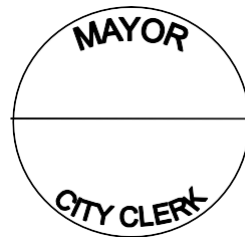


PROVINCE OF QUÉBEC
CITY OF BEACONSFIELD

BY LAW BEAC-144

**CODE OF ETHICS AND GOOD CONDUCT FOR ELECTED
MUNICIPAL OFFICERS OF THE CITY OF BEACONSFIELD**

Adopted at regular meeting of Council
held on February 28, 2022



PROVINCE OF QUÉBEC
CITY OF
BEACONSFIELD

BY-LAW BEAC-144

**CODE OF ETHICS AND GOOD CONDUCT FOR
ELECTED MUNICIPAL OFFICERS OF THE CITY OF
BEACONSFIELD**

At the regular meeting of the Municipal Council of the City of Beaconsfield, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Québec, on Monday, February 28, 2022, at 8 p.m.;

WERE PRESENT: His Honour Mayor Georges Bourelle and Councillors Dominique Godin, Martin St-Jean, Robert Mercuri, David Newell, Roger Moss and Peggy Alexopoulos

WHEREAS the *Municipal Ethics and Good Conduct Act*, which came into force on December 2, 2010, requires that every local municipality must have a Code of Ethics and Good Conduct which applies to its elected municipal officers;

WHEREAS the Council of the City of Beaconsfield has adopted such a Code on February 26, 2018, under number BEAC-118, according to the Act, but that in accordance with Section 13 of the *Municipal Ethics and Good Conduct Act*, every municipality must, before March 1 following a general election, adopt a revised code of ethics and conduct to replace the one in force, with or without amendments;

WHEREAS *An Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions* (bill 49), sanctioned on November 5, 2021, provides modifications to the *Municipal Ethics and Good Conduct Act* which must be integrated into the Code of Ethics and Good Conduct of the City of Beaconsfield.

CONSIDERING the November 7, 2021, general election;

WHEREAS the formalities provided in the *Municipal Ethics and Good Conduct Act* have been duly complied with;

WHEREAS a presentation and a notice of motion of this present by-law were given on Monday, January 24, 2022;

On motion of Councillor Robert Mercuri, seconded by Councillor Roger Moss, and UNANIMOUSLY RESOLVED to adopt the Code of Ethics and Good Conduct as follows:

THE COUNCIL OF THE CITY OF BEACONSFIELD ENACTS THE FOLLOWING:

SECTION 1: TITLE

The title of this code is: Code of Ethics and Good Conduct for Elected Municipal Officers of the City of Beaconsfield.

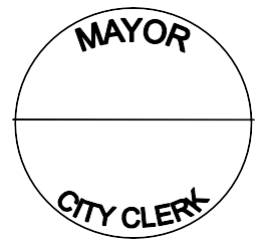
SECTION 2: SCOPE OF THE CODE

This code applies to every member of the Council of the City of Beaconsfield.

SECTION 3: PURPOSE OF THIS CODE

The purpose of this code is as follows:

- 3.1 To give priority to those values on which individual members of the Municipal Council base their decisions, and to contribute to a better understanding of the municipality's values;



- 3.2 To establish standards of behaviour which promote these values as being integral to the decision-making process by elected officers, as well as in their general conduct;
- 3.3 To prevent ethical conflicts and, if they arise, to help resolve them effectively and judiciously;
- 3.4 To ensure that measures to enforce this code are applied in case of any breach of conduct.

SECTION 4: VALUES OF THE MUNICIPALITY

The following values shall serve as guides for decision-making; for the general conduct of the municipality's Council members in their capacity as elected officials; and particularly when encountering situations that are not explicitly provided for in this code or in the municipality's various policies:

4.1 Integrity

Members shall promote the values of honesty, rigour and justice.

4.2 Prudence in pursuit of the public interest

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

4.3 Respect and civility towards other members, municipal employees and citizens

Members shall promote respect and civility in human relations. They have a right to these , and shall act with respect and civility towards all those with whom they have dealings in the course of their official duties.

4.4 Loyalty to the municipality

Members shall work in the best interest of the municipality.

4.5 Fairness

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

4.6 Confidentiality

All members shall respect the confidentiality of the information to which they have access by virtue of their office.

4.7 Honour attached to Municipal Councillors

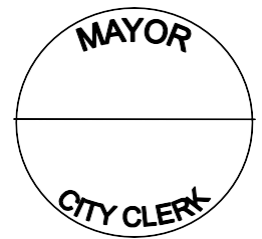
Members shall safeguard the honour of their position, which presupposes constant practice of the six above-mentioned values: integrity, prudence, respect and civility, loyalty, fairness and confidentiality.

