

**CANADA
PROVINCE OF QUÉBEC
REGIONAL COUNTY OFFICE
OF ARGENTEUIL
TOWNSHIP OF WENTWORTH**

BY-LAW NUMBER 2022-004

**BY-LAW ENACTING THE CODE OF ETHICS AND GOOD CONDUCT FOR
ELECTED OFFICIALS OF THE MUNICIPALITY OF
THE TOWNSHIP OF WENTWORTH**

WHEREAS the municipal Council adopted on February 5, 2018, the By-Law Number 2018-003, Code of Ethics and good conduct for the elected Officials of the Municipality of the Township of Wentworth;

WHEREAS pursuant to section 13 of the Municipal Ethics and Good Conduct Act (R.R.S.Q., c. E-15.1.0.1, hereinafter referred to as the "Act"), every municipality must, before March 1st following any general election, adopt a revised code of ethics and conduct that replaces the one in force, with or without amendments;

WHEREAS a general election was held on November 7, 2021;

WHEREAS the Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions (SQ, 2021, c. 31), which amends the mandatory content of the Code of Ethics and good conduct for elected officials, came into force on November 5, 2021;

WHEREAS it is therefore necessary to adopt a revised code of ethics and good conduct for elected officials;

WHEREAS the formalities provided for in the Act for the adoption of such revised code have been complied with;

WHEREAS the Mayor states that the purpose of this by-law is to provide for the principal ethical values of the Municipality and the rules of conduct that must guide the conduct of a person as a member of Council, a committee or a commission of the Municipality or, as a member of the Council of the Municipality, of another body;

WHEREAS the Municipality, including the members of its Council, explicitly adheres to the ethical values and rules of conduct set out in the Act and in this Code;

WHEREAS ethics and deontology in municipal matters are essential to maintain the bond of trust between the Municipality and the citizens;

WHEREAS ethical and professional conduct must remain a constant preoccupation of the members of Council in order to ensure the citizens a transparent, prudent, diligent and honest management of the Municipality including its public funds;

WHEREAS, by applying the ethical values and respecting the rules of conduct set out in this Code, each member of Council is able to fulfill his or her role as an elected municipal official, to assume the responsibilities inherent in this position and to meet the expectations of citizens;

WHEREAS this Code contains obligations as well as guidelines for the conduct of each member of Council, while leaving it up to the latter to use his or her judgment according to the values set out therein;

WHEREAS the purpose of this Code is to identify, prevent and avoid situations of conflict of interest;

WHEREAS any breach of the Code may result in serious consequences for the Municipality and members of Council;

WHEREAS it is the responsibility of each member of council to abide by this Code to ensure high standards of ethics and conduct in municipal matters;

WHEREAS the *Municipal Ethics and Good Conduct Act* (the "Act"), which came into force on December 2, 2010, requires that every local municipality or regional county municipality whose warden is elected by its citizens must have a code of ethics and good conduct which applies to its elected municipal officers;

WHEREAS the council of any municipality must, before March 1st following a general election, adopt a revised code of ethics and good conduct to replace the one in force, with or without amendments;

WHEREAS the formalities dictated by the Act have been duly complied with;

THEREFORE it is proposed by Councillor Philippe Cyr and decreed that the Council of the Municipality of the Township of Wentworth orders and rules by this By-Law as follows, namely:

ARTICLE 1: DECLARATORY AND INTERPRETATIVE PROVISIONS

- 1.1 The title of this By-Law is: By-law Number 2022-004 enacting the Code of Ethics and good conduct for Elected Officials of the Municipality of the Township of Wentworth;
- 1.2 The preamble is an integral part of this Code.
- 1.3 The Code does not replace the laws and by-laws in force that govern the Municipality and, more generally, the municipal sector. Rather, it is supplementary to and complements the various obligations and general duties applicable to elected municipal officials that are provided for in the applicable laws and other regulations.

Thus, the Code must not be interpreted as allowing any derogation from the provisions contained in the laws and regulations in force governing the Municipality, elected municipal officials and, more generally, the municipal sector.

ARTICLE 2: INTERPRETATION

- 2.1 This Code shall be interpreted in accordance with the principles and objectives contained in the Act. The rules contained in that Act are deemed to be an integral part of this Code and shall prevail over any inconsistent rules contained in this Code.
- 2.2 In this Code, unless the context indicates otherwise, the following terms mean:

