

MUNICIPALITY OF LOW
MRC VALLÉE DE LA GATINEAU
GATINEAU JUDICIAL DISTRICT
MINUTES OF SPECIAL MEETING
THURSDAY, FEBRUARY 27TH, 2014

MINUTES of the special meeting of members of the Council of the Municipality of Low, held this 27th day of February, 2014 at 7:00 p.m. in Heritage Hall, 4A d'Amour Rd., Low, Quebec, J0X 2C0 and presided over by Deputy Mayor Joanne Mayer.

Those present are: Councillors Lynn Visentin, Amanda St. Jean, Joanne Mayer, Michèle Logue-Wakeling, Christopher Brownrigg and Charles Kealey.

Those absent are: Mayor Morris O'Connor

The Director General/Secretary-Treasurer Franceska Gnarowski is also present.

(1) OPENING

The meeting is officially opened by Deputy Mayor, Joanne Mayer. It is declared that notice of meeting has been given in conformity with the Municipal Code to all members of council who are not present.

(2) MUNICIPAL BY-LAW NUMBER #004-2014 – A REVISION OF THE CODE OF ETHICS AND GOOD CONDUCT RELATED TO MUNICIPAL AFFAIRS (BYLAW # 010-2011)

WHEREAS the Municipality of Low adopted bylaw # 010-2011 – Code of Ethics and Good conduct Related to Municipal Affairs in October 2011 as per the dictates of the Government of Quebec's Bill 109;

WHEREAS article 13 of the *Municipal Ethics and Good Conduct Act* obliges a newly elected council to revise their Code of ethics before the 1st of March following the election;

WHEREAS the Act's objective is to guide and strengthen the trust of citizens, suppliers, partners, officers and municipal employees in elected officials in terms of their behavior, their integrity and impartiality in the decisions they make.

WHEREAS the said *Code of Ethics and Good Conduct related to Municipal Affairs* applicable to its elected council members governs conflicts of interest, favouritism, embezzlement, breach of trust or other misconduct, gifts and other benefits, the utilization of municipal resources for private purposes as well as after term of office;

WHEREAS this Council deems appropriate and in the public interest to conform to the requirements of the *Ministère des Affaires municipales, des Régions et de l'Occupation du Territoire*;

WHEREAS a notice of motion was given during regular session of the present Municipal Council on January 13th, 2014, that by-law #010-2011 would be subject to a revision;

#23-02-2014

THEREFORE, be it resolved by Councillor Michele Logue-Wakeling and seconded by Councillor Christopher Brownrigg orders and statue by law as follows, namely:the Municipal Council of the Municipality of Low decrees the following:

SECTION 1 - OBJECTIVE

1.1 The aim of this by-law is to establish a code of ethics and good conduct applicable to all members of the Municipal Council of the Municipality of Low, who will subscribe to values of integrity and honour when conducting their duties of members of the Municipal Council, while applying prudence, respect, loyalty, fairness, honesty, objectivity,

impartiality, good management in a perspective of the public interest in conducting the affairs of the Municipality of Low.

- 1.2** Members of the Municipal Council must accomplish their duties and lead their private life in such a way as to preserve and maintain the confidence of the public that the decisions of the Municipal Council are carried out in a spirit of integrity, objectivity and impartiality. Further, the members of the Municipal Council must not only exercise integrity, objectivity and impartiality but insure the appearance of such by promoting transparency by an exemplary attitude, which will insure that the public has confidence in the integrity, objectivity and impartiality of the municipal organization.

SECTION 2 – SCOPE

- 2.1** Unless otherwise specified, this by-law applies to every member of the Municipal Council of the Municipality of Low.

