



BY-LAW 628-2021 Regarding ethics and good conduct of elected municipal representatives

EXPLANATORY NOTE

This by-law renews the code of ethics and professional conduct as specified in Article 13 of the Municipal ethics and good conduct Act (RLRQ, ch. E-15.1.0.1) pursuant to the November 7th, 2021 municipal election.

It includes mandatory provisions stipulated in this same Act and is a reminder of the Municipality's main values pertaining to ethics. It links municipal organizations and the members of their board of directors.

It integrates the sense of civility into the code of ethics.

The by-law adds a restriction for the elected representatives to act disrespectfully towards a council member, municipal employee or a citizen under penalty of law.

It enacts rules of conduct in matters of conflicts of interest and adds a formal restriction to the elected representatives in accepting any form of donation whatsoever.

It includes provisions regarding discretion and confidentiality and enacts that council's deliberations in caucus be confidential and that council members cannot render them public unless having had council's authorization.

It includes provisions restricting the use of the Municipality's resources for personal matters as well as an obligation to respect the decision-making process.

Finally, the by-law provides for sanctions in the case of non-compliance as well as the process of handling complaints.

WHEREAS THAT the municipal council must adopt a code of ethics and good conduct for the elected representatives of the Municipality as per the Municipal ethics and good conduct Act (RLRQ, ch. E-15.1.0.1);

WHEREAS as per the provisions of this Act, every Municipality must adopt a code of ethics and good conduct for elected municipal representatives to set out the main ethical values of the municipality and the rules of conduct that must be observed by elected municipal officers, to adopt a code of ethics and determine the applicable mechanisms and regulations.

WHEREAS the municipality and municipal organizations' main values are included in this Code of ethics and good conduct, as follows:

- 1° integrity of the members of every council of the municipality;
- 2° the honour attached to the office of every council of the municipality;
- 3° prudence in the pursuit of public interest;
- 4° the respect to be shown to the other council members, to municipal employees and to its citizens;
- 5° loyalty towards the municipality;
- 6° search for equity;
- 7° civility in discussions, debates and interactions between the Municipality's Council members, with its employees as well as with citizens;

WHEREAS the values listed in the Code of ethics and good conduct must guide the conduct of individuals in their understanding of the rules of conduct that apply to them.

WHEREAS the regulations stipulated in the Code of ethics and good conduct, in particular, aim to prevent:

- 1° any situation when the personal interests of a council member may influence his independence in judgment while exercising his functions;
- 2° any situation which could be contrary to sections 304 and 361 of the Act respecting elections and referendums in municipalities (L.R.Q., chapter E-2.2);
- 3° favouritism, embezzlement, breach of trust or other misconduct.

WHEREAS a notice of motion of the present by-law was given at the regular meeting held on November 17th, 2021 by Councillor Carole Patenaude;

WHEREAS a draft by-law was presented by Council and explained by the director general at the regular meeting of November 17th, 2021;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Goal** – The goal of the present by-law is to allow the Municipality to comply with the provisions stipulated by the Municipal ethics and good conduct Act and grow the population of Morin-Heights' trust in municipal institutions.
2. **Objectives** – The objectives of this by-law are to integrate the Municipality's values into a regulatory framework, ensure the respect and promotion of ethical and responsible values.
3. **Definitions** – Within the present by-law, unless otherwise specified, the following terms are defined as follows:

Advantage: Includes any gift, donation, favour, reward, service, commission, gratification, hospitality, remuneration, retribution, gain, indemnity, privilege, preference, compensation, benefit, profit, advance, loan, reduction, discount, or any other useful or profitable thing of this nature or promise of such an advantage;

Personal interest: Interest of a concerned person, either directly or indirectly, pecuniary or not, real, apparent or potential. It is distinct, without necessarily being exclusive, from the public in general or may be perceived as such by a reasonably informed person. Is excluded from this notion is in the event that personal interest consists of remunerations, allowances, expense reimbursements, social benefits or other work conditions relating to the concerned person's functions within the municipality or municipal organization;

Interest of a close relative: The interest of the concerned person's spouse, child, ascendants or the interest of a company, society, cooperative or association with whom a business relationship is maintained. It can be direct or indirect, pecuniary or not, real, apparent or potential. It is distinct, without necessarily being exclusive, from the public in general or may be perceived as such by a reasonably informed person.

Municipal organization :

- a) an organization that the Law declares mandatory or agent of the Municipality;
- b) an organization that Council is mostly comprised of a municipality's council members;
- c) an organization whose budget is adopted by the Municipality or for which financing is ensured by them for more than half;
- d) a council, a commission or a committee formed by the Municipality in charge of examining and studying a question which is submitted by Council;
- e) a business, corporation, society or association at which a person is designated or recommended by the Municipality to represent its interests.

Person: Every council member, past or present, as per the provisions applicable as well every member of an advisory committee, coming from the municipal council or from the civil society.

CHAPTER 2: SCOPE OF APPLICATION AND GENERAL RULE

4. **Application of the by-law** – The present by-law applies to all the Municipality's council members as well as to the board of directors of any municipal organization controlled by the Municipality.

5. **Members of the advisory committees** – The by-law also applies to all members of an advisory committee appointed by by-law even if said member has not been elected.

CHAPTER 3: ETHICAL RULES

6. **Honor and dignity of the position** – Every person must, at all times, adopt a conduct which honors and is worthy of his held position and avoid attempts to undermine.

