

PROVINCE OF QUÉBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2975

BY-LAW CONCERNING THE EXPENSES OF
COUNCIL MEMBERS AND REIMBURSEMENT
PROCEDURES

In force on August 20, 2024

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT CITY HALL,
451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUÉBEC, ON TUESDAY, AUGUST 13, 2024, AT 7:00
P.M.

PRESENT: Councillors K. Thorstad-Cullen, as well as Councillors P. Bissonnette, C.
Cousineau, B. Cowan and B. Tremblay, forming quorum under the chairmanship
of Mayor Tim Thomas.

ABSENT: Councillors T. Stainforth, C. Homan and E. Stork.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS THE
FOLLOWING:

BY-LAW NUMBER: PC-2975

RESOLUTION NUMBER: 2024-377

PROPOSED BY COUNCILLOR THORSTAD-CULLEN

SECONDED BY COUNCILLOR TREMBLAY

AND UNANIMOUSLY RESOLVED:

WHEREAS the *Act respecting the remuneration of elected municipal officials* (CQLR, c. T-11.001) governs the expense allowance of council members, the reimbursement of council members' expenses and the reimbursement of councillors' research and support expenses.

WHEREAS the *Regulation respecting the reimbursement of councillors' research and support expenses* (CQLR, c. T-11-001, r. 1) determines the research and support expenses incurred by councillors that may be reimbursed from the City's budget appropriation and prescribes rules concerning the content of supporting documents.

WHEREAS the *Municipal Ethics and Good Conduct Act* (CQLR, c. E-15.1.0. 1) and the code of ethics and professional conduct adopted pursuant thereto prohibit, in particular, any member of Council from using City resources for personal purposes or for purposes other than those related to the performance of their duties, as well as from acting, attempting to act or omitting to act in such a way as to favour, in the performance of their duties, their personal interests or, in an abusive manner, those of any other person.

WHEREAS Council wishes to clarify the nature of certain eligible expenses and establish a reimbursement request process.

WHEREAS the presentation of the draft by-law and the notice of motion were made at the regular meeting of council held on July 2, 2024.

THE COUNCIL DECREES AS FOLLOWS:

CHAPTER 1

PURPOSE AND SCOPE

1. In accordance with the principles of ethics and good conduct, and sound management of public funds, the present by-law specifies the principles governing expenses incurred by Council members, including those that may be reimbursed, as provided for in the *Act respecting the remuneration of elected municipal officials*, and sets out the procedures for reimbursing expenses, as well as additional rules.

The provisions of the present by-law complement those of the *Act respecting the remuneration of elected municipal officials*, the *Regulation respecting the reimbursement of councillors' research and support expenses* and any other applicable laws or regulations, and the latter take precedence in the event of incompatibility.

Unless otherwise specified, the present by-law applies to all members of the Municipal Council of the City of Pointe-Claire.

2. The City Manager and the Treasurer are responsible for the application of the present by-law.

CHAPTER 2

REIMBURSEMENT OF EXPENSES

3. Principle and definition

No member may, as part of his duties, perform any act involving expenses chargeable to the City except with the prior authorization of the council to perform the act and, consequently, incur expenses which do not exceed the amount fixed by the council.

However, the mayor is not required to obtain such prior authorization when he performs an act as part of his duties. The same rule applies in the case of a member of the council designated by the mayor to replace him where he is unable to represent the City.

For the purposes of the present by-law, "an expense on behalf of the City" must be an expense that benefits the City and is not primarily for the personal benefit of an individual. It is therefore any expenditure made in the interest of the City. The expenditure must be for a municipal purpose, i.e., an objective that may be useful to the City, or an activity provided for by law.

4. Expenses eligible for reimbursement

Including, but not limited to, expenses associated with the following activities are considered expenses chargeable to the City:

- a) Representing the City during the presentation of a private bill at the National Assembly.
- b) Attending a special event to which the City is invited (e.g., the inauguration of a school, a private seniors' residence).
- c) Representing the City at an event organized by a community organization.
- d) Meeting with a civil servant or other representative of a ministry.
- e) Participating and travelling to a training site, conference or other event held for the purpose of providing information or training useful for the performance of duties as member of council.
- f) Participating in a golf tournament or other activity held for the benefit of an organization providing services on the territory or to City residents.
- g) Incurring meal expenses in connection with a sitting of the council or another organ of the City, a mandatory body thereof or a supramunicipal body, or at any meeting held in connection with such a sitting, to the extent that no member of the council or of the organ concerned was excluded from the sitting or meeting for any cause other than the member's disqualification.

