

FEBRUARY 14, 2022

MINUTES of the regular sitting of the council of the Municipality of Grosse Ile hereby declared in session by the Mayor, Mrs. Diana-Joy Davies, this fourteenth day of February 2022 at 6:30 p.m. in the Grosse Ile gymnasium situated at 006, chemin Jerry, Grosse Ile, Quebec, at which time there is quorum.

The following persons are present:

Mayor:	Diana-Joy Davies
Councillors:	Marlene Boudreau Johanne Clark Nancy Clark Katrina Keating Miranda Matthews
Assistant Clerk-Treasurer:	Maxine Matthews
Absent with regrets Councillor:	Kathy Burke

**OPENING OF THE SITTING AND
WELCOME WORD BY THE CHAIR**

N2022-019 The Mayor, Diana-Joy Davies opens the sitting and welcomes the persons in attendance.

CLOSED SESSION OF THE SITTING

WHEREAS public health order number 177-2020 issued on March 13, 2020, declared a state of health emergency throughout the province of Quebec for an initial period of ten (10) days and this, in accordance with the *Public Health Act*;

WHEREAS subsequent public health orders extend this state of health emergency which is still in effect;

WHEREAS since December 20, 2021, the members of municipal council must, as much as possible, hold their meetings using any method which allows all members to communicate directly with one another and to verbally vote, in accordance with the terms stipulated in public health order number 2020-049 issued on July 4, 2020;

WHEREAS according to this same order, municipalities must allow citizens to submit, in writing and before the beginning of the sitting, any questions they may have for council members as the law requires that there be a question period;

WHEREAS it is within public interest and to protect the health of the population, the members of council and municipal officers, that this sitting be held without the presence of the public;

THEREFORE

R2022-020

It is proposed by Miranda Matthews
Seconded by Katrina Keating
And unanimously approved by the Councillors present

THAT the members of council hereby confirm that this sitting of council be held without the presence of the public.

THAT the meeting be publicized as soon as possible, as required by public health orders, by any means which allows the public to know the content of the discussions between the participants and the result of the deliberations of the members; the content of this meeting will be publicized by posting a detailed written report on the Municipality's website (www.mungi.ca).

ADOPTION OF THE AGENDA

R2022-021

It is proposed by Nancy Clark
Seconded by Miranda Matthews
And unanimously approved by the Councillors present

THAT the following agenda be hereby adopted with additions:

1. Opening of the sitting
 - 1.1 Welcome word by the chair
 - 1.2 Closed session of the sitting
 - 1.3 Adoption of the agenda
 - 1.4 Adoption of the minutes
 - 1.5 Correspondence
 - 1.5.1 Business arising from the correspondence
2. Administrative acts of council
 - 2.1 Administrative updates
 - 2.1.1 Accounts paid
 - 2.1.2 2021 Annual Report – Contract Management Bylaw
 - 2.1.3 Hiring of Leisure Animator – Occasional status (replacement list)
 - 2.1.4 Maritime Community regional Files - Update
3. Legislative acts of council
 - 3.1 Adoption of Bylaw 2022-001 – To repeal and replace Bylaw 2021-002 – Regarding the Code of Ethics and Conduct of Municipal Elected Officials
 - 3.2 Adoption of Bylaw 2022-002 – To repeal and replace Bylaw 2019-002 – Establishing the Code of Ethics and Professional Conduct for the Employees of the Municipality of Grosse Ile
 - 3.3 Repeal Resolution R2019-150 – Appointment of Assistant Secretary-Treasurer
 - 3.4 Appointment of Assistant Clerk-Treasurer
 - 3.5 Sale of immovables for non-payment of taxes
4. Varia
 - 4.1 Offer of employment – Fitness Center Attendant
5. Question period

6. Close

ADOPTION OF THE MINUTES

The members of council received a copy of, and declare having read, the minutes of the regular sitting of council held on January 10, 2022.

R2022-022 It is proposed by Marlene Boudreau
Seconded by Johanne Clark
And unanimously approved by the Councillors present

To adopt the minutes of the regular sitting of council held on January 10, 2022.

CORRESPONDENCE

N2022-023 The members of council received a copy of the list of correspondence received at the office since the last sitting, prior to the meeting for review. The Mayor addresses the correspondence, and the list is deposited in the Correspondence Register of the Municipality.

