

**BY-LAW NUMBER 384-2022 ENACTING THE CODE OF ETHICS AND CONDUCT  
FOR ELECTED MUNICIPAL OFFICIALS**

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

**ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS**

- 1.1 The title of this by-law is: By-law number 384-2022 enacting the Code of ethics and conduct for elected municipal officials.
- 1.2 The preamble is an integral part of this Code.
- 1.3 The Code does not replace the laws and by-laws in force that govern the Municipality and, more generally, the municipal field. Rather, it is supplementary and complements the various obligations and general duties applicable to elected municipal officials that are stated in the applicable laws and other regulations.

Thus, the Code must not be interpreted as allowing any exemption from the provisions contained in the laws and regulations in force governing the Municipality, elected municipal officials and, more generally, the municipal field.

**ARTICLE 2: INTERPRETATION**

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

Benefit:	Whether pecuniary or not, a benefit includes any gift, donation, favour, reward, service, gratuity, hospitality, remuneration, compensation, gain, indemnity, privilege, preference, benefit, profit, advance, loan, reduction, discount, etc.
Code:	<i>By-law number 384-2022 enacting the code of ethics and conduct for elected municipal officials</i>
Council:	The municipal council of the Municipality of West Bolton.
Conduct:	Refers to the set of rules and duties that govern the function of the members of the council, their conduct, their relationship among themselves as well as their relationship with the municipal employees and the public in general.
Ethics:	Refers to the set of moral principles that underlie the conduct of council members. Ethics take into account the values of the municipality.
Personal Interest:	Such an interest is related to the individual elected official and is separate from the community they represent.
Council Member:	An elected official of the Municipality, a member of a committee or commission of the Municipality or a member of the council of another municipal body, when sitting in their capacity as a member of the council of the Municipality.
Municipality:	The Municipality of West Bolton.
Municipal Organization:	The council, any committee or any commission:

- (1) an organization that is declared by law to be an agent or mandatary of the Municipality;
- (2) an organization whose board is composed of a majority of members of the Council, whose budget is adopted by the Municipality or whose financing is ensured for more than half by the Municipality;
- (3) a public organization whose board is composed of a majority of Council members from several municipalities;
- (4) any other organization determined by the Ministre des Affaires municipales et de l'Habitation.

### **ARTICLE 3: APPLICATION OF THE CODE**

- 3.1 The present Code, and in particular the rules set out in the Code, shall guide the conduct of any member of the Board.
- 3.2 Certain rules contained in the present Code shall also apply after the mandate of any person who has been a member of the Council.

### **ARTICLE 4: VALUES**

- 4.1 The Municipality's main ethical values:

- 4.1.1 Integrity of Council Members

Integrity implies probity and honesty above suspicion.

- 4.1.2 Honour of Council Members

Honour requires remaining worthy of the duties entrusted by the citizens.

- 4.1.3 Prudence in the pursuit of the public interest

Prudence requires that every council member assume their responsibilities regarding the public interest in an objective and discerning manner. Prudence involves becoming sufficiently informed, considering the consequences of one's actions and examining 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 council, municipal employees and citizens

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

- 4.1.5 Loyalty to the Municipality

Loyalty requires performing one's duties in the best interest of the Municipality, with objectivity and independence of mind. It implies disregarding one's personal interests and disclosing them in a transparent manner, in accordance with the applicable rules. Furthermore, loyalty implies respecting the decisions made by the Council.

- 4.1.6 Striving for Fairness

Fairness implies impartiality, i.e., objective and independent conduct, and consideration of the rights of all. Fairness requires the lack of discrimination.

- 4.2 These values must guide the members of the municipal Council in the assessment of the ethical rules applicable to them.

- 4.3 Where values are incorporated into Section 5 of this Code, these values shall not only guide the conduct of the Council member, but shall be respected and applied by the Council member.

## ARTICLE 5: RULES OF CONDUCT AND PROHIBITIONS

5.1 The purpose of the rules of conduct is to prevent:

5.1.1 Any situation in which the Council member's personal interest may influence their independence of judgment in the performance of their duties.

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

5.1.3 Any misconduct that is detrimental to the honour and dignity of the office of elected municipal official.

5.2 Rules of conduct and prohibitions

5.2.1 Council members shall conduct themselves 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 Council, municipal employees or citizens by using, among other things, vexatious, derogatory or intimidating words, writing or gestures or any form of incivility of a vexatious nature.

5.2.2 Council members shall conduct themselves with honour.

It is forbidden for any member of the Council to engage in conduct that is detrimental to the honour and dignity of the office of elected officials.

5.2.3 Conflict of interest

5.2.3.1 It is forbidden for any member of the Council to act, attempt to act or fail to act in a manner that promotes, in the performance of their duties, their own personal interests or, in an abusive manner, those of any other person.