SECTION 3 – DEFINITIONS

For the interpretation of this by-law, unless otherwise indicated by the context, the following words and expressions have the following meaning, without limitations:

- 3.1 Benefits :** Any gift, donation, favour, reward, service, commission, earnings, payment, indemnity, compensation, benefit, profit, advance, loan, abatement, discount, or any other useful or profitable item of similar nature or promise of such benefit.
- 3.2 Code of ethics :** Generally, the *Code of Ethics and Good Conduct related to Municipal Affairs* is a learning tool, a set of guidelines, an honour code to be observed but which can also bring penalties for offenders as described in Sections 31 and 32, under part III of the *Loi sur l'ethique et la deontologie en matiere municipale*, and have political consequences for whoever does not abide by the Code.
- 3.3 Committee :** Any committee of the Municipal Council of the Municipality of Low constituted by municipal ruling under section 82 of the municipal code.
- 3.4 Council :** The Municipal Council of the Municipality of Low.
- 3.5 Good conduct :** Good conduct relates to the rules of conduct expected from the point of view of duties and obligations derived from values and ethics. Good conduct is a rule to direct the conduct and prescribe what is prohibited and what is allowed. Its application is often almost judicial and is based on judicial principles, which are binding and enforceable.
- 3.6 Associated entities :** Corporation, business co-operative, association or legal entity involved in a business relation or other relation with a member of the Municipal Council of the Municipality of Low.
- 3.7 Ethics :** Ethics is a concept which helps guide individuals in choosing what attitude to adopt in a given situation. It is a framework of rules to guide human conduct, and its application is based on self-discipline to be exercise by the individual involved.

It is an exercise of judgment based on values, standards and issues which serve to direct ones conduct and to make enlightened decisions in a given situation. From a practical point of view, it refers to a set of values, rules and judgments to direct the choices of an individual or groups.

It must not be construed as a control system, but more like a responsible demonstration of judgment and discernment in difficult situations.

- 3.8 Honour and Integrity attached to the duties of Municipal Councillors:** Any member of the Municipal Council acts with honour relating to their duty, which means constant application of certain values such as: prudence, respect, loyalty and fairness.
- Councillors should be conscious of the important privilege being conferred upon them as elected officials.
 - Councillors should be attentive to the community's needs.
 - Councillors should comply with both the spirit and letter of the laws and regulations of the municipality and demonstrate honesty above reproach.
 - Councillors should ensure effective communication and transparency regarding the activities of the municipality.
- 3.9 Private interest :** Interest of the individual, direct or indirect, financial or not and which can be distinguished from the public interest in general or can be perceived as such by a person reasonably well informed.
- 3.10 Loyalty to the Municipality:** Any member of the Municipal Council is representing the interest of the Municipality of Low.
- 3.11 Member:** A member of a committee, whether member of the Municipal Council or not.
- 3.12 Member of the immediate family:** The spouse as determined in the *Loi sur les normes du travail*, the parents and descendants, brothers and sisters and their spouses or other family member.
- 3.13 Council member:** The mayor and the council members constitute the members of the Municipal Council of the Municipality of Low.
- 3.14 Municipality:** The Municipality of Low.
- 3.15 Resource-person:** A person designated by the Municipal Council to participate in the work of the Advisory committee of urban planning or any other committee, but who is not a member and has no voting right. The resource-person must abide by the same rules and obligations as the member, but this person can be assigned a contract or a responsibility by the Municipality. The fact that a resource-person is an employee of the Municipality or holds a professional mandate as a consultant to the Municipality is not deemed to constitute a conflict of interest. This by-law does not apply to those having an interest in the sense of the Section 305 of the *Loi sur les elections et les referendums dans les municipalites*.
- 3.16 Prudence in pursuit of the public interest:** Members of the Municipal Council must assume their responsibility regarding the public interest aspect of the work they have been assigned to do. In the performance of its duties, he or she acts with professionalism, as well as care and discernment.
- Be present at meetings
 - Act in a timely manner
 - Be vigilant in the selection and monitoring of persons to whom powers are delegated
- 3.17 Fairness:** Members of the Municipal Council must apply fairness in their dealings with all individuals, in as much as possible, and must interpret the laws and by-laws in accordance with their meaning.
- Provide equal opportunities for suppliers and partners
 - Promote equity between men and women
- 3.18 Respect for other members, municipal employees and citizens:** Members promote respect in human relations. Members have a right to be respected, and must respect others with whom they are called upon to interact within the exercise of their duties.