ADMINISTRATIVE UPDATES

ACCOUNTS PAID

N2022-024 It is proposed by Katrina Keating
Seconded by Johanne Clark
And unanimously approved by the Councillors present

To approve the accounts paid for the month ending December 31, 2021, for an amount of \$116, 448.34 and the accounts paid for the month ending January 31, 2022, for an amount of \$98, 309.26, this list is deposited in the register of accounts paid.

2021 ANNUAL REPORT CONTRACT MANAGEMENT BYLAW

R2022-025 It is proposed by Katrina Keating
Seconded by Miranda Matthews
And unanimously approved by the Councillors present

THAT the members of council hereby acknowledge the tabling of the annual report on the application of the Contract Management Bylaw of the Municipality of Grosse Ile as required by Article 938.1.2 of the Quebec Municipal Code. This report is presented by the Assistant Clerk-Treasurer, Maxine Matthews.

HIRING OF LEISURE ANIMATOR – OCCASIONAL STATUS (REPLACEMENT LIST)

WHEREAS only one application was received following the second posting of an internal/external offer of employment in order to engage the services of two

(2) Leisure Animators – Occasional status (replacement list);

THEREFORE

R2022-026

It is proposed by Johanne Clark
Seconded by Marlene Boudreau
And unanimously approved by the Councillors present

THAT Nelia Patton be hereby engaged as Leisure Animator – occasional status (replacement list) with the salary and conditions outlined in the collective agreement currently in effect for the employees of the Municipality of Grosse Ile.

THAT the Assistant Clerk-Treasurer, Maxine Matthews, be hereby mandated to inform the Syndicat des employés municipaux – CSN of the hiring of this new employee.

**MARITIME COMMUNITY REGIONAL FILES
UPDATE**

N2022-027

The Mayor, Diana-Joy Davies, reviews the items on the agenda for the sitting of council of the Maritime Community which was held on Tuesday, February 8, 2022 and presented her update to the members of council.

Two very important files which concern the Municipality of Grosse Ile:

- 1) At the sitting on February 8th, 2022, the members of council of the Maritime Community adopted an interim control resolution to restrict, for a period of 90 days, all residential construction in forestry and agricultural zones. This interim control resolution is necessary until an interim control bylaw can be adopted regarding the different uses or different activities that will be permitted or prohibited in forestry and agricultural zones. Once adopted, this new bylaw will be in effect until the urban plan is complete and until the new zoning bylaws of the two local municipalities (Municipalité des Îles-de-la-Madeleine and Municipality of Grosse Ile) come into effect.

A survey, in both English and French, is currently available concerning urban planning and development of the territory; citizens are strongly encouraged to complete this survey before March 14, 2022, at 11:59 p.m.

- 2) At this same sitting of February 8th, the members of council of the Maritime Community also adopted the Development and Management Plan for the creation of a Regional Park on public lands. This plan provides a portrait of the territory regarding public lands and the challenges surrounding their use. There will be two types of zoning in this park, one where uses will be permitted and the other will be protected areas. The 82-page document outlining all the specifics of the regional park was forwarded to the Quebec Government on February 9, 2022.

Serge Bourgeois, Director of Territorial Development Projects, has expressed his interest to meet with the Mayor and municipal council members of the Municipality of Grosse Ile concerning these two important files. As discussed by the members of council, two dates will

be proposed to Mr. Bourgeois for a meeting, February 21, 2022, at 6:30 p.m. or February 24, 2022, at 6:30 p.m.

LEGISLATIVE ACTS OF COUNCIL

ADOPTION OF BYLAW 2022-001 TO REPEAL AND REPLACE BYLAW 2021-002 – REGARDING THE CODE OF ETHICS AND CONDUCT OF MUNICIPAL ELECTED OFFICIALS

WHEREAS the municipal council of the Municipality of Grosse Ile adopted on November 15, 2021 Bylaw 2021-002 Regarding the Code of Ethics and Professional Conduct of Municipal Elected Officials;