5.2.3.2 It is forbidden for any Council member to use their position to influence or attempt to influence the decision of another person in order to favour their personal interests or, in an abusive manner, those of any other person.

5.2.3.3 It is forbidden for any Council member to contravene to articles 304 and 361 of the *Act respecting elections and referendums in municipalities* (R.S.Q., c. E-2.2), subject to the exceptions set out in articles 305 and 362 of that Act.

5.2.4 Receiving or soliciting benefits

5.2.4.1 It is forbidden for any member of the Council to solicit, induce, accept or receive for themselves or for any other person any benefit in exchange for taking a position on any matter that may come before the Council or any committee or commission of which they are a member.

5.2.4.2 It is forbidden for any members of the Council to accept any gift, hospitality or other benefit of any value from a supplier of goods or services that may influence the member's independence of judgment in the performance of their duties or that may compromise the member's integrity.

5.2.4.3 Any gift, hospitality or other benefit received by a member of the Council that is not of a purely private nature or covered by the article 5.2.4.2 shall, when its value exceeds \$200, be the subject of a written declaration by that member to the Clerk-Treasurer of the Municipality within 30 days of its receipt.

Such statement shall contain an adequate description of the gift, hospitality or benefit received and shall state the name of the donor and the date and circumstances of its receipt.

5.2.5 Council member shall not use the Municipality's resources

5.2.5.1 It is forbidden for any member of the Council to use any resources of the Municipality or any other municipal organization within the meaning of the

present Code for personal purposes or for purposes other than activities related to the performance of their duties. This prohibition does not apply, however:

1. When a member of Council uses, on non-preferential terms, a resource that is generally available to citizens;
2. To the occasional use, for personal purposes, of software, a computer, an electronic tablet or a telecommunications device that the council member must use in activities related to the exercise of his functions. However, the latter must reimburse the municipality, if applicable, for additional costs related to this use.

#### 5.2.6 Privileged Information

5.2.6.1 It is forbidden for any council member to, both during and after their mandate, 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 to further their personal interests or those of any other person.

#### 5.2.7 After the mandate

5.2.7.1 It is forbidden for any member of the Council, during the twelve (12) months following the end of their mandate, to hold a position as director or officer of a legal person, employment or any other position, in such a way that they or any other person derives undue benefit from their previous duties as a member of the Council of the Municipality.

#### 5.2.8 Announcement during a political fundraising activity

5.2.8.1 It is forbidden for any member of the Council to make an announcement at a political fundraising event that a project, contract or grant has been awarded by the Municipality, unless a final decision on the project, contract or grant has been made by the competent authority within the Municipality.

### **ARTICLE 6: ENFORCEMENT, CONTROL AND SANCTIONS MECHANISM**

6.1 The enforcement and control mechanisms of the present Code are those provided for in the LEDMM;

6.2 A breach of a rule provided for in the present Code by a member of the Council of the Municipality may result in the imposition of the sanctions provided for in the LEDMM namely:

6.2.1 reprimand;

6.2.2 participation in a training course on ethics and conduct in municipal matters, at the expense of the Council member, within the period prescribed by the Commission municipale du Québec;

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

a) of the gift, hospitality or advantage received or the value thereof;

b) any profit received in contravention of a rule set out in the present Code;

6.2.4 the reimbursement of any remuneration, allowance or other sum received, for the period determined by the Board, as a member of a council, committee or commission of the Municipality or of an organization;

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

6.2.6 the suspension of the Council member for a period not exceeding 90 days, which suspension may extend beyond the day on which their mandate expires if they are re-elected in an election held during their suspension and the suspension has not ended on the day on which their new mandate begins.

When a member of the Council is suspended, they may not hold any office related to their position as Mayor or Councillor and, in particular, they may not sit on any council, committee or commission of the Municipality or, in their capacity as a member of the Council of the Municipality, of any other organization, nor receive any remuneration, allowance or other sum from the Municipality or any such organization.

**ARTICLE 7: REPLACEMENT**

- 7.1 This regulation replaces By-law number 342-2018 establishing a code of ethics and conduct of elected municipal officers, adopted on March 12, 2018.
- 7.2 Any mention or reference to a code of ethics and conduct for elected officials, whether in a by-law, a resolution, a policy, a contract, etc., is deemed to refer to this regulation.

**ARTICLE 8: COMING INTO FORCE**

- 8.1 This regulation shall come into force in accordance with the law.

**PASSED BY THE MUNICIPAL COUNCIL, on April 11, 2022**

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Denis Vaillancourt  
Mayor

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Me Jean-François Grandmont, OMA  
Director general and Clerk-Treasurer