



**Municipality of the Township of Harrington**  
**By-law number 280-2022**

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**CODE OF ETHICS AND DEONTOLOGY FOR ELECTED OFFICERS**

**WHEREAS** the council of the Municipality of the Township of Harrington adopted on January 15<sup>th</sup>, 2018, By-law number 280-2017, enacting a Code of ethics and professional conduct for elected officials;

**WHEREAS** under section 13 of the *Municipal Ethics and Professional Conduct Act* (CQLR, c. E-15.1.0.1, hereinafter: the "LEDMM"), every municipality must, before March 1<sup>st</sup> following any general election, adopt a revised code of ethics and professional conduct that replaces the one in force, with or without modification;

**WHEREAS** a general election was held on November 7<sup>th</sup>, 2021;

**WHEREAS** the coming into force, on November 5<sup>th</sup>, 2021, of the *Act to amend the Act respecting elections and referendums in municipalities, the Act respecting ethics and good conduct in municipal matters and various legislative provisions* (SQ, 2021, c 31), which modifies the mandatory content of the Code of ethics and professional conduct for 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 complied with;

**WHEREAS** the mayor mentions that the purpose of this by-law is to provide the main values of the Municipality in terms of ethics and the rules of conduct that must guide the conduct of a person as a member of the council, of a committee or a commission of the Municipality or, in his capacity as a member of the council of the Municipality, of another body;

**WHEREAS** the Municipality, which includes the members of its council, explicitly adheres to the ethical values and rules of conduct 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 consistent with ethics and municipal deontology must remain a constant concern of council members

in order to ensure transparent, prudent, diligent and honest management of the Municipality, including its public funds;

**WHEREAS** by applying the values in terms of ethics and respecting the ethical rules provided for in this Code, each member of council is able to properly fulfill his role as an elected municipal 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 to guide the conduct of each member of the council, while leaving it to the latter to use his judgment according to the values provided for therein;

**WHEREAS** this Code aims to identify, prevent and avoid situations of conflict of interest;

**WHEREAS** any violation of the Code can lead to 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.

## **BY-LAW NUMBER 280-02-2022, ENACTING THE CODE OF ETHICS AND DEONTOLOGY FOR MUNICIPAL ELECTED OFFICERS**

### **ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS**

1.1 The title of this by-law is: By-law number 280-02-2022, enacting the *Code of ethics and professional 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 regulations in force which govern the Municipality and, more generally, the municipal domain. Rather, it is supplementary and completes the various obligations and general duties applicable to elected municipal officials which are provided for in the laws and other applicable regulations.

Thus, the Code must not be interpreted as allowing derogation 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 the LEDMM. The rules provided for in this law are deemed to be an integral part of this Code and prevail over any incompatible rule set out in this Code.

2.2 In this Code, unless the context indicates otherwise, the following terms mean:

**Advantage:** Whether pecuniary in nature or not, constitutes an advantage in particular any gift, donation, favour, reward, service, gratification, mark of hospitality, remuneration, remuneration, gain, indemnity, privilege, preference, compensation, benefit, profit, advance, loan, reduction, discount, etc.

**Code:** By-law number 280-02-2022 enacting the Code of ethics and professional conduct for elected municipal officials.

**Council:** The municipal council of the Municipality of the Township of Harrington.

**Deontology:** Refers to the set of rules and duties that govern the function of the members of the council, their conduct, the relationship between them as well as the relationship with municipal employees and the public in general.

**Ethics:** Refers to the set of moral principles that are the basis of the conduct of board members. Ethics takes into account the values of the Municipality.

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

**Member of the council:** Elected by the Municipality, a member of a committee or 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 the Township of Harrington.

**Municipal body:** Council, any committee or commission:

1° A body declared by law to be a mandatary or agent of the Municipality;

2° A body whose council is composed of a majority 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 board is composed in the majority of members of the council of 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 all council members.

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

### **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 Board membership

Honor requires remaining worthy of the functions entrusted by citizens.