- Recognize the dignity, humanity and rights of all persons
- Avoid non-constructive criticism
- Ensure an environment free from any form of harassment
- Promote a climate facilitating the expression of differences and divergent opinions
- Respect cultural and religious diversity as well as that of sexual orientation

SECTION 4 - CONFLICT OF INTEREST

- 4.1** For the purpose of this by-law, there is a conflict of interest when a personal interest could potentially or apparently prevent a member of the Municipal Council to act objectively in the application of its duties while looking after the interest of the Municipality of Low.
- 4.2** Members of the Municipal Council must act in the public interest and take every necessary measure to promote this public interest. To this end and without limitations, members must give particular attention to each file submitted to committees or others in order to evaluate its merit on the basis of its advantages, inconveniences and its impact on the community as a whole.
- 4.3** Members of the Municipal Council must accomplish their duties loyally in accordance with applicable laws and regulations, including the by-laws applicable in the Municipality. Members abide by the principles of good municipal management and must apply dignity, integrity and impartiality while exercising their functions and responsibilities.
- 4.4** Members of the Municipal Council must not place themselves in a situation where their personal interest or that of a member of their immediate family could exert influence on the performance of their duties.
- 4.5** Members are prohibited from soliciting or eliciting for themselves or a relative or a corporate person in which they possess personal interest, an assignment or a contract with the Municipality.
- 4.6** In order to avoid any situation of real or potential conflict of interest, members of the Municipal Council cannot participate directly or indirectly in any offer to tender or have an interest, direct or indirect in a contract, unless otherwise specified in section 305 of the *Loi sur les elections et les referendums dans les municipalités* (L.R.Q. c. E-2.2 et 269 du Code municipal du Quebec L.R.Q. c. -27.1).
- 4.7** Members of the Municipal Council are prohibited from soliciting, eliciting, accepting or receiving any payment, profit or benefits, other than those specified in the law, in exchange for taking a position regarding a by-law, a resolution or any other question submitted or to be submitted to the Municipal Council or to one of its committee.
- 4.8** Members of the Municipal Council, who are placed in a situation of conflict of interest, following an election or during their mandate or employment, following the application of a law, a marriage, an unmarried relationship, or the receipt of a gift or an inheritance, must strive to put an end to the situation as soon as possible following the election or the event that created the situation of conflict.
- 4.9** Members of the Municipal Council must make an annual public declaration of their pecuniary interests in which they must declare facts and situations that could present a conflict of interest, directly or indirectly, regarding public interest or the duties of their responsibilities or their personal interest or that of their immediate family, in order that the citizens can be able to verify that they exercise their functions with integrity, impartiality and objectivity, or, when in conflict, that they act accordingly in maintaining their declaration up to date as soon as a situation or a fact of this nature is known, by filing an amendment with the Director General/Secretary Treasurer of the Municipality.

SECTION 5 - GIFTS & OTHER BENEFITS

- 5.1** Members of the Municipal Council are prohibited from accepting any gift, mark of hospitality or other benefits, whatever the value, that might impair their independence of judgment in the course of their official duties or that may be construed as such.
- 5.2** Notwithstanding subsection 5.1, a member of the Municipal Council can receive certain benefits if those benefits :
- are in accordance with the rules of courtesy, protocol, hospitality or common practice
 - are not provided by an anonymous source
 - are not a sum of money, a share, a bond, a commercial paper or any other financial instrument
 - are not such as to create a doubt regarding their integrity, independence or impartiality, or that of the Municipality or a municipal organization
- 5.3** If a council member receives any gift, mark of hospitality or other benefit, that is not of a strictly private nature or not prohibited under subsection 5.1, but that exceeds \$200 in value, the member must file a written disclosure statement with the Director General/Secretary Treasurer of the Municipality within 30 days of receiving the gift. The disclosure statement must contain an accurate description of the gift, mark of hospitality or benefits received, and state the name of the donor, the date and the circumstances under which it was received. The Director General / Secretary Treasurer shall keep a public register of these disclosure statements.