SECTION 5: RULES OF CONDUCT

5.1 Scope

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

- 1) the municipality, or
- 2) any other body in their capacity as members of the Municipal Council.



5.2 Purpose

These rules are intended, in particular, to prevent:

- 1) Any situation in which Council members' private interests might impair their independence of judgment in the course of their official duties;
- 2) Favoritism, 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 interests 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 interests or improperly further the interests 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 5 and 6 of subsection 5.3.7.

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.

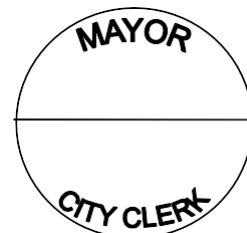
5.3.4 Members are prohibited from accepting any gift, mark of hospitality or other benefit, whatever its value, that is offered by a supplier of goods or services or that might impair their independence of judgment in the course of their official duties, or otherwise compromise their integrity.

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 Clerk of the municipality 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 state 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 It is forbidden for any member to contravene to section 304 of the *Act respecting elections and referendums in municipalities* which relates to the interest in a contract with a municipality and the pecuniary interests of an elected official. Members 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's interest consists of holding shares in a company of which the member is not an owner, director or senior executive, and in which the member holds less than 10% of the voting stock;



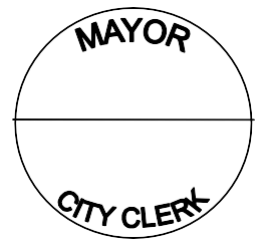
- 3) The member's interest is based on the fact that he or she is a member, director or officer of another municipal or public body within the meaning of the Access to Public Documents and Protection of Personal Information Act (R.S.Q., chapter A-2.1), a non-profit organization, or a body of which he 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 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;
- 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, or is for the acquisition of the securities on non-preferential terms;
- 9) The contract is for services or 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 It is forbidden for any member to contravene section 361 of the *Act respecting elections and referendums in municipalities* (Chapter E-2.2)

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 a 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.

If the matter in 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 this matter is under discussion, must disclose the general nature of his or her interest in 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.

5.4 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 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.

The members sitting on the various committees created by the City have a confidentiality obligation towards the information and deliberations reported during committee meetings and activities.

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 members of the Municipal Council.

5.7 Breach of trust and embezzlement

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

5.8 Prohibited announcement

A member of a council of the municipality is prohibited 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 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 the use in particular, of vexatious, derogatory or intimidating words, writings or gestures that are or by any form of incivility of a vexatious nature;



5.10 Honour and dignity

It is forbidden for any member to engage in conduct which undermines the honour and dignity of the elected office;

5.11 Training of Cabinet staff

A member of Council who has Cabinet staff reporting to them must ensure that the staff for whom they are responsible follows the training provided for in section 15 of the *Municipal ethics and good conduct Act*.

SECTION 6: MECHANICS AND 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) Participation in a training on ethics and good conduct in municipal matters, at the expense of the Council member, within the time prescribed by the Commission municipale du Québec
- 3) The remittance 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;
- 4) Repayment of the remuneration, allowance or other amounts received, for the period determined by the Commission municipale du Québec, as a member of a Municipal Council, committee or commission, or as a member of a body contemplated in section 5.1;
- 5) a penalty, up to a maximum of \$4,000, to be paid to the municipality
- 6) Suspension of the Municipal Council member for a period of up to 90 days; this suspension may have effect beyond the day on which their term of office ends if they are re-elected in an election held during their suspension and said suspension has not ended on the day on which their new term begins

When suspended, a Municipal Council member may not exercise any function related to their office as mayor or councillor and, namely, they cannot 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.

6.2 When the sanction consists of following a training in ethics and good conduct, the member of Council must, within 30 days of his participation in such training, declare it to the Commission as well as to the City Clerk of the municipality, which reports to Council. The Commission may suspend a member of Council who has failed, without serious reason, to follow the training within the prescribed time limit. Subparagraph 4 of the first paragraph and the second paragraph of section 31 of the *Municipal Ethics and Good Conduct Act* apply to this suspension, except that its duration is indefinite and that it ends only on a decision of the Commission noting that the Council member has followed the training.



SECTION 7: ENTRY INTO FORCE

7.1 The present by-law replaces by-law BEAC-085.

7.2 This by-law shall come into force according to law.

MAYOR

CITY CLERK