

**PROVINCE OF QUEBEC
MEMPHRÉMAGOG REGIONAL COUNTY MUNICIPALITY
MUNICIPALITY OF THE VILLAGE OF AYER'S CLIFF**

**BY-LAW NO. 2026-02 REPEALING BY-LAW NO. 2022-01 CONCERNING THE CODE OF
ETHICS AND PROFESSIONAL CONDUCT FOR MUNICIPAL ELECTED OFFICIALS**

WHEREAS the Municipal Council adopted, on *February 7, 2022*, *Bylaw No. 2022-01 enacting a Code of Ethics and Professional Conduct for elected officials*;

WHEREAS, pursuant to section 13 of *the Municipal Ethics and Professional Conduct Act* (RLRQ, c. E-15.1.0.1, hereinafter: the "LEDMM"), every municipality must, before March 1March following any general election, adopt a revised code of ethics and professional conduct to replace the one in force, with or without amendments;

WHEREAS a general election was held on November 2, 2025;

WHEREAS 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* (LQ, 2021, c. 31), which amends the mandatory content of the Code of Ethics and Professional Conduct for Elected Officials;

WHEREAS it is therefore necessary to adopt a revised code of ethics and professional conduct for elected officials;

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

WHEREAS the mayor states that the purpose of this bylaw is to set out the Municipality's core ethical values and the rules of professional conduct that must guide the conduct of a person as a member of the council, a committee or a commission of the Municipality or, in their 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 maintaining the bond of trust between the Municipality and its citizens;

WHEREAS ethical conduct and municipal professional ethics must remain a constant concern for council members in order to ensure transparent, prudent, diligent, and honest management of the Municipality, including its public funds, for citizens;

WHEREAS by applying ethical values and complying with the rules of professional conduct set out in this Code, each council member is able to fulfill their role as an elected municipal official, assume the responsibilities inherent in this position, and meet citizens' expectations;

WHEREAS this Code contains the obligations and guidelines that guide the conduct of each council member, while leaving it up to the latter to use their judgment based on the values set out in the Code;

WHEREAS this Code aims to identify, prevent, and avoid situations of conflict of interest;

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

WHEREAS it is the responsibility of each council member to comply with this Code to ensure that high standards of ethics and professional conduct are met in municipal matters.

**IT IS MOVED BY Councilor
SECONDED BY the councilor**

AND RESOLVED:

TO ADOPT THE FOLLOWING BY-LAW:

BY-LAW NUMBER 2026-02 ESTABLISHING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR MUNICIPAL ELECTED OFFICIALS

ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS

- 1.1 The title of this bylaw is: *Bylaw Number 2026-02 enacting the Code of Ethics and Professional Conduct for Municipal Elected Officials.*
- 1.2 The preamble forms an integral part of this Code.
- 1.3 The Code does not replace the laws and regulations in force that govern the Municipality and, more generally, the municipal domain. Rather, it supplements and completes the various obligations and general duties applicable to municipal elected officials that are provided for in the applicable laws and other regulations.

Thus, the Code should not be interpreted as allowing for any deviation from the provisions contained in the laws and regulations in force that govern the Municipality, municipal elected officials and, more generally, the municipal domain.

ARTICLE 2: INTERPRETATION

- 2.1 This Code must be interpreted in accordance with the principles and objectives contained in the LEDMM. The rules set out in this Act are deemed to be an integral part of this Code and prevail over any incompatible rule set out in this Code.
- 2.2 In this Code, unless the context indicates otherwise, the following terms mean:

Advantage: Whether pecuniary or non-pecuniary, an advantage includes any gift, donation, favor, reward, service, gratuity, hospitality, remuneration, retribution, gain, indemnity, privilege, preference, compensation, benefit, profit, advance, loan, reduction, discount, etc.