This rule does not apply when:

- A member receives a mark of hospitality or other benefit from a government or a municipality, from a governmental or municipal organisation, or one of its official representative;
 - A member of the Municipal Council donates the said benefit to the Municipality;
 - The benefit is a meal of a value of less than \$200 which is consumed in the presence of the donor.
- 5.4** Members of the Municipal Council who receive directly or indirectly a mark of hospitality or any other advantage in the context of a training or professional development activity in accordance with section 5.2, must inform the Director general of the fact. The member of the Municipal Council must inform the Director general of the fact and the declaration must include a declaration by the Director general of the circumstances. This subsection does not apply to a mark of hospitality or other benefits received by a member of the Municipal Council if such is received while exercising official duties and when received from a member or a representative from a government organisation, or from a professional association.
- 5.5** Donors must receive a copy of this by-law, to be informed that the gift or donation cannot be accepted. Professionals and firms doing business with the Municipality will be given a copy of this by-law.

SECTION 6 – COMMUNICATION & CONFIDENTIALITY

- 6.1** Members of the Municipal Council cannot use information that is not generally communicated to the public obtained in the exercise of its duties for their own benefit or advantage.
- 6.2** Members of the Municipal Council cannot transmit to third parties information that is not generally communicated to the public obtained in the exercise of their duties.
- 6.3** A member of the Municipal Council cannot transmit to a third party information or nominative information in the sense of the *Loi sur l'accès aux documents des organismes*

publics and the *Loi sur la protection des renseignements personnels*. The Director General is the person designated by this law and is the only person legally authorised to decide of the nominative character of such information.

- 6.4 Members of the Municipal Council, the mayor excepted, cannot transmit information which is not nominative and is not generally communicated or known by the public, without the authorisation of the Municipal Council.
- 6.5 To maintain the confidentiality of information when required, members of the Municipal Council must:
- abstain from using such information that would be detrimental to the Municipality or for the purpose of obtaining, directly or indirectly, an advantage for themselves or others;
 - take necessary measures to prevent colleagues and other persons in the working environment to communicate or utilise such information obtained in the exercise of their duties.

SECTION 7 - UTILISATION OF RESOURCES - OF THE NAME - OF TRADEMARKS, COAT OF ARMS OR LOGO

- 7.1 Members of the Municipal Council must abstain from utilising resources, goods or services of the Municipality or municipal organisations for other purposes than those for which they were meant, or to utilize the authority attached to their functions for their own personal interest or that of their immediate family.
- 7.2 In spite of section 8.1, a citizen can use municipal goods and services for private interest, if the good or service is offered for general use by the Municipality of a municipal organisation.
- 7.3 Members of the Municipal Council must refrain from using the name or the logo of the Municipality when drawing private contracts or agreements with third parties in order to give the impression that the contract or the agreement involves the Municipality or is guaranteed by the Municipality, when it is not the case.
- 7.4 Members of the Municipal Council must abstain from using municipal letter head paper for private use.
- 7.5 Members of the Municipal Council detaining or obtaining shares or interests in a firm, corporation or business must make sure that their position in the Municipality is not being used for publicity or promotional support by such.

SECTION 8 - MUNICIPAL AFFAIRS

- 8.1 Members of the Municipal Council must abstain from holding interests, directly or indirectly, in a contract with the Municipality or a municipal organisation, except in circumstances approved by the law.

SECTION 9 - RESPECT FOR THE DECISION-MAKING PROCESS – EMPLOYEE RELATIONS

- 9.1 Members of the Municipal Council must abide by legislative and administrative requirements about the decision-making process of the Municipality and its municipal organisations.
- 9.2 Members of the Municipal Council must respect other members of the Municipal Council, its employees and citizens.
- 9.3 Members of the Municipal Council must not participate in or interfere with the process of hiring, supervision, promotion or evaluation of the performance of a member of their immediate family or another person towards which they are legally or personally liable.

- 9.4** Members of the Municipal Council must disclose any parental link or social affiliation with a candidate in a position to affect their credibility and withdraw from any selection committee.