Advantage:	Whether pecuniary or not, any gift, donation, favor, reward, service, gratuity, hospitality, remuneration, compensation, gain, indemnity, privilege, preference, compensation, profit, advance, loan, reduction, discount, etc. constitutes an advantage.
Code:	By-law Number 2022-004 enacting the Code of Ethics and good Conduct for Elected Officials of the Municipality of the Township of Wentworth
Council:	The Municipal Council of the Municipality of the Township of Wentworth.
Deontology:	Refers to the set of rules and duties that govern the function of council members, their conduct, their relationships with each other, and their relationships with municipal employees and the public in general.
Ethics:	Refers to the set of moral principles that underlie the conduct of council members. Ethics takes into account the values of the municipality.
Personal interest:	Such an interest is linked to the person of the elected official and is distinct from that of the community they represent.
Council Member:	An elected official of the Municipality, a member of a committee or commission of the Municipality, or a member of the council of another municipal body, when serving in his or her capacity as a member of council of the Municipality.
Municipality:	The Municipality of the Township of Wentworth
Municipal Body:	The council, committee or commission of: <ul style="list-style-type: none"> (1) a body that is declared by law to be an agent or mandatary of the Municipality (2) an organization whose board is composed of a majority of members of council, whose budget is adopted by the Municipality or whose financing is provided for more than half by the Municipality (3) a public body whose board is composed of a majority of council members from 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 in particular the rules set out in this Code, shall guide the conduct of any member of the Council.

3.2 Certain rules contained in this Code shall also apply after the term of office of any person who has been a member of the Council.

ARTICLE 4: VALUES

4.1 The Municipality's main ethical values:

4.1.1 Integrity of Council Members

Integrity implies honesty and trustworthiness above and beyond suspicion.

4.1.2 Honour of Council Members

Honour requires that one remain worthy of the duties entrusted to them by the citizens.

4.1.3 Prudence in Pursuit of Public Interest

Prudence requires that every council member assume his or her responsibilities in the public interest in an objective and discerning manner. Prudence involves becoming sufficiently informed, considering the consequences of one's actions and examining alternative solutions.

The public interest means making decisions for the greater good of the community and not for the benefit of private or personal interests at the expense of the public interest.

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

In general, respect requires treating all persons with consideration and regard. Civility involves showing courtesy, politeness and good manners.

4.1.5 Loyalty to the Municipality

Loyalty means performing one's duties in the best interests of the Municipality, with objectivity and independence of mind. It implies disregarding one's personal interests and disclosing them in a transparent manner, in accordance with the applicable rules. Furthermore, loyalty implies respecting the decisions made by Council.

4.1.6 Striving for Fairness

Fairness implies impartiality, having an objective and independent conduct, and considering the rights of everyone. Fairness requires that there be no discrimination.

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

4.3 Where values are incorporated into Section 5 of this Code, these values shall not only guide the conduct of the Council member, but shall be respected and applied by the Council member.

ARTICLE 5: RULES OF CONDUCT AND PROHIBITIONS

5.1 The purpose of the rules of conduct is to prevent:

- 5.1.1 Any situation in which the council members' personal interest may influence his or her independent judgment in the performance of his or her duties.
- 5.1.2 Favoritism, embezzlement, breach of trust or other misconduct.
- 5.1.3 Any misconduct that is detrimental to the honour and dignity of the office of elected municipal official.

5.2 Rules of Conduct and Prohibitions

- 5.2.1 Council members shall conduct themselves with respect and civility.

No member of Council shall behave in a disrespectful or uncivil manner towards other members of Council, municipal employees or citizens by using, among other things, vexatious, derogatory or intimidating words, writings or gestures or any form of incivility of a vexatious nature.

In particular, every Council member shall:

- (a) Demonstrate civility and courtesy in his or her interactions and communications, including those on the web and social media;
- b) Respect the dignity and honour of other Council members, municipal employees and citizens.

Every member of Council shall engage in frank and honest dialogue with other members of Council in order to arrive at an informed decision.

Every member of Council shall maintain decorum in a public or private meeting of Council. In particular, a council member shall respect the directions of the presiding officer.

In their communications with municipal employees, partners of the Municipality, citizens, the media and the general public, a member of Council may not use their office or title to imply that he or she is acting on behalf of the Municipality, except where a resolution to that effect has been duly passed by municipal Council.

However, this prohibition does not apply to the Mayor who is acting within the scope of the specific powers vested in them by law.

5.2.2 Council members shall conduct themselves with honour.

No council member shall engage in any conduct that is detrimental to the honour and dignity of the office of an elected official.

Every member of Council shall make reasonable arrangements to attend public and private meetings of Council. The same applies when presenting the Municipality at various meetings or events.

No member of Council shall incur any expense in contravention of the Act respecting the salaries of elected municipal officers (R.S.Q., c. T-11.001) or seek reimbursement for such expense.

In the context of his or her travel and expenses that involve reimbursement by the Municipality, every member of Council must, as far as possible, limit the costs to what is reasonable in the circumstances.

5.2.3 Conflict of Interest

- 5.2.3.1 No Council member shall act, attempt to act or fail to act in a manner that promotes, in the performance of his or her duties, his or her personal interests or, in an improper manner, those of any other person.
- 5.2.3.2 No Council member shall use his or her position to influence or attempt to influence the decision of another person in a manner that promotes his or her personal interest or the personal interest of any other person.
- 5.2.3.3 No member of Council shall contravene sections 304 and 361 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), subject to the exceptions set out in sections 305 and 362 of that Act.

