

PROVINCE OF QUEBEC

BY-LAW NUMBER 02-2022 ESTABLISHING THE

CODE OF ETHICS AND CONDUCT OF THE ELECTED OFFICIALS OF THE MUNICIPALITY OF THORNE

- WHEREAS** a notice of motion was given at a council meeting held on January 11th, 2022;
- WHEREAS** the Municipality Council adopted, on February 1, 2022 By-law number 02-2022 enacting a Code of ethics and professional conduct elected officials;
- WHEREAS** under article 13 of the Act respecting ethics and professional conduct in municipal matters (CQLR, c. E-15.1.0.1, hereafter: the “LEDMM”), any municipality must, before March 1 following any general election, adopt a revised code of ethics and professional conduct which replaces the one in force, with or without modification;
- WHEREAS** a general election was held on November 7, 2021;
- WHEREAS** the coming into force, on November 5, 2021, of the Act to amend the Act respecting elections and referendums in municipalities, the Act respecting municipal ethics and professional conduct and various legislative provisions (SQ, 2021, c . 31), which modifies the mandatory content of the Code of ethics and professional conduct of 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 observed;
- WHEREAS** the mayor mentions that the purpose of this by-law is to provide for the main values of the Municipality in matters of ethics and the rules of professional conduct which must guide the conduct of a person as a member of the council, a committee or a commission of the Municipality or, in his capacity as a member of the council of the Municipality, of another organization;
- WHEREAS** the Municipality, which includes the members of its council, explicitly adheres to the values in terms of ethics and the ethical rules provided for in the LEDMM as well as in this Code;
- WHEREAS** ethics and professional conduct in municipal matters are essential in order to maintain the bond of trust between the Municipality and the citizens;

- WHEREAS** conduct in accordance with municipal ethics and professional conduct must remain a constant concern of council members in order to assure citizens of transparent, prudent, diligent and honest management of the Municipality, including its public funds;
- WHEREAS** by applying the values in terms of ethics and by respecting the ethical rules provided for in this Code, each member of the council is able to fulfill his role as a municipal elected official, to assume the responsibilities inherent in this function and meet the expectations of citizens;
- WHEREAS** this Code contains the obligations as well as the guidelines for guiding the conduct of each member of the Board, while leaving it to the latter to use his judgment according to the values provided therein;
- WHEREAS** this Code aims to identify, prevent and avoid situations of conflict of interest;
- WHEREAS** any breach of the Code can have serious consequences for the Municipality and the members of council;
- WHEREAS** it is the responsibility of each member of council to respect this Code to ensure that they meet high standards of ethics and professional conduct in municipal matters.

FOR THESE REASONS,

It is moved by D. STAFFORD, seconded by J. COURSOL and unanimously resolved;

THAT the Municipality of Thorne adopt the following regulation:

BY-LAW NUMBER 02-2022 ESTABLISHING THE CODE OF ETHICS AND CONDUCT OF MUNICIPAL ELECTED OFFICERS**ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS**

1.1 The title of this by-law is: By-law number 02-2022 enacting the Code of ethics and professional conduct of elected municipal officials.

1.2 The preamble is an integral part of this Code.

1.3 The Code does not replace all laws and regulations in force which govern the Municipality and, more generally, the municipal domain. Rather, it is supplementary and complements the various obligations and general duties applicable to elected municipal officials who are provided for in the laws and other applicable regulations.

Thus, the Code must not be interpreted as allowing derogations from the provisions contained in the laws and regulations in force which govern the Municipality, elected municipal officials and, more generally, the municipal domain.

ARTICLE 2: INTERPRETATION

2.1 This Code must be interpreted according to the principles and objectives contained in LEDMM. The rules provided for in this law are deemed to be an integral part of this Code and prevail over any incompatible rule stated in this Code.

2.2 In this Code, unless the context indicates a different meaning, the following terms mean:

Advantage: Whether or not pecuniary in nature, any gift, favor, reward, service, gratuity, token of hospitality, remuneration, gain, indemnity, privilege, preference, compensation, benefit, profit, advance, etc. constitutes an advantage loan, reduction, discount, etc.

Code: By-law number 02-2022 enacting the Code of ethics and professional conduct of elected municipal officials.

Council: The municipal council of the Municipality of Thorne.

Ethics: Refers to all the rules and duties that govern the function of council members, their conduct, the relationships between them as well as the relations with municipal employees and the general public. It

also refers to all of the moral principles that underlie the conduct of board members. Ethics take into account the values of the Municipality.

Personal interest: Such an interest is linked to the very person of the elected official and it is distinct from that of the community he represents.

Council member: Elected from the Municipality, a member of a committee or a commission of the Municipality or member of the council of another municipal body, when he sits there in his capacity as a member of the council of the Municipality.

Municipality: The Municipality of Thorne.

Municipal body: The council, any committee or any commission:

- 1 ° Of an organization declared by law to be an agent or agent of the Municipality;
- 2 ° An organization whose council is made up mainly of council members, whose budget is adopted by the Municipality or whose funding is provided for more than half by the latter;
- 3 ° A public body whose council is made up mainly of council members from several municipalities;
- 4 ° Any other body determined by the Minister of Municipal Affairs and Housing.

