

PROVINCE OF QUEBEC

BY-LAW NUMBER PC-2882

CITY OF POINTE-CLAIRE

BY-LAW RESPECTING THE
ADOPTION OF A CODE OF
ETHICS AND GOOD CONDUCT
FOR THE ELECTED MUNICIPAL
OFFICIALS OF THE CITY OF
POINTE-CLAIRE

In force on April 18th, 2018

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE HELD AT THE CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON TUESDAY APRIL 3, 2018 AT 7:30 P.M.

PRESENT:

Councillors C. Homan, T. Stainforth and K. Thorstad-Cullen, as well as councillors P. Bissonnette, C. Cousineau, B. Cowan, E. Stork and D. Webb chaired by His Worship Mayor John Belvedere forming a quorum of council.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS THE FOLLOWING:

BY-LAW NUMBER: PC-2882

RESOLUTION NUMBER: 2018-217

PROPOSED BY COUNCILLOR STORK

SECONDED BY COUNCILLOR STAINFORTH

AND RESOLVED:

WHEREAS the formalities contemplated by the Municipal Ethics and Good Conduct Act have been duly complied with; and

WHEREAS notice of motion was given at a regular municipal council sitting held on March 6th, 2018;

ARTICLE 1: TITLE

This title of this code is: “Code of Ethics and Good Conduct of Municipal Officers of the City of Pointe-Claire”

ARTICLE 2: SCOPE

This code applies to every council member of the City of Pointe-Claire.

ARTICLE 3: PURPOSE OF THIS CODE

The purposes of this code are as follows:

- 1) To give priority to those clause on which individual members of the municipal council base their decisions, and to contribute toward a better understanding of the values of the municipality;
- 2) To establish standards of behaviour which promote these values as being integral to the process of decision making by elected officers and in their general conduct as well;
- 3) To prevent ethical conflicts and, if they arise, help in resolving them effectively and judiciously;
- 4) To ensure measures to enforce this code are applies in case of any breach of conduct.

ARTICLE 4: STATEMENT OF THE VALUES REGARDING ETHICS

The following values shall serve as guides to decision making; to the general conduct of the council members of the municipality in their capacity as elected officials; and particularly when situations are encountered that are not explicitly provided for in this code or in the municipality’s policies.

1) Integrity

Any and all council members acknowledge and value integrity, ethics and transparency as essential conditions to maintain trust between the population and the elected officials.

2) Prudence in pursuit of the public interest

Members shall endeavour to meet their responsibilities toward the public duties entrusted to them. In fulfilling this mission, they shall act with professionalism, diligence and good judgment.

3) Respect for other members, municipal employees and citizens

Mutual respect is the foundation of each elected official interactions with colleagues, citizens, employees and City partners. Any form of harassment is prohibited.

4) Loyalty to the municipality

Elected officials perform their duties loyally while looking after the City's best interest.

5) Quest for fairness, equity

Members shall treat all people justly by acting, as far as possible, in the spirit of the laws and regulations.

6) Honour attached to the office of council members

Members shall safeguard the honour of their position, which presupposes constant practice of the values indicated in this code.

7) Pursuit of excellence

The City of Pointe-Claire develops an inspiring vision and calls on all its resources to fulfill its mission. Aiming for excellence, the City sets high standards and seeks continuous improvement of its processes and of the services provided to its citizens. In doing so, the City establishes itself as a leader. Responsible resource management, effectiveness and efficiency, skills, creativity and innovation are required to meet the standards of excellence that citizens expect.

8) Service quality

Putting the citizens at the heart of its priorities, the City does manage its services and activities according to the citizens' needs and expectations while enforcing principles of fairness and legitimacy.

ARTICLE 5: RULES OF CONDUCT

5.1 Scope

The rules in this section should guide the conduct of elected officers as member of the council, a committee or commission of:

- a) The City of Pointe-Claire, or
- b) Any other body in their capacity as city council members.

5.2 Purposes

These rules are intended, in particular, to prevent:

1. Any situation in which council members' private interest might impair their independence of judgment in course of their official duties;
2. Any situation that would be contrary to sections 304 and 361 of the Municipal Elections and Referendums Act (R.S.Q. chapter E-2.2);
3. Favouritism, embezzlement, breach of trust or other misconduct.

5.3 Conflict of interest

5.3.1. Council members are prohibited from acting, or attempting to act, or omitting to act, in the course of their official duties, so as to further their private interest or improperly further the interest of any other person or persons.

5.3.2. Council members are prohibited from using their position to influence or attempt to influence another person's decisions so as to further their private interest or improperly further the interest of any other person or persons.

However, members are not considered to have violated this section when they benefit from the exceptions mentioned in paragraphs 4 and 5 of subsection 5.3.6.

5.3.3. Members are prohibited from soliciting, eliciting, accepting or receiving any benefit, whether for themselves or for another person or persons, in exchange for taking a position on a matter that may be brought before a council, committee or commission on which the council member sits.

5.3.4. Members are prohibited from accepting any gift, mark of hospitality or other benefit, whatever its value, that might impair their independence or judgment in course of their official duties, or otherwise compromise their integrity.