##### 4.1.3 Prudence in pursuing the public interest

Prudence dictates that all members of the Board assume their responsibilities with regard to the public interest mission incumbent on them objectively and with discernment. Prudence involves informing oneself sufficiently, thinking about the consequences of one's actions and considering alternative solutions.

The public interest implies making decisions for the greater good of the community and not for the benefit of private or personal interests to the detriment of the public interest.

##### 4.1.4 Respect and civility towards the other members of the council of the municipality, the employees of the municipality and the citizens

In general, 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 performing one's duties in the best interest of the Municipality, with objectivity and independence of mind. It involves ignoring personal interests and disclosing them transparently, in accordance with the applicable rules. In addition, loyalty involves respecting the decisions made by the council.

##### 4.1.6 Seeking equity

Fairness involves demonstrating impartiality, that is, having an objective and independent conduct, and considering the rights of each person. Equity requires non-discrimination.

4.2 These values must guide the members of the Council of the Municipality in the assessment of the ethical rules that apply to them.

4.3 When values are included in section 5 of this Code, these 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 aim in particular to prevent:

5.1.1 Any situation where the personal interest of the council 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 Council members must conduct themselves with respect and civility.

It is forbidden for any member of the council to behave in a disrespectful or uncivil way towards the other members of the municipal council, the municipal employees or the citizens by the use, in particular, of words, writings or gestures that are vexatious, denigrating or intimidating or any form of incivility of a vexatious nature.

More specifically, every council member 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.

- Every member of council must engage in a frank and honest dialogue with the other members of the board in order to arrive at an informed decision.

- All council members must respect decorum during a public or private meeting of the municipal council. In particular, the council member must respect the directives of the chairman of the meeting.

- In his communications with municipal employees, the Municipality's partners, citizens, the media and the general public, the member of council may not use his position or title to suggest that he is acting on behalf of the municipality. Municipality, except in the case where a resolution has been duly adopted to this effect by the municipal council.

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

5.2.2 The Council member must conduct himself with honour. It is forbidden for any member of the council to engage in conduct that undermines the honor and dignity of the office of elected municipal official.

- All council members must take reasonable steps to attend public meetings and private meetings of the municipal council. The same applies when he presents the Municipality at various meetings or events.

- It is prohibited for any council member to incur an expense 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.

- Within the framework of his travels and his expenses which imply a reimbursement from the Municipality, any member of the council must limit the costs as much as possible to what is reasonable in the circumstances.

### 5.2.3 Conflicts of interest

5.2.3.1 It is prohibited for any council member to act, attempt to act or omit to act in such a way as to promote, in the performance of his duties, his personal interests or, in an abusive manner, those of any other person.

5.2.3.2 It is forbidden for any member of council to avail himself 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 nobody.

5.2.3.3 It is prohibited for any council member 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.

- All council members must avoid knowingly placing themselves in a situation where they are likely to have to make a choice between, on the one hand, their personal interest or that of another person and, on the other hand, that of the Municipality or another organization, when he sits there in his capacity as a member of the council.

- All members of council must demonstrate impartiality and fairness. He cannot show favouritism, in particular with regard to the Municipality's suppliers.

- All council members must be independent-minded and have objective judgment without personal interest in order to make the best decisions for the Municipality.

- The member of the council who observes the existence of a conflict of interest or is informed of it must take the means to put an end to it, and this, as soon as possible from the moment he becomes aware of it.

- All council members must prevent and avoid situations in which they risk being unduly influenced with respect to a decision that is likely to promote their personal interest or, in an abusive manner, those of any other person.

- All members of council must ensure, at all times, that their activities other than those related to their duties as elected officials do not conflict with the exercise of their duties as elected officials.

### 5.2.4 Receiving or soliciting benefits

- For the purposes of this section, and without limiting the generality of the foregoing, are notably, but not limited to,

considered to be privileged information and information that is not of a public nature: documents and information that 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 meetings and anything is protected by professional secrecy, as long as the Municipality has not waived it in the latter case.

#### 5.2.4 Post-employment

5.2.4.1 It is prohibited for any member of council, in the twelve (12) months following the end of his term, to occupy a position of director or 5.2.4.1 It is prohibited for any member of the board to solicit, to cause, to accept or to receive, 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 can be entered.

