village of Ayer's Cliff at the regular Council meeting held November 7, 2011.

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Ghislaine Poulin-Doherty  
Director general / Secretary-treasurer

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Alec van Zuiden  
Mayor

*Notice of motion: September 6, 2011*

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