5. Expenses not eligible for reimbursement

Including, but not limited to, expenses associated with the following activities are not considered expenses chargeable to the City:

- a) Travel expenses to attend a council meeting, a preparatory caucus or a meeting of a supramunicipal body (e.g. *Communauté métropolitaine de Montréal, Agglomération de Montréal*).
- b) Meals with members of another council or municipal organization, other than as provided for in paragraph g) of section 4.
- c) All expenses incurred for mainly or entirely personal purposes, even in connection with an activity mentioned in section 4.
- d) All expenses incurred solely to demonstrate the council member's support for a project or cause.
- e) All expenses incurred by a person accompanying a Council member, except where justified by the situation and authorized by a Council resolution.

6. Reimbursement of authorized or eligible expenses

In consideration of the eligible expenses under the terms of the present chapter and subject to the required authorizations, if any, the City reimburses to any member of Council the expenses incurred, for any act or category of acts performed in Québec, and the purpose of which is not travel outside Québec, as follows:

a) Activity registration fees:

When a council member is authorized to attend a convention, conference, business meeting, training activity or any other eligible event requiring registration, the City reimburses the actual cost of registration, if it has not paid the supplier directly.

b) Expenses inherent in taking part in an activity:

When the council member is authorized to participate in any eligible event, the City reimburses, with supporting documentation, the actual expenses incurred up to an amount not exceeding the following, which include applicable taxes:

i) Transport costs:

Use of personal vehicle:

If transportation is provided by personal vehicle, the rates per kilometer travelled are those set out in the "Policy on travel at the employer's request", applicable to City employees.

For reimbursement purposes, the distance allowed is the distance necessary and actually travelled by the council member.

Parking fees

Parking and toll fees for authorized travel are eligible for reimbursement.

Public transportation

Council members who use public transit, such as bus, metro or train, in the application of the present by-law, may claim all costs incurred by such means of transportation, including cab fares to and from the place of boarding or deboarding.

Transportation by air

Air travel may be authorized only for round-trip trips of 600 kilometers or more and the only reimbursable transportation costs are those for economy class.

ii) Accommodation expenses:

When a previously authorized event takes place at a distance that does not permit daily commuting from the council member's place of residence, the council member is entitled to reimbursement of actual and reasonable lodging expenses incurred, upon presentation of supporting documentation only.

iii) Meal expenses:

Necessary and reasonable meal expenses are reimbursed upon presentation of receipts only.

Notwithstanding the aforementioned, the maximum eligible amount is \$150.

c) Ineligible expenses:

The following expenses are non-reimbursable:

- Alcoholic beverages.
- Fines and costs related to a violation of the Highway Safety Code (CQLR, c. C-24.2), municipal bylaws or any other offence.
- Costs incurred by the council member following an accident or breakdown (towing, insurance deductible, repairs, etc.), or any other event that is not the City's responsibility.

d) Supporting documents:

To be eligible for reimbursement, each expense must be submitted on the appropriate form, with detailed supporting documentation. Only the original version of the official receipt or invoice issued by the supplier will be accepted, and must contain the following details:

- The name and address of the supplier.
- The description of the goods or service, including the unit price.
- The date of the transaction.
- The GST and QST amounts.
- Supplier's GST and QST registration numbers.
- The total amount paid, including gratuity fees, if applicable.
- For accommodation expenses, the receipt must include the council member's name and the dates of stay.

The form submitted by a councillor must also indicate the number of the council resolution authorizing the expense.

When the council member uses their personal vehicle, mileage will be reimbursed on the basis of the calculation made by any location and mapping solution (e.g. Google Maps), the document for which must be attached to the reimbursement request.

e) Travel outside Québec

The terms and conditions for reimbursing any expenses related to an event held outside Québec shall be determined by the Council.

f) Accountability

No later than March 31 of each year, the Treasurer shall table before Council a report on reimbursements made under this section during the previous fiscal year.