Code: *Bylaw No. 2026-02 enacting the Code of Ethics and Professional Conduct for Municipal Elected Officials.*

Council:	The municipal council of the Municipality of Ayer's Cliff.
Ethics:	Refers to the set of rules and duties that govern the function of council members, their conduct, their relationships with each other, and their relationships with municipal employees and the general public.
Ethics:	Refers to the set of moral principles that form the basis of council members' conduct. Ethics take into account the values of the municipality.
Personal interest:	Such an interest is linked to the elected official themselves and is distinct from that of the community they represent.
Council member:	An elected official of the municipality, a member of a municipal committee or commission, or a member of the council of another municipal body, when sitting in that capacity as a member of the municipal council.
Municipality:	The Municipality of Ayer's Cliff.
Municipal body:	The council, any committee or commission:
	<ol style="list-style-type: none"> 1 Of a body that the law declares to be an agent or representative of the Municipality; 2 Of a body whose council is composed mainly of members of the council, whose budget is adopted by the municipality, or more than half of whose funding is provided by the municipality; 3 A public body whose board is composed mainly of members of the council of several municipalities; 4 Any other organization determined by the Minister of Municipal Affairs and Housing.

ARTICLE 3: APPLICATION OF THE CODE

- 3.1 This Code, and more specifically the rules set out herein, shall guide the conduct of all council members.
- 3.2 Certain rules set out in this Code shall also apply after the term of office of any person who has been a member of the council.

ARTICLE 4: VALUES

- 4.1 The Municipality's core ethical values:

- 4.1.1 Integrity of council members

Integrity means demonstrating probity and honesty beyond reproach.

- 4.1.2 Honor attached to the duties of council members

Honor requires remaining worthy of the duties entrusted by citizens.

- 4.1.3 Prudence in pursuing the public interest

Prudence requires all council members to fulfill their responsibilities in the public interest objectively and with discernment. Prudence involves gathering sufficient information, considering the consequences of one's actions, and examining alternative solutions.

The public interest requires making decisions for the greater good of the community and not for the benefit of private or personal interests to the detriment of the public interest.

- 4.1.4 Respect and civility toward other members of the municipal council, municipal employees, and citizens

In general, respect means treating all people with consideration and courtesy. Civility means showing courtesy, politeness, and good manners.

- 4.1.5 Loyalty to the municipality

Loyalty requires performing one's duties in the best interests of the municipality, with objectivity and independence of mind. It involves setting aside personal interests and disclosing them in a transparent manner, in accordance with applicable rules. In addition, loyalty implies respecting the decisions made by the council.

- 4.1.6 Seeking fairness

Fairness means demonstrating impartiality, i.e., conducting oneself objectively and independently, and considering the rights of everyone. Fairness requires not discriminating in any way.

- 4.2 These values must guide the members of the Municipal Council in their assessment of the ethical rules that apply to them.
- 4.3 When values are incorporated into Article 5 of this Code, they must not only guide the conduct of board members, but also be respected and applied by them.

ARTICLE 5: RULES OF CONDUCT AND PROHIBITIONS

- 5.1 The rules of conduct are intended, in particular, to prevent:
 - 5.1.1 Any situation in which a board member's personal interests may influence their independent judgment in the performance of their duties .
 - 5.1.2 Favoritism, embezzlement, breach of trust, or other misconduct.
 - 5.1.3 Any misconduct that undermines the honor and dignity of the office of municipal elected official.
- 5.2 Rules of conduct and prohibitions
 - 5.2.1 Council members must conduct themselves with respect and civility. Council members are prohibited from behaving in a disrespectful or uncivil manner toward other municipal council members, municipal employees, or citizens, including through the use of vexatious, disparaging, or intimidating words, writings, or gestures, or any form of incivility of a vexatious nature.

5.2.2 Council members must conduct themselves with honor.

No council member shall engage in conduct that undermines the honor and dignity of the office of elected municipal official.

5.2.3 Conflicts of interest

5.2.3.1 No council member may act, attempt to act, or fail to act in a manner that, in the exercise of their duties, promotes their personal interests or, in an abusive manner, those of any other person.

5.2.3.2 No member of the board shall use their position to influence or attempt to influence another person's decision in a manner that promotes their personal interests or, in an abusive manner, those of any other person.

