



Municipality of Cascapedia-St-Jules

75 route Gallagher, Cascapedia-St-Jules, Québec G0C 1T0

By-Law #18-01

CODE OF ETHICS AND GOOD BEHAVIOUR FOR MUNICIPAL ELECTED OFFICIALS

Adopted on: FEBRUARY 5th, 2018

SUMMARY

PAGE

Presentation.....1

Interpretation.....2

Area of Application.....3

- Article 1. Conflict of Interest
- Article 2. Advantages
- Article 3. Discretion and confidentiality
- Article 4. Utilisation of Municipal resources
- Article 5. Respect for the decision making process
- Article 6. Loyalty obligation after mandate
- Article 7. Sanctions

PRESENTATION

The present Code of Ethics and good behaviour for elected Municipal Officials is adopted in accordance with the *Law regarding Ethics and good behaviour in Municipal matters (2010, c.27)*.

In accordance with the dispositions of this law, all Municipalities must adopt a Code of Ethics and good behaviour for Elected Municipal Officials to ensure the adherence of all members of the Municipal Council to its principal values in matters of ethics, to adopt rules of good behaviour and to determine the mechanics of the application and control of these rules.

The principal values of the Municipality and Municipal Organisations stated in this Code of Ethics and good behaviour are:

- 1 The integrity of the members of all Municipal Councils;
- 2 The honour attached to the duties of a member of a Municipal Council;
- 3 Prudence while pursuing public interest;
- 4 Respect towards other members of a Municipal Council, the employees and citizens;
- 5 Loyalty towards the Municipality;
- 6 The search for equality.

The values stated in the Code of Ethics and good behaviour must guide all persons to whom it applies with appreciation for the rules governing good behaviour that are applicable.

The objective of the rules in the present Code of Ethics and good behaviour are to prevent, notably:

- 1 All situations where the personal interest of a Council member may influence his independent judgement while exercising his duties;
- 2 All situations that would run counter to articles 304 and 361 of the *Law governing Municipal elections and referendums (L.R.Q., chapter E-2.2)*;
- 3 Favouritism, professional misconduct, absence of confidence or other misconduct.

INTERPRETATION

All words utilised in the present Code conserve their usual definition, except for the expressions and words defined as follows:

« Advantage »

Includes all gifts, donations, favours, rewards, services, commissions, gratuities, tokens of hospitality, remuneration, payment, profit, indemnity, privileges, preferences, compensation, benefits, profit, advances, loans, reductions, discounts, or all other things useful or profitable of the same nature or any promise of an advantage.

« Personal Interest »

Interest of the concerned person, direct or indirect, financial or not, real, apparent or potential. It is distinct, without being necessarily exclusive, of the general public or may be perceived as such by a person who is reasonably informed. Is excluded from this notion the case where the personal interest consists in remunerations, allocations, reimbursements, or expenses, social advantages or other work conditions attached to the functions of the person concerned, on behalf of the Municipality or Municipal organization.

« In the interest of close relations »

Interest of the spouse, children and ancestors or interest of a society, company, co-operative or association with which there is a business relation. It may be direct or indirect, financial or not, real, apparent or potential. It is distinct, without necessarily being exclusive, from that with the general public or may be perceived as such by any reasonably informed person.

« Municipal Organisation »

- 1 An organisation that the law declares as a representative or agent of a Municipality;
- 2 An organisation of which the majority of the Council is composed of members of a Municipal Council;
- 3 An organisation of which the budget is adopted by the Municipality or over half of the financing is assured by the Municipality;
- 4 A Council, commission or committee formed by the Municipality and charged with examining and studying a question submitted by the Council;
- 5 An enterprise, corporation, society or association in which a person is designated or recommended by the Municipality to represent its interests.

APPLICATION

The present code applies to all members of the Municipal Council.

1 Conflicts of interest

All persons must avoid being placed, knowingly, in a situation where they are susceptible of having to make a choice between, in one part, their personal interest or that of their close relations and in the second part, that of the Municipality or a Municipal organisation.

Should the occasion arise, they must make these situations public and abstain from participation in any discussions or deliberations regarding the subject.

Without limiting the generalisation of the preceding, it is forbidden to act, to attempt to act or to omit to act in any way to favour, during the performing of their duties, their personal interest or, in an abusive manner, that of all other persons.

It is equally forbidden to all persons to take advantage of their position or influence or attempt to influence the decision of another person in a way to favour their personal interests or, in an abusive manner, those of all other persons. Bidders must joint to their bid a declaration attesting that their bid was prepared and deposited without any collusion, communication, agreement or arrangements with any other bidder or person to agree on bidding prices or to influence the prices submitted.

2 Advantages

It is forbidden to all persons:

- To accept , to receive, to cause or to solicit any advantages for themselves or for another person in exchange for taking a position on a question which the Council, a committee or a commission, of which they are a member, is deciding;
- To accept any advantage, not matter the value, which could influence their independence during the exercising of their duties or which risks compromising their integrity.

The person who receives any advantage that exceeds \$200 and that is not entirely of a private nature or covered by the second paragraph of the first paragraph line must, within 30 days of it's reception, produce a written declaration to the clerk or Secretary-Treasurer of the Municipality containing an adequate description of the advantage, the name of the giver, the date and the circumstances of it's reception.

3 Discretion and confidentiality

It is forbidden to all persons, during and after their mandate, to utilise, communicate or attempt to utilise or communicate information obtained during the performance of their duties and which are not generally at the disposition of the public to favour their personal interest or those of any other persons.

4 Use of Municipal resources

It is forbidden to all persons to use or permit the usage of the resources, goods or services of the Municipality or Municipal organisations for personal reasons or for any other reasons other than during the performance of their duties.

5 Respect for the decision making process

All persons must respect the laws, policies and norms (By-Laws and resolutions) of the Municipality and its organisations regarding the mechanics of decision making.

6 Loyalty obligation after mandate

All persons must act with loyalty regarding the Municipality after their mandate with respect for the dispositions of the law. It is forbidden to utilise or divulge any confidential information learned during the performing of their duties.

Without limiting the generality of that which precedes, it is forbidden for all persons, within 12 months following the end of their mandate, to occupy a position as an administrator or director of a moral person, a job or any other function that they or any other persons have an unwarranted advantage due to their position as a member of the Municipal Council.

7 Sanctions

Conforming to articles 7 and 31 of the *Law regarding ethics and good behaviour in Municipal matters (2010, c.27)*:

« A violation by a member of a Council of a Municipality of a rule from the Code of ethics and conduct adopted under Section 3 may entail the imposition of the following sanctions:

1° a reprimand

2° the delivery to the Municipality, within 30 days after the decision of the Municipal Commission of Québec:

- a) of any, or of the value of any, gift or hospitality or benefit received;
or
- b) of any profit made in violation of a rule set out in the Code;

3° the reimbursement of the remuneration, allowances or other sums received as a member of a Council, committee or commission of the Municipality or member of a body while the violation of a rule of the code continued; or

4° the suspension of the Council member for a period of up to 90 days and not exceeding the expiry of his or her 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 or her capacity as council member, nor may the council member receive any remuneration, allowance or other sum from the municipality of such a body. »

Adopted in Cascapedia-St-Jules this 5th day of February 2018.

Gaétan Boudreau, Mayor

Susan Legouffe, Director General