CHAPTER 3

EXPENSE ALLOWANCE

7. Principle and definition

In accordance with section 19 of the *Act respecting the remuneration of elected municipal officials*, the City pays council members an expense allowance.

The allowance represents compensation for the portion of the expenses inherent to the function of council member that is are not otherwise reimbursed.

The council member uses their expense allowance at their own discretion and is not required to submit receipts to obtain it.

An expense inherent to the function of a council member is one that is assumed by the member, that is intimately linked to their function, even though they do not represent the City and do not have to justify a municipal objective. Such expenses may be incurred on the member's own initiative, in order to meet requirements that the non-elected citizen does not have, or to ensure their visibility and support their involvement in the community.

8. Possible expenses

For illustrative purposes only and without limitation, the following are examples of expenses inherent to the function of a council member that cannot be reimbursed by the City and must be paid out of their expense allowance:

- A meal to meet citizens.
- Travel to council meetings and meetings of supramunicipal bodies.
- Sending flowers to a citizen to mark an event that concerns them.
- A golf tournament that does not fund an organization providing services on City territory.
- Participating in activities for personal benefit as an elected municipal official, but not for the general benefit of the City.
- A personal donation during a fundraising event.
- Purchasing of tickets and participating in a silent auction at an event.

CHAPTER 4

COUNCILLORS' RESEARCH AND SUPPORT EXPENSES

9. Principle

In accordance with the *Act respecting the remuneration of elected municipal officials*, the City budget includes an appropriation, equal to or greater than 1/15 of 1% of the total of other budgeted appropriations, for the payment of sums to reimburse councillors' research and support expenses.

The maximum amount of research and support expenses that may be reimbursed annually to a Councillor is established by dividing the appropriation equally among all the councillors.

This chapter does not apply to the Mayor.

10. Conditions of eligibility

Expenses are reimbursable to the extent that they are incurred in the performance of the councillor's duties. The words "research" and "support" are to be understood in their common sense. Any expenses incurred by the councillor for these purposes must meet a real and useful need for the performance of their duties.

Expenses incurred to promote purely political interests, i.e. expenses incurred to solicit memberships and financial contributions, to organize nomination meetings, to promote an authorized party or candidacy for electoral purposes or for any other similar purpose, are not reimbursable under this chapter.

Expenses paid directly by the City for the Councillor, those covered by the general reimbursement system provided for in Chapter II of the present by-law or made from the expense allowance provided for in Chapter III of the present by-law, are not reimbursable under the present chapter.

11. Eligible expenses

The expenses listed in paragraphs 1° to 16° of section 2 of the *Regulation respecting the reimbursement of councillors' research and support expenses*, hereinafter reproduced with additional explanations provided by the City, are eligible for reimbursement under this chapter:

- (1) the cost of letterhead paper, envelopes and office supplies.

These are items of any kind needed by the Councillor in the performance of their duties, such as staplers, writing materials, paper clips, self-adhesive bookmarks, etc. Greeting cards, however, are not eligible, regardless of their purpose.

- (2) expenses to purchase or subscribe to publications and subscription expenses for specialized data banks.

To be eligible for reimbursement, the publication or database must support the acquisition of knowledge by the elected official in their role as a councillor, or in the context of the issues for which they are responsible within Council. Linguistic (dictionary, grammar, etc.) and legal reference documents are reimbursable. Subscriptions to specialized magazines and newspapers are also reimbursable.

- (3) mail and messenger expenses.

- (4) usual bank fees and interest.

Fees for normal banking services, cheque issuance and interest on a loan related to eligible expenses are reimbursable. However, NSF (non-sufficient funds) charges, late bill payment charges and any other charges related to poor management of the council's affairs are excluded.

- (5) expenses to purchase and use a mobile telephone.

The following expenses are reimbursed: the purchase of a cell phone and its accessories, set-up and ongoing use, including long-distance calls and Internet browsing, that are reasonable and necessary for the performance of the councillor's duties. Expenses related to the replacement, during the term of the mandate, of a device whose service contract has expired, or of a defective device, are also covered. Reimbursement of these expenses does not apply where the municipality provides the councillor with a cell phone. The choice is made by the councillor.