5.2.3.3 No member of the council may contravene sections 304 and 361 of the *Act respecting elections and referendums in municipalities* (, c. E-2.2), subject to the exceptions provided for in sections 305 and 362 of that Act.

5.2.4 Receiving or soliciting benefits

5.2.4.1 No member of the board may solicit, induce, accept, or receive, for themselves or for another person, any benefit whatsoever in exchange for taking a position on a matter that may be referred to the board, a committee, or a commission of which they are a member.

5.2.4.2 No member of the board may accept any gift, hospitality or other benefit, regardless of its value, that is offered by a supplier of goods or services or that may influence their independence of judgment in the performance of their duties or compromise their integrity.

5.2.4.3 Any gift, hospitality or other benefit received by a member of the municipal council that is not of a purely private nature or covered by section 5.2.4.2 must, when its value exceeds \$200, be reported in writing by that member to the clerk-treasurer of the municipality within 30 days of its receipt.

This declaration must contain an adequate description of the gift, hospitality or benefit received, and specify the name of the donor as well as the date and circumstances of its receipt.

5.2.5 Council members shall not use municipal resources

5.2.5.1 No council member may use the resources of the Municipality or any other municipal organization or body within the meaning of this Code for personal purposes or for purposes other than activities related to the performance of their duties. However, this prohibition does not apply when a council member uses, on non-preferential terms, a resource that is generally available to citizens.

5.2.6 Privileged information

5.2.6.1 No council member shall, during or after their term of office, use, disclose, or attempt to use or disclose information obtained in the course of or in connection with the performance of their duties that is not generally available to the public for the purpose of promoting their personal interests or those of any other person.

5.2.7 After the term of office

5.2.7.1 No member of the council shall, within twelve (12) months after the end of his or her term of office, hold a position as director or officer of a legal person, or any other position or function, such that he or she or any other person derives an undue advantage from his or her previous duties as a member of the council of the Municipality.

5.2.8 Announcement during a political fundraising event

5.2.8.1 No member of the council may announce, at a political fundraising event, the completion of a project, the conclusion of a contract, or the awarding of a grant by the municipality, unless a final decision regarding the project, contract, or grant has already been made by the competent authority of the municipality.

ARTICLE 6: ENFORCEMENT, MONITORING, AND PENALTIES

6.1 The enforcement and monitoring mechanisms for this Code are those provided for in the LEDMM.

6.2 A breach of a rule set out in this Code by a member of the Municipal Council may result in the imposition of the sanctions provided for in the LEDMM, namely:

6.2.1 a reprimand;

6.2.2 participation in training on ethics and professional conduct in municipal matters, at the council member's expense, within the time limit prescribed by the Commission municipale du Québec;

6.2.3 the return to the Municipality, within 30 days of the decision of the Commission municipale du Québec:

a) the gift, hospitality or benefit received or the value thereof;

b) any profit made in contravention of a rule set out in this code;

6.2.4 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 an organization;

6.2.5 a penalty, not exceeding \$4,000, to be paid to the Municipality;

6.2.6 suspension of the council member for a period not exceeding 90 days, which suspension may extend beyond the end of his term of office if he is re-elected in an election held during his suspension and the suspension has not ended on the day his new term of office begins.

When a council member is suspended, they may not perform any duties related to their office as mayor or councilor and, in particular, may not sit on any council, committee, or

commission of the Municipality or, in their capacity as a member of the Municipal Council, of any other body, nor may they receive any remuneration, allowance, or other sum from the Municipality or such body.

ARTICLE 7: REPLACEMENT

- 7.1 This bylaw replaces *Bylaw No. 2018-02 enacting a code of ethics and professional conduct for elected officials*, adopted on January 8, 2018.
- 7.2 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.

ARTICLE 8: ENTRY INTO FORCE

- 8.1 This bylaw comes into force in accordance with the law.

Notice of motion and presentation of the draft: January 12, 2026

Adoption: February 2, 2026

Notice of promulgation:

Transmission to the MAMH:

PROPOSED