7. **Conflicts of interest** - Every person must avoid putting themselves in a position of being susceptible of having to make a choice between, on one hand, his personal interest or that of a close relative and, on the other hand, that of the Municipality or municipal organization.

If applicable, such situations must be made public and the participation in such discussions and deliberations on these subjects must be avoided.

8. **Interests in a contract or pecuniary interests of an elected official** – It is prohibited for any municipal council member to contravene to Articles 304 and 361 of the Act respecting elections and referendums in municipalities (RLRQ, ch. E-2.2) or to any provision in replacement.

9. **Favouritism** - Without limiting the general points above, it is prohibited for anyone to act, attempt to act or fail to act favourably, while exercising its functions, its personal interests or, wrongfully, those of any other person.

It is also prohibited for any person to take advantage of his functions to influence or attempt to influence another person's decision in such a way as to favour his personal interests or, wrongfully, those of any other person.

10. **Advantages** - It is prohibited for any person to accept, receive, provoke or solicit any advantage for himself or for another person in exchange for taking a position regarding a matter that may be brought before a council, a committee or a commission on which the council member sits;

It is also prohibited to accept any advantage, whatever its value, which may influence its independence of judgement in carrying out the duties of office or that may compromise his or her integrity.

It is prohibited for any person to accept a donation, hospitality or any other advantage which is offered to him by a supplier of goods and services.

11. **Discretion and confidentiality** - It is prohibited for anyone, either during his term or after, to use, contact or attempt to use or disclose information obtained while carrying out his duties, which are not generally available to the public so as to further his or her private interests or those of another person.

It is prohibited for any of the Municipality's council members to publish, during a political financing activity, the carrying-out of a project, the conclusion of a contract or the granting of a subsidy by the Municipality, unless a final decision regarding this project, contract or subsidy has already been taken by the Municipality's competent authority.

A council member that hires office personnel must ensure that these employees respect the restriction stipulated in the first paragraph.

In the case of non-respect of this restriction by one of these members, this person is attributable as

per the imposition of sanctions stipulated by Law.

12. **Caucus** - An elected representative must not reveal any details or information having been discussed in caucus as per section III of Chapter 2 of By-law (564-2018) regarding the rules of procedure for council meetings unless they have been previously authorized by council.

13. **Use of municipal resources** – It is prohibited for anyone to use or allow for the use of resources, goods or services belonging to the Municipality for personal reasons or other reasons other than activities related to the performance of his duties.

14. **Decisional process** - Every person must respect the laws, policies and norms (by-laws and resolutions) of the Municipality and municipal organizations relating to the decision-making process.

15. **Respect for individuals** – Every elected representative must respect other municipal council members, municipal employees as well as citizens of the Municipality.

They must refrain from any act or saying anything, by any means, which may damage another person of the Municipality's reputation or integrity.

They must refrain from acting disrespectfully towards other municipal council members, municipal employees or citizen by using words, in writing or derogatory, vexatious or intimidating gestures or any form of incivility vexatious in nature.

16. **Interference** – Every elected representative must respect the Municipality's organizational structure and refrain from interfering in the Municipality's current operations without having been duly authorized.

They are prohibited from giving orders or giving operational guidelines to a municipal employee.

This article must not be interpreted in such a way as to undermine the Mayor's powers and prerogatives described in Articles 142 and 142.1 of the Municipal Code (RLRQ, ch. C-27.1).

17. **Obligation for loyalty after mandate** - Every person must act with loyalty towards the Municipality pursuant to the end of his mandate in the respect of provisions of the Law. It is prohibited to use or divulge confidential information which was acquired while exercising his functions.

Without limiting the overviews above, it is prohibited for any person to, within 12 months following the end of the mandate, occupy an administrative position or manage a moral person, employment any other function to obtain for himself or any other person undue benefit from his prior office as council member.

CHAPTER 4: TREATMENT OF COMPLAINTS AND SANCTIONS

18. **Treatment of complaints** – Each complaint emanating from a provision of the by-law is treated pursuant to the provisions of Chapter 3 of the Municipal ethics and good conduct Act.

19. **Sanctions** – Any violation of the code of ethics and conduct or of a by-law may lead to the imposition of one of the following sanctions:

- a) a reprimand;
- b) the delivery to the Municipality, within thirty days after the decision of the Quebec municipal Commission in the case of:
 - i) a donation, hospitality or benefit received or their value;
 - ii) of any profit made in violation of a rule set out in the code;
 - iii) the reimbursement of the remuneration, allowance or other sums received as member of a council, a committee or commission of the Municipality or member of a body while the violation of the code continued;
 - iv) the suspension of a council member for a period of up to 90 days, this suspension cannot exceed the expiry of his term.

When suspended, a council member may not sit on any council, committee or commission of the municipality or on any other body in his capacity as council member, nor receive any remuneration, allowance or any other sum from the Municipality or such a body.

CHAPTER 5: FINAL PROVISIONS

20. **Repeal** – The by-law repeals and replaces By-law (550-2017) Code of ethics and good conduct for elected representatives of the Municipality of Morin-Heights as well as By-law (489-2011) Code of ethics and good conduct for the elected representatives of the Municipality of Morin-Heights.

21. **Entering into effect** – The by-law enters into effect in accordance to Articles 10, 11 and 12 of the Municipal ethics and good conduct Act.



Timothy Watchorn

Mayor



Hugo Lépine

Directeur general /
Registrar-treasurer