Every member of Council shall avoid knowingly placing themselves in a position where they are likely to have to choose between their personal interest or the interest of another person and the interest of the Municipality or any other organization when serving as a member of Council.

Every member of Council shall act impartially and fairly. They shall not show favouritism, particularly with respect to suppliers to the Municipality.

Every member of Council shall be independent in spirit and objective in judgment without self-interest so as to make the best decisions for the Municipality.

A Council member who becomes aware of or is advised of a conflict of interest shall take steps to resolve it as soon as possible after becoming aware of the conflict.

Every Council member shall prevent and avoid situations in which they are likely to be unduly influenced in a decision that is likely to favour their personal interest or, in an improper manner, those of any other person.

Every member of council shall ensure at all times that their activities other than those related to their elected office do not conflict with the performance of their duties as an elected official

5.2.4 Receiving or Soliciting Benefits

5.2.4.1 No Council member shall solicit, induce, accept or receive for themselves or for any other person any benefit in exchange for taking a position on any matter that may be before Council or any committee or commission of which they are a member.

5.2.4.2 No Council member shall accept any gift, hospitality or other benefit of any value from a supplier of goods or services that may

influence the member's independent judgment in the performance of their duties or that may compromise the member's integrity.

5.2.4.3 Any gift, hospitality or other benefit received by a member of Council that is not of a purely private nature or covered by section

5.2.4.2 shall, when its value exceeds \$200, be the subject of a written declaration by the member to the Clerk-Treasurer of the Municipality within 30 days of its receipt.

Such statement shall contain an adequate description of the gift, hospitality or benefit received and shall specify the name of the donor and the date and circumstances of its receipt.

Where a member of Council represents the Municipality at an event and receives a door prize or benefit of any kind, without the member of Council having to pay any personal fee to receive it, the member of Council shall remit it to the Municipality, which shall decide how to receive or dispose of it.

5.2.5 Council member shall not use any resources of the Municipality

5.2.5.1 No council member shall use any resources of the Municipality or any other municipal body within the meaning of this Code for personal purposes or for purposes other than activities related to the performance of their duties. However, this prohibition does not apply where a member of Council uses, on non-preferential terms, a resource generally available to citizens.

A member of Council shall not permit a municipal employee or a third party to use the resources of the Municipality or any other municipal body related to the Municipality for personal purposes unless it is for a service or activity that is offered generally by the Municipality.

No member shall misappropriate any property or money belonging to the Municipality for his or her own benefit or for the benefit of a third party.

5.2.6 Privileged Information

5.2.6.1 No member of Council shall use, disclose or attempt to use or disclose, either during or after their term of office, any information obtained in the course of or in connection with the performance of their duties that is not generally available to the public to further their personal interests or those of any other person.

No council member shall use or disclose, for their own benefit or for the benefit of any third party, any privileged information or information in their possession that would not otherwise be available or that has not been disclosed by municipal Council.

A member of Council shall not disclose in any way, directly or indirectly, the opinion expressed in closed session by another member of Council or any other person participating in the meeting.

A Council member shall exercise caution in their communications, including on the web and social media, to avoid directly or indirectly disclosing privileged or non-public information.

For the purposes of this section, and without limiting the generality of the foregoing, the following are 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 (RLRQ, c. A-2.1), discussions held during private meetings and anything protected by professional secrecy, as long as the Municipality has not waived it in the latter case.

5.2.7 Post-Mandate

5.2.7.1 No member of Council shall, for a period of twelve (12) months following the end of their term of office, hold any office as a director or officer of a corporation, employment or any other position, in such a manner that they or any other person derives improper benefit from their previous duties as a member of Council of the Municipality.

5.2.8 Announcement at a Political Fundraising Event

5.2.8.1 No member of Council shall make an announcement at a political fundraising event that a project, contract or grant has been awarded by the Municipality, unless a final decision on the project, contract or grant has already been made by the appropriate authority of the Municipality.

5.2.9 Interference

5.2.9.1 A member of Council shall not interfere with the day-to-day administration of the Municipality or give instructions to municipal employees, other than in the course of making a decision in open Council. In such a case, the directives shall be carried out with the municipal employees by the General Manager.

It is understood that a member of Council who is a member of a committee or commission formed by City Council or who is mandated by City Council to represent the Municipality in a particular matter may still be required to co-operate with the General Manager and City employees. Such co-operation shall be limited to the mandate given to him or her by City Council.

In no case shall this provision be applied or construed to limit the Mayor's statutory right of supervision, investigation and control.

5.2.9.2 Every member of Council shall forward complaints received to the General Manager of the Municipality who shall take appropriate action. If the complaints are directed at the Director General, he/she shall refer them to the Mayor.

Jason Morrison
Mayor

Natalie Black
General Manager, Clerk-Treasurer

Notice of motion:	January 10 th , 2022
Project By-Law:	January 10 th , 2022
Adoption of By-Law:	February 7 th , 2022
Public Notice:	February 11 th , 2022