



**BY-LAW NO. 1100 | Final**

Regular meeting of the Municipal Council of the Town of Baie-D'Urfé, held according to the law at Town Hall, on Tuesday, November 8, 2011, at 7:30 p.m.

***By-law no. 1100 establishing the Code of Ethics and Good Conduct of Elected Officers of the Town of Baie-D'Urfé***

WERE PRESENT:

Mayor: Maria Tutino

Councillors: Wayne Belvedere  
Charles Colomb  
Peter Fletcher  
Kim Millette  
Lynda Phelps  
Janet Ryan

ALSO PRESENT Richard White, Interim Director General  
Nathalie Hadida, Town Clerk

**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, by means of a by-law, no later than December 2, 2011;

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

**Whereas** notice of motion for the presentation of this by-law was given by Councillor C. Colomb at a regular meeting of Council, held on October 11, 2011;

**Whereas** draft by-law no. 1100 was adopted October 21, 2011;

**Whereas** by-law no. 1100 has been read;

**THEREFORE,** it is moved by Councillor C. Colomb, seconded by Councillor K. Millette and UNANIMOUSLY RESOLVED to adopt the following Code of Ethics and Good Conduct:

**SECTION 1: TITLE**

**The title of this code is:** "Code of Ethics and Good Conduct of Elected Officers of the Town of Baie-D'Urfé."

**SECTION 2: SCOPE**

This code applies to every member of the council of the Town of Baie-D'Urfé.

**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 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 decision making process of 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 that 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, as well as 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.

## **SECTION 5: RULES OF CONDUCT**

### **5.1 Scope**

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

- a) the municipality, or
- b) any other body in their capacity as members of the 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 the 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 the 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 Town 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 Town Clerk shall keep a public register of these disclosure statements.

5.3.6 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 the matter is under discussion, must disclose the general nature of his or her interest at 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.

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

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.

Any council member may, at his discretion, consult any person on the list of ethics and conduct advisors published by the *Ministère des Affaires municipales, Régions et Occupation du territoire* regarding a matter of ethics concerning him, and the Town of Baie-D'Urfé shall pay all reasonable expenses incurred pertaining to this consultation.

#### **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 term 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 municipal council.

**5.7 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.

Notice of motion:	October 11, 2011
Adoption of draft by-law:	October 21, 2011
Adoption of by-law:	November 8, 2011
Coming into force:	November 16, 2011

CERTIFIED TRUE COPY

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Mayor

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Town Clerk