SECTION 10 - PARTICIPATION IN TRAINING SESSIONS- OATH OF ELECTED MEMBER

10.1 Members of the Municipal Council will participate in a training session on ethics and good conduct within four (4) months of its accession to office; such training session being specifically adapted to the municipal environment, and will participate also in additional training sessions offered periodically over the course of their mandate.

10.2 Members of the Municipal Council must take an oath of office in accord with the *Loi sur les elections et les referendums dans les municipality's* and abide by the rules of the Code of Ethics and Good Conduct related to Municipal Affairs.

SECTION 11 - APPLICATION AND CONTROL MECHANICS - ENFORCEMENT

11.1 Any person who has reasons to believe that a member of the Municipal Council has committed a fault in regard to the Code of Ethics and Good Conduct related to Municipal Affairs can inform the *Ministre des Affaires municipales, des Regions et de l'Occupation du territoire* of the matter no later than three years following the end of the mandate of that member, in accordance with the sections 20 to 30 of the *Loi sur l'ethique et la deontologie en matiere municipale*.

11.2 To be complete, any complaint concerning this Code must be written, sworn, justified and contain supportive document, if necessary.

11.3 In accordance with sections 7 and 31 of the law on Ethics and Good conduct for municipal officers, any violation of a rule of this Code of Ethics and Good Conduct related to Municipal Affairs by a council member of the Municipality of Low may result in one or more of the following sanctions:

- A reprimand;
- The delivery to the Municipality, within 30 days after the decision of the Commission municipale du Quebec, of:
 - the gift, mark of hospitality or benefit received, or its equivalent value;
 - any profit obtained in violation of a rule or rules of this code.
- The reimbursement of any payment, allowances or other sums received for the entire period of the breach to the rule contained in the Code, as member of the Municipal Council, of a committee or a commission of the Municipality or an organisation.
- Suspension of the member of the Municipal Council for a period of up to 90 days and not exceeding the expiry date of the member's term of office.

11.4 When a member of the municipal Council is suspended, that person cannot sit on any council, committee or commission of the Municipality, to exercise his/her capacity as a member of the Municipal Council or other organisation, nor receive earnings, allowances or other compensation from the Municipality or other organisation.

SECTION 12 - AFTER TERM OF OFFICE

12.1 Members of the Municipal Council who have terminated their mandate must not take unwarranted advantages of their previous duties.

12.2 Members of the Municipal Council have to refrain from disclosing confidential information obtained during the course of their mandate nor utilise for their own profit or the profit of a third party, any information not available to the public.

12.3 Members of the Municipal Council must refrain from occupying an administration position, an executive position of a company, a position or any other function in the twelve months (12) following the end of their mandate, to insure that a former member of the Municipal Council does not take unwarranted advantage of its previous functions.

SECTION 13 – REVISION OF CODE OF ETHICS AND GOOD CONDUCT RELATED TO MUNICIPAL AFFAIRS

13.1 Members of the Municipal Council agree to review and adopt the rules of the Code of Ethics and Good Conduct related to Municipal Affairs at the beginning of each four (4) year mandate to remind themselves of their commitment regarding the respect and the promotion of its rules, the changing local concerns as well as the mindset and the priorities of elected members.

SECTION 14 - PROVISIONS FOR INTERPRETATION

14.1 The masculine and the singular is used in this Regulation without discrimination and includes the feminine and the plural to avoid too heavy text.

SECTION 15 - ENTRY INTO FORCE

15.1 This by-law shall come into force as soon as the process stipulated by law is completed.

Morris O'Connor
Mayor

Franceska Gnarowski
Director general / Secretary treasurer

Notice of Motion : Januray 13,2014
By-law adoption : February 27, 2014
Publication : February 28, 2014
Entry into Force : February 28, 2014

ADJOURNMENT

#25-02-2014

BE IT RESOLVED THAT the meeting be closed at 7:08 PM

MOVED BY Councillor Charles Kealey

SECONDED BY Councillor Michèle Logue-Wakeling

ADOPTED UNANIMOUSLY