- (6) expenses to rent an office not located in a councillor's residence, and expenses for the maintenance, insurance and surveillance of that office.
- (7) expenses to purchase, rent, install and maintain furniture and office equipment, computer equipment, software and decorative accessories.

Office and computer equipment includes: desktop computer, tablet device, laptop computer, digital recording device, printer, scanner, photocopier and photocopying or printing costs, calculator, shredder.

- (8) Internet subscription and connection expenses.
- (9) travel and parking expenses, excluding those incurred to attend the sittings of the council or the sittings of a commission or committee of the council.

The following are eligible for reimbursement: travel and parking expenses outside the City, provided that the reimbursement request specifies the point of departure, the point of arrival and the number of kilometers travelled. The automobile allowance rate reimbursed corresponds to the rate set out in the municipality's policy for its employees.

- (10) expenses to rent a room.
- (11) hospitality, reception or meeting expenses and related expenses.

Supporting documentation must include the subject of the meeting and the names of participants. No alcohol-related expenses will be reimbursed.

- (12) registration and subscription expenses for activities such as benefit activities, conference dinners, colloquiums, conventions, seminars or symposiums.

In order to be reimbursed, the Councilor's participation in these activities must be aimed at acquiring knowledge useful to the performance of their duties, with the exception of fundraising activities whose purpose is more to demonstrate the Councillor's support for a project or cause.

No reimbursement will be granted if a partisan fundraising activity is associated with the event in which the councillor participated.

- (13) advertising expenses to inform the population in a district of the name of the councillor for that district and his or her photograph and contact information.

Advertising for electoral purposes is not reimbursed.

- (14) expenses for the publication of a text or for printing and distributing unaddressed mail pertaining to issues or debates of public interest.

The text or unaddressed mailing must not solicit a financial contribution, invite electors to a fundraising activity or include any form of petition or invitation to sign or not to sign a petition.

- (15) expenses to set up and update a website or blog, in particular expenses to reserve a domain name and expenses for the hosting, design and carrying out of the site or blog.

- (16) expenses for the services of a person or partnership hired for research or support purposes, and the percentage of the salary of a political party employee corresponding to the time devoted to those purposes.

The professional services retained must be set out in a mandate that includes a timetable, an output, and a predetermined financial consideration.

12. Reimbursement of councillors' research and support expenses

To obtain reimbursement of an eligible expense under this chapter, the Councillor must submit a claim to the Treasurer, using the form provided for this purpose, accompanied by the supporting documents listed in the present section. These supporting documents consist of the information and documents provided for in paragraphs 1° to 8° of section 4 of the *Regulation respecting the reimbursement of councillors' research and support expenses*, namely:

- 1° Supplier's name and address.
- 2° description of the nature of the good or service.
- 3° the cost of the good or service, including taxes (GST, QST and gratuities).
- 4° the date of the transaction and, if applicable, the date(s) on which the service was provided.
- 5° a copy of the invoice, if applicable.
- 6° proof of payment.
- 7° the name(s) of the councillor(s) who benefited from the good or service.
- 8° the purpose for which the expense was incurred.

Where expenses are incurred in connection with the holding of a meeting, the purpose of the meeting and the participants must be indicated on the reimbursement request.

No later than March 31 of each year, the Treasurer tables to the Council a report of reimbursements made under the present section during the previous fiscal year. This report shall indicate the information required under paragraphs 1 to 8 of the present section and the information provided in support of the reimbursement request.

13. Ownership and return of goods

Goods for which a councillor has been reimbursed belong to the City. The City Clerk records in a register the goods owned by the City and in the possession of each councillor.

Except for deterioration caused by normal use, the Councillor must take good care of these goods and return them to the City in good condition when they cease to be a member of Council. They are personally liable to compensate the City for any damage or loss caused by their fault or negligence.

When a councillor ceases to be a member of Council, they must return the goods for which they were reimbursed.

CHAPTER 5
FINAL PROVISION

14. Coming into force

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

Tim Thomas, Mayor

Caroline Thibault, City Clerk