5.2.4.2 Any council member is prohibited from accepting any gift, hospitality or other benefit, regardless of its value, which is offered by a supplier of goods or services or which may influence its independence of judgment in the performance of his duties or which risks compromising his integrity.

5.2.4.3 Any gift, any sign of hospitality or any other advantage received by a member of the municipal council and which is not of a purely private nature or covered by article 5.2.4.2 must, when its value exceeds \$200 (a municipality may provide for a lower amount), be the subject, within 30 days of its receipt, of a written declaration by this member to the clerk-treasurer of the Municipality.

This statement must contain an adequate description of the gift, hospitality or advantage received, and specify the name of the donor as well as the date and circumstances of its receipt.

- When a council member represents the Municipality at an event and receives a door prize or any benefit, without the council member having had to personally pay a participation fee to receive it, the council member must hand it over to the Municipality, which will decide how to benefit from or dispose of it.

#### 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 of 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. . However, this prohibition does not apply when a council member uses, under non-preferential conditions, a resource made generally available to citizens.

- A council member may not allow a municipal employee or a third party to use the resources of the Municipality or of any other municipal organization related to the Municipality for personal

purposes unless it is a service or an activity that is generally offered by the Municipality.

- It is forbidden for a member to divert to his own advantage or to the advantage of a third party, property or a sum of money belonging to the Municipality.

#### 5.2.6 Inside Information

5.2.6.1 It is prohibited for any council member to use, communicate or attempt to use or communicate, both during his term of office and after it, information obtained in the exercise or on the occasion of the exercise of its functions and which are not generally available to the public to further its personal interests or those of any other person.

- Any member of council is prohibited from using or disclosing, for his own benefit or for the benefit of a third party, privileged information or information that he holds and that would not otherwise be available or that the municipal council has not yet disclosed.
- A council member may not disclose in any way whatsoever, directly or indirectly, the opinion expressed in private meeting by another council member or any other person taking part.
- All council members must exercise caution in their communications, particularly on the Web and social media, in order to avoid directly or indirectly disclosing privileged information or information that is not of a public nature. leader of a legal person, a job or any other function, in such a way that he or any other person derives an undue advantage from his previous functions as a member of the council of the Municipality.

#### 5.2.8 Announcement at a political fundraising event

5.2.8.1 It is forbidden for any member of council to announce, during a political fundraising activity, the realization of a project, the conclusion of a contract or the awarding of a grant by the Municipality, unless a final decision regarding this project, contract or grant has already been made by the competent authority of the municipality.

#### 5.2.9 Interference

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

It is understood that the member of the council 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 management 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 Any member of council must forward the complaints he receives to the director general of the Municipality who will do the appropriate follow-up. If the complaints are aimed at the director general, he refers them to the mayor.

## **ARTICLE 6: MECHANISM OF APPLICATION, CONTROL AND SANCTIONS**

6.1 The enforcement 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 Council of the Municipality, may lead to the imposition of the sanctions provided for in the LEDMM, namely:

6.2.1 reprimand;

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

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

a) the gift, hospitality or advantage 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, of a maximum amount of \$4,000, to be paid to the Municipality;

6.2.6 the suspension of the member of the council for a period whose duration cannot exceed 90 days, this suspension being able to have effect beyond the day when his mandate ends if he is re-elected during an election held during his suspension and that this is not over on the day his new mandate begins.

When a member of council 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 to receive a remuneration, an allowance or any other sum from the Municipality or from such an organization.

## **ARTICLE 7: REPLACEMENT**

7.1 This by-law replaces By-law number 280-2017, enacting a code of ethics and professional conduct for elected officials, adopted on January 15, 2018.

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

**ARTICLE 8: Entry into force**

8.1 This by-law comes into force in accordance with the law

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Richard Francoeur  
Pro-mayor

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Brigitte Dubuc  
Acting director general

Notice of motion: February 3rd 2022  
Adopted on: February 14<sup>th</sup> 2022  
Came into force: February 18<sup>th</sup> 2022