WHEREAS pursuant to Article 13 of the *Municipal Ethics and Good Conduct Act* (RSQ, c. E-15.1.0.1, hereinafter: the “MEGCA”), all municipalities must, before March 1 following any general election, adopt a revised code of ethics and conduct that replaces the one in effect, 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* (LQ, 2021, c.31), assented to on November 5, 2021, amends the mandatory content of the Code of ethics and conduct of municipal elected officials;

WHEREAS it is therefore necessary to adopt a revised Code of ethics and conduct of municipal elected officials;

WHEREAS the formalities outlined in the *Municipal Ethics and Good Conduct Act* for the adoption of this present bylaw have been respected;

WHEREAS the Municipality, which includes the members of council, explicitly adheres to ethical values and rules of conduct provided within the *MEGCA* as well as in this Code;

WHEREAS municipal ethics and professional conduct are essential to maintain the bond of trust between the Municipality and citizens;

WHEREAS exhibiting a conduct in accordance with municipal ethics and good conduct must remain a constant concern of council members in order to provide citizens with transparent, prudent, diligent and honest management of the Municipality including its public funds;

WHEREAS by applying the ethical values and by respecting the rules of conduct provided by this Code, each

member of council is able to fulfill their role as an elected municipal official, to assume the responsibilities regarding this role and to meet the expectations of citizens;

WHEREAS this Code contains the obligations as well as the guidelines for the conduct of each member of council, while leaving it up to them to use their judgment in accordance with the values set forth therein;

WHEREAS this Code intends to identify, prevent and avoid conflict of interest situations;

WHEREAS failure to comply with the Code may result in serious consequences for the Municipality and the council members;

WHEREAS it is incumbent upon each member of the municipal council to respect this Code in order to ensure that the highest standards of municipal ethics and conduct are met;

WHEREAS a notice of motion was given at the regular sitting of council held on January 10, 2022, and a draft bylaw was also presented and tabled at this same sitting;

WHEREAS a copy of this bylaw was given to all members of council at least seventy-two (72) hours prior to this present sitting;

WHEREAS the members of council present declare having read the bylaw;

WHEREAS the Assistant Clerk-Treasurer mentions that the purpose of this bylaw is to provide the main ethical values of the Municipality and rules of professional conduct that must guide the members of council, whether they are acting as a member of council of the Municipality or a municipal organisation;

THEREFORE

R2022-028

It is proposed by Johanne Clark
Seconded by Miranda Matthews
And unanimously approved by the Councillors present

THAT Bylaw 2022-001 - To repeal and replace Bylaw 2021-002 - Regarding the Code of Ethics and Conduct of Municipal Elected Officials be hereby adopted and that the following is ordered and decreed by the said bylaw:

ARTICLE 1 DECLARATORY AND INTERPRETATIVE PROVISIONS

1.1 The title of this Bylaw is: Bylaw 2022-001 - To Repeal and Replace Bylaw 2021-002 - Regarding the Code of Ethics and Conduct of Municipal Elected Officials.

1.2 The preamble is an integral part of this Code.

1.3 This Code does not replace the laws and regulations in effect which govern the Municipality and, more generally, the municipal domain. Rather, it is supplementary and complements the various

obligations and general duties applicable to municipal elected officials stipulated in other applicable laws and regulations.

Therefore, the Code must not be interpreted as allowing any exemption from the provisions stipulated in the laws and regulations governing the Municipality, municipal elected officials and, more generally, the municipal domain.

ARTICLE 2 INTERPRETATION

2.1 This Code must be interpreted according to the principles and objectives set forth in the *MEGCA*. The rules of conduct stipulated in that Act are deemed to be an integral part of this Code and shall prevail over any incompatible rules set forth in this present Code.

2.2 In this Code, unless the context indicates otherwise, the following expressions and words are defined as:

Benefit: Of monetary nature or not, includes any gift, donation, favour, reward, service, gratuity, hospitality, remuneration, compensation, gain, indemnity, privilege, preference, benefit, profit, advance, loan, reduction, discount, etc.

Code: *Bylaw 2022-001 decreeing the Code of ethics and conduct of municipal elected officials.*

Council: The municipal council of the Municipality of Grosse Ile.

Professional Conduct: Refers to all of the rules and duties that govern the role of the council members, their conduct, their relationship among themselves as well as their relationship with the municipal employees and the general public.

Ethics: Refers to all of the moral principles that are the basis of conduct of the members of council. Ethics take into account the values of the Municipality.

