

**PROVINCE DE QUÉBEC  
MRC DE MEMPHRÉMAGOG  
MUNICIPALITÉ DU VILLAGE D'AYER'S CLIFF**

**BY-LAW NO. 2018-02 CONCERNING  
THE CODE OF ETHICS AND CODE OF CONDUCT FOR THE ELECTED MEMBERS OF  
COUNCIL**

**WHEREAS** a notice of motion for this by-law was given by Councilor Stacey B. Keet who also presented the draft by-law at the meeting of December 4th, 2017;

**WHEREAS** a public notice was published on December 5th, 2017, summarizing the content of the draft by-law and indicating the place, date and time of the meeting where the by-law is to be adopted;

**WHEREAS** the formalities provided for in the Municipal Ethics and Professional Conduct Act have been complied with;

**WHEREAS** a copy of this by-law was sent to the members of the council present at the latest two (2) legal days before the meeting at which this by-law must be adopted and that all the members of the council present declare having read it and waive its reading, in accordance with article 445 of the Municipal Code;

Consequently, it is moved by Councilor Stacey B. Keet;  
Seconded by Councilor Patrick Proulx;  
And resolved to adopt the following code of ethics and professional conduct:

**ARTICLE 1 : TITLE**

The title of this code is: Code of ethics and professional conduct for elected officials of the Municipality of the Village of Ayer's Cliff.

**ARTICLE 2 : APPLICATION OF THE CODE**

This code applies to all council members of the Municipality of the Village of Ayer's Cliff.

**ARTICLE 3 : PURPOSE OF THE CODE**

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) Instill standards of behavior which favor 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 control measures for ethical breaches.

## ARTICLE 4 : VALUES OF THE MUNICIPALITY

The following values serve as a guide in decision making and in a general fashion, the conduct of the members of the Council of the municipality in the 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 responsibilities when faced with a matter of public interest which is incumbent on him. In dealing with this matter, he is to act with professionalism, as well as with vigilance and good judgment.
- 3) **Respect towards other members, the employees of the municipality and the citizens**  
Every member favor respect in human relations. He is entitled to this and must act respectfully towards the whole of the people with whom he is interacting within the framework of his 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) **Honor associated with the duties of a member of the council**  
Every member guards the honor associated to his 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 should guide the conduct of a member of Council, of a committee or of a commission

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

### 5.2 Objectives

The objectives of these rules are mainly to prevent:

1. any situation where the personal interest of the board member may influence his independence of judgment in the performance of his duties;
2. any situation that would go against articles 304 and 361 of the Act respecting elections and referendums in municipalities (L.R.Q., chapter E 2.2);
3. favoritism, 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 favor, in the exercise of their duties, his personal interests or in an abusive manner, that of any other person.
- 5.3.2 It is forbidden for any member to take advantage of his position to influence or attempt to influence the decision of another person in such a way as to promote his personal interests or, in an abusive manner, those of any other person.

The council member is considered not be in contravention of the present article when he 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 or for another person, any benefit whatsoever in exchange for 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 independence of judgement in carrying out the duties of office or which could risk compromising his integrity.
- 5.3.5 Any donation, any token of hospitality or any other advantage received by a member of the municipal council and which is not of a purely private nature or referred to in article 5.3.4 must, when its value exceeds \$200.00, 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 organization referred to in article 5.1.

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

- 1° The member acquired his interest from an inheritance or by donation and has renounced to it or disposed of it as soon as possible;
- 2° the member's interest consists in owning shares of a company that he does not control, of which he is neither a director nor an officer and of which he owns less than 10% of the issued shares giving the right to vote ;
- 3° the interest of the member consists in the fact that he is a member, an administrator or a director in a municipal organization, 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 remuneration, an allowance, a refund of expenses, a social advantage, a good or a service to which the member is entitled as a working condition attached to his function within the municipality or the municipal organization.
- 5° the purpose of the contract is the appointment of the member to a post of civil servant or employee
- 6° the object of the contract is the supply of services offered in a general manner by the municipality or the municipal organization.
- 7° the aim of the contract is the sale or the rental, with non-preferential conditions, of a building;
- 8° the contract consists of obligations, in bonds, notes or other titles offered to the public by the municipality or the municipal organization or in the acquisition of those obligations, bonds or other titles with non-preferential conditions;
- 9° the object of the contract is the supply of services or goods that the member is obliged to provide in favor of the municipality or municipal organization by virtue of a legislative or regulatory provision;
- 10° the object of the contract is the supply of goods by the municipality or municipal organization and which was determined prior to the member having taken his position within the municipality or the or the municipal organization and prior to having presented his candidacy for this position during the election in which he was elected.
- 11° in the event of absolute necessity, the general interest of the Municipality or the municipal organization requires

- 5.3.7 A member who is present at a meeting when a matter is to be taken into consideration in which he has directly or indirectly a particular financial interest must disclose the general nature of this interest, before the start of deliberations on this matter. He must also refrain from participating in these deliberations, from voting or attempting to influence the vote on this question.

When the meeting is not public, the member must, in addition to the above, disclose the general nature of his interest, and then leave the meeting, for the duration of the deliberations and the vote on this matter.

When the matter in which a member has a financial interest is taken into consideration at a meeting at which he is absent, he must, after having taken cognizance of these deliberations, disclose the general nature of his interest, from the first meeting at which he is present after having taken note of this fact.

This article does not apply in the event that the member's interest consists in remuneration, allowances, reimbursement of expenses, social benefits or other working conditions attached to his functions within the municipality or of the municipal organization.

It 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 carrying out of his tasks.

The present restriction does not apply when a member uses, in a 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, both during his mandate and after it, information obtained in the performance or during the performance of their functions and which are not generally available to the public, to promote their personal interests or those of any other person.

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

In the twelve (12) months following the end of his term, it is forbidden for a member to occupy a position as an administrator or as a director of a corporation, be employed or any other function, in such a manner that him or any other person may take an unfair advantage from his previous functions as a 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 personal use or for the use of a third party, a good belonging to the municipality.

#### **5.8 Fundraising activity**

It is forbidden for any member of council to make the announcement, during a political fundraising activity, of the completion of a project, the conclusion of a contract or the awarding of a subsidy by the municipality, unless a final decision with respect to this project, contract or grant has been made by the competent authority of the municipality.

A member of the board who employs cabinet staff must ensure that his employees comply with the prohibition provided for in the first paragraph. In the event of non-compliance with this prohibition by one of them, the member of the board is liable for the purposes of imposing the penalties provided for in article 6.1 of this Code and in article 31 of the Municipal Code of ethics and code of conduct.

## **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;
- 1) A reprimand
  - 2) The remittance to the municipality, within (30) days of the decision of the Commission municipal du Québec
    - a) the donation, the type of hospitality or the advantage received or the value of these;
    - b) any profit withdrawn in contravention of a rule of this code;
  - 3) The reimbursement of any remuneration, allowance or other sum received, for the period of the breach of a rule of this code, as a member of Council, a commission of the municipality or of an organization indicated in article 5.1;
  - 4) The suspension of the member 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 mandate.

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

## **ARTICLE 7 : COMING INTO EFFECT**

The present by-law comes in to force according to the Law.

Signed and adopted by the Municipality of the village of Ayer's Cliff at the regular Council meeting held January 8th, 2018.

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Kimball Smith  
Director General

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Vincent Gérin  
Mayor

*Notice of motion and project presentation: December 4th, 2017*

*Adoption: January 8th, 2018*

*Notice of promulgation: January 9th, 2018*

*Transmission to the MAMROT: January 9th, 2018*