ARTICLE 3: APPLICATION OF THE CODE

3.1 This Code and more particularly the rules set out in it guide the conduct of any member of the board.

3.2 Certain rules provided for in this Code also apply after the term of office of any person who has been a member of the board.

ARTICLE 4: VALUES

4.1 Main values of the Municipality in terms of ethics:

4.1.1 Integrity of board members

Integrity involves demonstrating probity and honesty above suspicion.

4.1.2 Honor attached to the duties of board member

Honor requires remaining worthy of the duties entrusted by citizens.

4.1.3 Caution in pursuing the public interest

Prudence requires all board members to assume their responsibilities for the public interest mission incumbent upon them objectively and with discernment. Caution involves educating yourself enough, considering the consequences of your actions, and considering alternative solutions.

The public interest involves making decisions for the greater good of the community and not for the benefit of private or personal interests at the expense of the public interest.

4.1.4 Respect and civility towards other members of the municipality's council, its employees and citizens

Generally speaking, respect requires treating all people with respect and consideration. Civility involves showing courtesy, politeness and good manners.

4.1.5 Loyalty to the Municipality

Loyalty requires carrying out one's duties in the best interest of the Municipality, with objectivity and independence of mind. It involves disregarding one's personal interests and disclosing them in full transparency, in accordance with the applicable rules. In addition, loyalty involves respecting the decisions made by the board.

4.1.6 The search for equity

Fairness involves being impartial, that is, having an objective and independent conduct, and considering the rights of everyone. Fairness requires not discriminating.

4.2 These values should guide the members of the Municipality's council in assessing the ethical rules applicable to them.

4.3 When values are incorporated into article 5 of this Code, they must, in addition to guiding the conduct of the board member, be respected and applied by the board member.

ARTICLE 5: RULES OF CONDUCT AND PROHIBITIONS

5.1 The rules of conduct are intended in particular to prevent:

5.1.1 Any situation where the personal interest of the board member may influence his independence of judgment in the performance of his duties.

5.1.2 Favoritism, embezzlement, breach of trust or other misconduct.

5.1.3 Any misconduct affecting the honor and dignity of the office of elected municipal official.

5.2 Rules of conduct and prohibitions

5.2.1 The board member must conduct himself with respect and civility.

It is forbidden for any member of the council to behave in a disrespectful or uncivil manner towards other members of the municipal council, municipal employees or citizens through the use, in particular, of vexatious, disparaging or disparaging words, writings or gestures. Intimidating or any form of incivility of a vexatious nature.

Respect and civility:

More specifically, any member of the board must:

- a) Demonstrate civility and courtesy in their exchanges and communications, including those on the Web and social media;
- b) Respect the dignity and honor of other council members, municipal employees and citizens.
- c) Every board member should engage in frank and honest dialogue with other board members in order to come to an informed decision.
- d) All council members must respect decorum during a public or private meeting of municipal council. In particular, the board member must comply with the directives of the chairman of the assembly.
- e) In his communications with municipal employees, the Municipality's partners, citizens, the media and the general public, the council member may not use his function or his title to suggest that he is acting on behalf of the Municipality, except in the case where a resolution has been duly adopted to this effect by the municipal council.

This prohibition does not, however, apply to the mayor, who acts within the framework of the specific powers vested in him by law.

5.2.2 The board member must conduct himself with honor.

Any member of the council is prohibited from engaging in conduct that attacks the honor and dignity of the office of municipal councillor.

Honor attached to functions:

- a) All council members must take reasonable steps to attend public and private council meetings. The same is true when he presents the Municipality at various meetings or events.
- b) It is forbidden for any member of the council to incur expenditure in contravention of the Act respecting the remuneration of elected municipal officers (CQLR, c. T-11.001) or to attempt to be reimbursed for such an expense.

c) Within the framework of his travels and his expenses which involve a reimbursement from the Municipality, any member of the council must as far as possible limit the costs thereof to what is reasonable in the circumstances.

5.2.3 Conflicts of interest

5.2.3.1 It is forbidden for any member of the board to act, attempt to act or omit to act in such a way as to promote, in the exercise of his functions, his personal interests or, in an abusive manner, those of any other person.

5.2.3.2 It is forbidden for any member of the board 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 anybody.

5.2.3.3 It is forbidden for any member of the council to contravene articles 304 and 361 of the Act respecting elections and referendums in municipalities (CQLR, c. E-2.2), subject to the exceptions provided for in articles 305 and 362 of this law.

5.2.4 Receipt or solicitation of benefits

5.2.4.1 Any member of the board is prohibited from soliciting, eliciting, accepting or receiving, for himself or for another person, any advantage whatsoever in exchange for taking a position on a question of which the council, a committee or a commission of which he is a member may be referred.

5.2.4.2 Any member of the board is prohibited from accepting any gift, hospitality or other advantage, whatever its value, which is offered by a supplier of goods or services or which may influence his independence of judgment in the performance of their duties or which may compromise their integrity.

