

In case of discrepancy, the French version shall prevail

**PROVINCE OF QUEBEC
BROME-MISSISQUOI MRC
TOWN OF BROME LAKE**

BY-LAW 2023-05

**AMENDING BY-LAW 2018-05 ESTABLISHING A
CODE OF ETHICS AND PROFESSIONAL
CONDUCT FOR ELECTED MUNICIPAL
OFFICIALS OF TOWN OF BROME LAKE**

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the Act to amend the *Act respecting elections and referendums in municipalities*, the *Act respecting ethics and professional conduct in municipal matters and various legislative provisions* (Bill n° 49), assented to on November 5, 2021, provides for amendments to the *Act respecting ethics and professional conduct in municipal matters* to be incorporated into the Town's Code of Ethics and Professional Conduct;

WHEREAS the formalities stipulated in *the Act respecting ethics and professional conduct in municipal matters* have been respected;

notice of motion was given on May 1, 2023.

The council decrees as follows:

ARTICLE 1. The preamble to the present by-law forms an integral part hereof.

ARTICLE 2. Article 4(c) of the Code is replaced by the following:

3) *Respect and civility towards employees, elected officials and citizens.*

All employees promote respect and civility in human relations. He or she is entitled to these and acts with respect and civility towards all persons with whom he or she deals in the course of his or her duties.

ARTICLE 3. Article 4(f) of the Code is replaced by the following:

6) *The honor of council membership*

All members uphold the honour of their office, which presupposes the constant practice of the five values listed above: integrity, prudence, respect and civility, loyalty and fairness.

ARTICLE 4. Article 5.2 of the Code is replaced by the following:

5.2 Objectives

- a) *Any situation in which a council member's personal interest may influence his or her independent judgment in the performance of his or her duties;*
- b) *Favoritism, malfeasance, breach of trust or other misconduct.*

ARTICLE 5. Article 5.3.3 of the Code is replaced by the following:

5.3.3 *It is forbidden for any member to use his position to influence or attempt to influence the decision of another person in such a way as to favour his personal interests or, in an abusive manner, those of any other person.*

The member is deemed not to be in breach of the present article when he benefits from the exceptions provided for in the fifth and sixth paragraphs of article 5.3.8.

ARTICLE 6. Article 5.3.5 of the Code is replaced by the following:

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5.3.5 *It is forbidden for any member of the Council to accept any gift, hospitality or other benefit whatsoever, regardless of its value, that is offered by a supplier of goods or services or that may influence his or her independence of judgment in the performance of his or her duties or that may compromise his or her integrity.*

ARTICLE 7. The first paragraph of article 5.3.7 of the Code is replaced by the following:

5.3.7 *No member shall contravene section 304 of the Act respecting elections and referendums in municipalities (chapter E-2.2). A member must not knowingly have a direct or indirect interest in a contract with the municipality or an organization referred to in article 5.1.*

ARTICLE 8. Article 5.3.8 of the Code is replaced by the following:

5.3.8 *All members are prohibited from contravening section 361 of the Act respecting elections and referendums in municipalities (chapter E-2.2).*

A member who is present at a meeting when a matter in which he has a direct or indirect pecuniary interest is to be considered must disclose the general nature of that interest before deliberations on the matter begin. He must also refrain from participating in these deliberations, from voting or from attempting to influence the vote on this question.

When the meeting is not open to the public, the member must, in addition to the above, disclose the general nature of his or her interest, and then leave the meeting, for the duration of the deliberations and vote on this matter.

When the matter in respect of which a member has a pecuniary interest is considered at a meeting at which he is absent, he must, after becoming aware of these deliberations, disclose the general nature of his interest at the first meeting at which he is present after becoming aware of this fact.

The present article does not apply where the member's interest consists in remuneration, allowances, reimbursement of expenses, benefits or other working conditions attached to his duties within the municipality or municipal body.

Nor does it apply where the interest is so minimal that the member cannot reasonably be influenced by it.

ARTICLE 9. Articles 5.8 and 5.9 of the Code are replaced by the following:

5.8 Announcement at a political fundraising event

It is forbidden for any member of Council to announce, during a political fundraising activity, the completion of a project, the conclusion of a contract or the granting of a subsidy by the Town, unless a final decision concerning this project, contract or subsidy has already been made by the competent authority of the municipality.

5.9 Respect and civility

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

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ARTICLE 10 Articles 5.10 and 5.11 of the Code are added as follows:

5.10 Honor and dignity

All members are forbidden to engage in any conduct detrimental to the honor and dignity of the elected office.

5.11 Training for practice staff

The council member responsible for cabinet staff must ensure that the staff for which he or she is responsible undergoes the training provided for in section 15 of the Act respecting ethics and professional conduct in municipal affairs.

ARTICLE 11. Article 6 of the Code is replaced by the following:

ARTICLE 6: CONTROL MECHANISMS

6.1 *Any breach of a rule provided for in the present code by a member of the council may result in the imposition of the following sanctions:*

- 1) *Reprimand;*
- 2) *Attendance at a training session on municipal ethics and professional conduct, at the council member's expense, within the timeframe prescribed by the Commission municipale du Québec;*
- 3) *Delivery to the municipality, within thirty days of the Commission municipale du Québec's decision :*
 - a) *the gift, hospitality or benefit received or its value;*
 - b) *any profit made in contravention of a rule of the present code;*
- 4) *Reimbursement of any remuneration, allowance or other sum received, for the period determined by the Commission municipale du Québec, as a member of a council, committee or commission of the municipality or of an organization referred to in section 5.1;*
- 5) *A penalty of up to \$4,000 to be paid to the municipality;*
- 6) *Suspension of the member of the municipal council for a period not exceeding 90 days; this suspension may take effect beyond the day on which his or her authority ends if he or she is re-elected in an election held during his or her suspension and the election has not ended on the day on which his or her new authority begins ;*

When a member of the Municipal Council is suspended, he may not exercise any function related to his office as a member of the Council and, in particular, he may not sit on any council, committee or commission of the Municipality, or in his capacity as a member of a council of the Municipality, of any other body, nor receive any remuneration, allowance, or any other sum from the Municipality or any such body.

ARTICLE 12 The present by-law comes into force in accordance with the law.

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Richard Burcombe, Mayor

Me Owen Falquero B.A, LL.B, J.D. Clerk

FOLLOW-UP

Notice of motion:	May 1, 2023
Presentation:	May 1, 2023
Adoption of regulations :	June 6, 2023
Publication date:	July 12, 2023
Effective date :	July 12, 2023