

BY-LAW NUMBER 223-2014

**BY-LAW CONCERNING THE ADOPTION OF A REVISED CODE OF ETHICS
AND GOOD CONDUCT FOR THE ELECTED OFFICIALS OF THE MUNICIPALITY
OF THE TOWNSHIP OF HARRINGTON**

WHEREAS in accordance with Article 13 of the Municipal Ethics and Good Conduct Act (2010.c. 27), every municipality must, following a general election and before March 1, adopt a revised code of ethics and conduct to replace the one in force, with or without amendments;

WHEREAS in accordance with the provisions of this Act, every municipality must adopt a code of ethics and good conduct for elected officials in order to ensure that the members of every council of a municipality explicitly adhere to the main ethical values of the municipality, and to provide for the adoption of rules of conduct and the application and enforcement of those rules;

WHEREAS the said code of ethics and good conduct must be adopted by by-law by the Municipality;

WHEREAS a notice of motion of the present by-law was duly given by Mister Peter Burkhardt; Councilor; at the meeting held on January 13, 2014;

WHEREAS Mister Peter Burkhardt, Councilor, presented the draft by-law during the January 13, 2014 meeting;

WHEREAS a Public Notice was published on January 20, 2014 concerning this by-law by the secretary-treasurer in accordance with the law;

CONSEQUENTLY, it is hereby stated and decreed by this by-law number 223-2014 entitled BY-LAW CONCERNING THE ADOPTION OF A REVISED CODE OF ETHICS AND GOOD CONDUCT FOR THE ELECTED OFFICIALS OF THE MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON, the following:

Article 1 Preamble

The preamble is an integral part of the present by-law.

Article 2 Values and objectives of the code of ethics and good conduct

The main ethical values of the Municipality of Harrington set out in this code of ethics and good conduct must guide council members in their understanding of the rules of conduct that apply to them:

- a) The integrity of the elected officials

- b) The honor attached to the office of municipal councilor and mayor;
- c) Prudence in the pursuit of the public interest;
- d) The respect to be shown to the other council members, to the employees and to the citizens;
- e) Loyalty to the municipality;
- f) The quest for equity.

The values set out in the code of ethics and good conduct must guide anyone to whom it applies in their understanding of the rules of conduct that apply to them.

The objectives of the rules provided in this code of ethics and good conduct are notably to prevent:

- 1 any situation where the private interest of a council member might impair his or her independence of judgment in carrying out the duties of office;
- 2 any situation that would be contrary to sections 304 and 361 of the Act respecting elections and referendums in municipalities (chapter E-2.2);
- 3 favouritism, embezzlement, breach of trust or other misconduct.

Article 3 Interpretation

All the words used in this code retain their usual meaning, except for the words and expressions defined as follows:

“Advantage”:

Includes any gift, donation, favor, reward, service, commission, gratuity, mark of hospitality, remuneration, consideration, gain, allowance, privilege, preference, compensation, benefit, profit, advance, loan, reduction, rebate, or any other useful or profitable thing of the same nature or any promise of such advantage.

“Personal interest”

Interest of the concerned person, whether direct or indirect, pecuniary or not, real apparent or potential. It is distinct, but not necessarily exclusive, from that of the public in general or may be perceived as such by a reasonably informed person. Is excluded from this concept the case where the interest lies in remunerations, allowances, reimbursement of expenses, social benefits or other work conditions related to the functions of the concerned person within the municipality or another body.

“Interest of relatives”

Interest of the employee’s spouse, children, ancestors or interest of a corporation, company, cooperative or association with which there is a business relationship. It can be direct or indirect, pecuniary or not, real, apparent or potential. It is distinct, but not necessarily exclusive from that of the public in general or may be perceived as such by a reasonably informed person.

“Municipal body”

- 1 a body declared by law representative or agent of a municipality;
- 2 a body whose board is composed in majority by members of the municipal council;
- 3 a body whose budget is adopted by the municipality or whose financing is provided for by more than half by the municipality;
- 4 a board, commission or a committee formed by the municipality to review and study a question submitted to it by the board;
- 5 a company, corporation, firm or association in which one person is designated or recommended by the municipality to represent its interest.

Article 4 Scope of application

This code applies to all members of the Municipality of the Township of Harrington.

Article 5 Rules

5.1. Conflicts of interest

Any person must avoid putting himself, knowingly, in a situation where he is susceptible of having to make a choice between, on the one hand, his personal interest or that of his relatives, and the other hand, that of the municipality or a municipal body.

If applicable, the person must make public these situations and abstain from participating in the discussions or deliberations that relate to them.

Without limiting the generality of the preceding, it is prohibited for any person to act or attempt to act or omit to act in the exercising of their functions in order to further their personal interests or improperly further those of another person.

To use their position to influence or attempt to influence another person's decision so as to further their personal interests or improperly further those of another person.

5.2 Advantages

It is prohibited for any person:

- To accept, receive, solicit or initiate for himself or for another person any benefit whether for himself or for another person in exchange taking a position on a matter that may be brought before a council, a committee, a commission on which the council member sits;
- To accept any benefit, whatever its value, that may impair his independence of judgment in carrying out his duties of office, or that may compromise his integrity.

A person who receives any benefit of a value of more than \$200 and that is not of a purely private nature or referred to in subparagraph 2 of the first paragraph must, in the 30 days after receiving a gift, produce a disclosure statement to the secretary-treasurer of the municipality containing an accurate description of the gift, the name of the donor, the date on which and the circumstances under which it was received.

5.3 Discretion and confidentiality

It is prohibited for any person, whether during or after his or her term to use or attempt to use or to communicate information obtained in or in connection with the carrying out of the duties of office that is not generally available to the public so as to further his or her private interests or those of another person.

5.4 Use of municipal resources

It is prohibited for any person to use or allow the use of resources, goods or services of the municipality or municipal organizations for personal reasons or reasons other than activities related to the execution of his or her duties.

5.5 Respect of the decision making process

Everyone must respect the laws, the policies and standards (by-laws and resolutions) of the municipality and the municipal organizations in relation to the procedures of the decision making process.

5.6 Obligation of loyalty after mandate

Everyone must act with loyalty towards the municipality after the end of his or her term in accordance with the provisions of the law. It is prohibited to use or divulge confidential information that was obtained during the execution of his or her duties.

Without limiting the generality of the foregoing, it is prohibited for any person, within 12 months after the expiry of his or her term, serve as a director or officer or senior executive of a legal person or hold employment or any other position so as to obtain for himself or herself or another person undue benefit from his or her prior office as council member.

Article 6 Sanctions

In accordance with articles 7 and 31 of the Municipal Ethics and Good Conduct Act (2010, c.27):

«A violation by a member of a council of a municipality of a rule of a 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 Commission municipale du 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;
- (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 or such a body.

Article 7 Coming into force

The present by-law will come into force in accordance with the Law.

Mayor

Secretary-treasurer and
Director General

Notice of motion given on the:

13th of January 2014

Adopted on the:

10th of February 2014

Comes into force on the:

12th of February 2014