5.2.4.3 Any gift, 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 5.2.4.2 must, when its value exceeds \$ 200, be the subject, within 30 days of its receipt, of a written declaration by this member to the Municipality's clerk-treasurer.

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

5.2.5 The council member must not use the resources of the Municipality

5.2.5.1 It is forbidden for any member of the council to use the resources of the Municipality or any other municipal body within the meaning of this Code for personal purposes or for purposes other than activities related to the exercise of their functions. This prohibition does not apply, however, when a council member uses, on non-preferential terms, a resource generally made available to citizens.

5.2.6 Inside information

5.2.6.1 It is forbidden for any member of the board to use, communicate or attempt to use or communicate both during and after his term of office, information obtained during the exercise or from time to time performing their duties and which are not generally available to the public to promote their personal interests or those of any other person.

5.2.6.2 It is forbidden for any member of the board to use or disclose, for their own benefit or for the benefit of a third party, inside information or information they hold and which would not be otherwise available or that the board municipal has not yet disclosed.

5.2.6.3 A board member may not disclose in any way, directly or indirectly, the opinion expressed in a private meeting by another board member or any other person participating.

5.2.6.4 All board members should exercise caution in their communications, especially on the web and social media, to avoid directly or indirectly disclosing inside information or information that is not of a public nature.

5.2.6.5 For the purposes of this section, and without limiting the generality of the foregoing, are in particular, but not limited to, considered inside information and information which is not of a public nature: documents and information cannot be disclosed or whose confidentiality must be ensured under the Act respecting Access to documents held by public bodies and the Protection of personal information (CQLR, c. A-2.1), discussions held during private sessions and all that is protected by professional secrecy, as long as the Municipality has not waived it in the latter case.

5.2.7 Post-employment

5.2.7.1 It is forbidden for any member of the Board, within twelve (12) months following the end of his mandate, to hold a position of director or officer of a legal person, a job or any other function so that he or any other person derives an undue advantage from his previous functions as a member of the Municipality's council.

5.2.8 Announcement during a political fundraising activity

5.2.8.1 It is forbidden for any member of the board to make the announcement, during a political fundraising activity, of the completion of a project, the conclusion of a contract or the award of a grant by the Municipality, unless a final decision regarding this project, contract or subsidy has already been taken by the competent authority of the municipality.

5.2.9 Interference

5.2.9.1 A member of the council may not interfere in the day-to-day administration of the Municipality or give directives to municipal employees, other than on the occasion of a decision-making in public session of the municipal council. In such a case, the directives are applied to the municipal employees by the general management.

It is understood that the council member who is a member of a committee, or of a commission formed by the municipal council or who is mandated by the municipal council to represent the Municipality in a particular file, may however have to collaborate with the director general and municipal employees. This collaboration is limited to the mandate assigned to it by the municipal council.

Under no circumstances may this provision be applied or interpreted in such a way as to limit the mayor's right of surveillance, investigation and control vested in him by law.

5.2.9.2 All council members must forward any complaints they receive to the Municipality's director general, who will do the appropriate follow-up. If the complaints are aimed at the director general, he refers them to the mayor.

5.3 RULE 7 - Sobriety

5.3.1 It is forbidden for an elected official to consume or induce anyone to consume alcoholic beverages or drugs during their work. An elected official cannot be under the influence of any particular drink or drug while performing his job.

ARTICLE 6: APPLICATION, CONTROL AND SANCTIONS MECHANISM

6.1 The application and control mechanisms of this Code are those provided for in the LEDMM;

6.2 A breach of a rule provided for in this Code, by a member of the Municipality's council, may result in the imposition of the sanctions provided for in the LEDMM, namely:

6.2.1 The reprimand;

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

6.2.3 Delivery 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 withdrawn 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 that the Commission determines, as a member of a council, a committee or a commission of the Municipality or of an organization;

6.2.5 A penalty, for a maximum amount of \$ 4,000, to be paid to the Municipality;

6.2.6 the suspension of the council member for a period not exceeding 90 days, this suspension being able to have effect after the day on which his mandate ends if he is re-elected in an election held during his suspension and that it is not over on the day his new mandate begins.

When a council member is suspended, he may not exercise any function related to his office as mayor or councillor and, in particular, he may not sit on any council, committee or commission of the Municipality or, in his capacity as a member of the council of the Municipality, of another organization, nor receive remuneration, an allowance or any other sum from the Municipality or such an organization.

ARTICLE 7: REPLACEMENT

7.1 This by-law replaces By-law number 03-2018 enacting a code of ethics and professional conduct for elected officials, adopted on May 5th, 2018.

7.2 Any mention or reference to a code of ethics and professional conduct for elected officials, whether in a by-law, resolution, policy, contract, etc., is deemed to refer to this by-law.

ARTICLE 8: ENTRY INTO FORCE

8.1 These regulations come into force in accordance with the law.

ADOPTED BY THE MUNICIPAL COUNCIL on FEBRUARY 1, 2022.

Karen Kelly
Mayor

Stacy Lafleur
Director General