Personal Interest: An interest as such is related to the individual elected official and is distinct from the community they represent.

Member of council: Elected official of the Municipality, a member of a committee or commission of the Municipality or a member of council of another municipal organisation, when sitting in their capacity as a member of the council of the Municipality.

Municipality: The Municipality of Grosse Ile.

Municipal Organisation: The council, any committee or any commission:

1. of an organisation that is declared by law to be an agent or mandatory of the Municipality.
2. of an organisation whose board is composed mainly of municipal council members, whose budget is adopted by the Municipality or whose financing is ensured for more than half by the Municipality.
3. of a public organisation whose board is composed mainly of council members from several municipalities.
4. of any other organisation determined by the Minister of Municipal Affairs and Housing.

ARTICLE 3 APPLICATION OF THE CODE

3.1 This present Code and more particularly the rules set forth herein shall guide the conduct of all members of council.

3.2 Certain rules set forth in this present Code shall also apply after the mandate of any person who has been a member of council.

ARTICLE 4 VALUES

4.1 The following outlines the main ethical values of the Municipality:

4.1.1 Integrity of members of the municipal council

Integrity implies to demonstrate decency and honesty above all suspicion.

4.1.2 Honour affiliated with the duties of a municipal council member

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

4.1.3 Caution in the pursuit of public interest

Caution requires for all council members to assume their responsibilities within the mission of public interest in an objective and discerning manner. Caution implies obtaining sufficient information, to reflect on the consequences of their actions and to seek alternative solutions.

Public interest implies making decisions for the greater benefit of the community and not for the benefit of private or personal interests at the expense of public interest.

4.1.4 Respect and civility towards other municipal council members, municipal employees and citizens.

In general, respect requires to treat all people with respect and consideration. Civility implies demonstrating courtesy, politeness and good manners.

4.1.5 Loyalty towards the Municipality

Loyalty requires performing one's duties within the best interest of the Municipality, in a neutral and open-minded manner. It also implies disregarding one's own personal interests and disclosing them in a transparent manner, in accordance with the applicable rules. Moreover, loyalty means to respect the decisions made by the council.

4.1.6 Striving for fairness

Fairness implies to be impartial, by having an objective and independent conduct, and considering the rights of each person. Fairness requires not to discriminate.

4.2 These values must guide the members of council of the Municipality in assessing the ethical values applicable to them.

4.3 When values are integrated into Article 5 of this present Code, these values shall not only guide the conduct of the council members, but shall be respected and applied by them.

ARTICLE 5 RULES OF CONDUCT AND PROHIBITIONS

5.1 The conduct rules are intended to avoid:

5.1.1 Any situation where the personal interest of a council member may influence their independence of judgment in the performance of their duties.

5.1.2 Favouritism, embezzlement, breach of trust or other misconducts.

5.1.3 Any misconduct affecting the honour and dignity of the duties of a municipal elected official.

5.2 Rules of conduct and prohibitions

5.2.1 The member of council must demonstrate respect and civility.

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

More specifically, all council members must:

- Demonstrate civility and courtesy in their exchanges and communications, including electronic and social media communications.
- Respect the dignity and honour of other council members, municipal employees and citizens.

- All council members must engage in an open and honest dialogue with the other members of council in order to make an informed decision.
- All council members shall maintain decorum during a public or closed sitting of council. In particular, council members must respect the directives of the chairperson of the meeting.
- In their communications with municipal employees, partners of the Municipality, citizens, media and the general public, council members must not use their position or title to imply that they are acting on behalf of the Municipality, except in the case where a resolution was duly adopted by the municipal council for this purpose.
However, this prohibition does not apply to the mayor who is acting within the scope of the specific powers entrusted to them by law.

5.2.2 The member of council must demonstrate honour

5.2.2.1 It is forbidden for any council member to behave in a manner that affects the honour and dignity of the duties of a municipal elected official.

5.2.2.2 All council members must take reasonable measures to attend public and closed sittings of council. It is the same when they represent the Municipality during various meetings and events.

5.2.2.3 It is forbidden for all council members to incur an expense that violates the *Act Respecting the Remuneration of Elected Officials* (RLRQ, c. T-11.001) or to attempt to be reimbursed for an expense as such.