- 5.3.5. If a council member receives any gift, mark of hospitality or other benefit that is not of a purely private nature or not prohibited under subsection 5.3.4, but that exceeds \$200 in value, the member must file a written disclosure statement with the city clerk within 30 days of receiving the benefit. The disclosure statement must contain an accurate description of the gift, mark of hospitality or benefit received, and states the name of the donor, the date and the circumstances under which it was received. The city clerk shall keep a public register of these disclosure statements.
- 5.3.6. Member may not knowingly have a direct or indirect interest in a contract with the municipality or public body contemplated in section 5.1.

A member is deemed not to have such interest if:

- 1) The member acquires such interest as part of an inheritance or donation, and renounces or disposes of it as soon as possible;
- 2) The member acquires such interest as part of an inheritance or donation, and renounces or disposes of it as soon as possible;
- 3) The member's interest is based on the fact that he or she is a member, director or officer of another municipal or public body within the meaning of the Access to Public Documents and Protection of Personal Information Act (R.S.Q., chapter A-2.1), a non-profit organization, or an body of which he or she is required by law to be a member, director or officer in his or her capacity as a member of the municipal council or municipal body;
- 4) The contract is for the member's appointment to an official post or employment which the member is eligible to hold without prejudice to his or her office;
- 5) The contract is for the member's appointment to an official post or employment which the member is eligible to hold without prejudice to his or her office;
- 6) The contract is for the delivery of general services provided by the municipality or municipal body;
- 7) The contract is for the sale or rental of an immovable on non-preferential terms;
- 8) The contract is in the form of bonds, notes or other public securities offered by the municipality or municipal body;
- 9) The contract is for services of goods that the member is required by statute or regulation to supply or render to the municipality or municipal entity;
- 10) The contract is for the supply of goods by the municipality or municipal body and was signed before the member assumed office in the municipality or municipal body, and before he or she entered as a candidate for office or was elected to office;

11) In case of force majeure, the general interest of the municipality or municipal body requires that the contract be awarded in preference to all other offers.

5.3.7. A council member, who is present at a session when a matter arises in which he or she has a private pecuniary interest, whether directly or indirectly, must disclose the general nature of his or her interest before debate on the matter begins. Interested members must also abstain from taking part in discussion or debate, voting or attempting to influence a vote on the matter.

In a closed session, the member must, in addition to the preceding, disclose the general nature of his or her interest, and then leave the session and remain absent until the matter has been debated and voted upon.

In the matter on which a council member has a pecuniary interest is taken up during a session when the member is absent, the member, once he or she becomes aware that matter is under discussion, must disclose the general nature of his or her interest to the first session at which he or she is present.

This subsection does not apply in cases where the council member's interest consists of remunerations, allowances, reimbursement of expenses, social benefits, goods or services to which the member is entitled as a condition of employment associated with his or her office in the municipality or municipal body;

Nor does it apply in a case where a council member's interest is so small that the member cannot reasonably be expected to be influenced by it.

5.3.8. The code of ethics and conduct must prohibit a member of a council of the municipality from announcing, during a political financing activity, the carrying out of a project, the making of a contract or the granting of a subsidy by the municipality, unless a final decision regarding the project, contract or subsidy has already been made by the competent authority or the municipality.

A council member who employs office personnel must ensure that those employees comply with the prohibition under the first paragraph. If an employee fails to comply with that prohibition, the council member is accountable and subject to the sanctions set out in section 31 of Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1).

5.4 Use of municipal resources

Members are prohibited from using the resources of the municipality or any other body referred to in section 5.1 for personal use or for the purposes other than activities related to their official duties.

This prohibition does not apply when a council member uses a resource generally available to citizens, and does so on non-preferential terms.

5.5 Use or communication of confidential information

Council members must respect the confidentiality of information not generally available to the public but which they have obtained in the course of their official duties. This confidentiality applies both during and after their terms of office, and they are further prohibited from using or communicating, or attempting to use or communicate, such information so as to further their private interests or those of another person or persons.

5.6 After term of office

During the 12 months after the end of council members' respective terms of office, they are prohibited from serving as a director, officer or senior executive of a corporation, or hold employment or any other position so as to obtain undue benefit for themselves or another person, based on their previous office as municipal council members.

5.7 Breach of trust and embezzlement

Council members are prohibited from diverting goods belonging to the municipality for their private use or by a third party.

ARTICLE 6: ENFORCEMENT

6.1. Any violation of a rule or rules of this Code of Ethics and Good Conduct by a member of a municipal council may result in one or more 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, of;
 - a) The gift, mark of hospitality or benefit received, or its equivalent value;
 - b) Any profit obtained in violation of a rule or rules of this code;
- 3) Repayment of the remuneration, allowance or other amounts received as a member of a municipal council, committee or commission, or as a member of a body contemplated in section 5.1, while the violation of the rule or rules continued;
- 4) Suspension of the municipal council member for a period of up to 90 days and not exceeding the expiry date of the member's term of office.

When suspended, a municipal 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 a municipal council member; nor receive any remuneration, allowance or other amounts from the municipality or such body.

ARTICLE 7: REPEAL OF THE PREVIOUS CODE

The present by-law shall replace and repeal, for all legal intents and purposes, the by-law PC-2815 of the City of Pointe-Claire as well as any and all its amendments.

ARTICLE 8: ENTRY INTO FORCE

This regulation shall come into force according to the relevant provision of the Act.

John Belvedere, Mayor

Jean-Denis Jacob, City Clerk