5.2.2.4 In the context of their travel and expenses that is reimbursed by the Municipality, all council members must, as much as possible, limit costs to what is reasonable under the circumstances.

5.2.3 Conflict of Interest

5.2.3.1 It is forbidden for any member of council to act, to attempt to act or to omit to act in any way to favour, within the performance of their duties, their personal interests or, in an abusive manner, those of any other person.

5.2.3.2 It is forbidden for any member of council to prevail of his position to influence or to attempt to influence the decision of another person in a way that favours his personal interests or, in an abusive manner, those of any other person.

5.2.3.3 It is forbidden for any member of council to violate Articles 304 and 361 of the *Act Respecting Elections and Referendums in Municipalities* (RLRQ, c. E-2.2), subject to the exceptions

provided for in Articles 305 and 362 of this same Act.

- 5.2.3.4 Knowingly, all council members must avoid putting themselves in a situation where they are susceptible to have to choose between their personal interest or the interest of another person and that of the Municipality or a municipal organisation when serving as a member of the council.
- 5.2.3.5 All members of council must demonstrate impartiality and fairness. They shall not show favouritism, particularly with respect to goods and services providers of the Municipality.
- 5.2.3.6 All members of council must be open-minded and have an objective judgment without personal interests in order to make the best decisions for the Municipality.
- 5.2.3.7 Council members who become aware of a situation of conflict of interest or are advised of one must take the necessary measures to resolve it as soon as possible from the moment they become aware of the conflict.
- 5.2.3.8 Council members must avoid and prevent situations where they are at risk of being unduly influenced by a decision that is susceptible to favour their personal interests or, in an undue manner, those of any other person.
- 5.2.3.9 Council members 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 It is forbidden for any member of council to accept, receive, evoke or to solicit any benefit whatsoever, for themselves or for any other person, in exchange for taking a position concerning any matter put before the council, or any committee or commission of which they are a member.
- 5.2.4.2 It is forbidden for any member of council to accept any gift, hospitality or any other benefit, no matter the value, that is offered by a goods or services provider or that may influence their independence of judgement in the performance of their duties or that may compromise their integrity.
- 5.2.4.3 Any gift, token of hospitality or any other benefit received by a member of the municipal council and that is not of a purely private nature or provided for in Article 5.2.4.2 must, when the value exceeds \$200.00, prepare a written

declaration to the Director General/Clerk-Treasurer of the Municipality within 30 days of its receipt.

This declaration must include an adequate description of the gift, hospitality or benefit received, as well as the name of the donor, the date and the circumstances of its receipt.

5.2.4.4 When a member of council represents the Municipality at an event and receives a participation prize or any other benefit, without the member of council having to personally pay a personal fee to receive it, the member of council shall surrender it to the Municipality who will decide how to receive or dispose of it.

5.2.5 Members of council shall not use the Municipality's resources

5.2.5.1 It is forbidden for any member of council to use the resources of the Municipality or any other municipal organisation within the meaning of this present Code for personal purposes or for purposes other than activities related to the performance of their duties. However, this prohibition does not apply when a member of council uses, under non-preferential terms, a resource that is generally made available to citizens.

5.2.5.2 A council member shall not allow a municipal employee or a third party to use the resources of the Municipality or of any other municipal organization linked to the Municipality for personal purposes unless it is for a service or activity which is generally offered by the Municipality.

5.2.5.3 It is forbidden for a council member to misappropriate for their own benefit or for the benefit of a third party, any supplies or a sum of money belonging to the Municipality.

5.2.6 Privileged information

5.2.6.1 It is forbidden for any member of council, both during and after their mandate, to use, communicate or to attempt to use or communicate information obtained during their time in office that is not generally available to the public in order to favour their personal interests or those of any other person.

5.2.6.2 It is forbidden for any member of council to use or disclose, for their own benefit or for the benefit of a third party, privileged information or any information that they are aware of and that would not otherwise be available or that the municipal council has not yet disclosed.

5.2.6.3 A member of council shall not disclose in any way whatsoever, directly or indirectly, the opinion expressed by another council member or any other person during a closed sitting.

5.2.6.4 All council members must exercise caution in their communications, particularly on the web and social media, in order to avoid directly or indirectly disclosing privileged or confidential information.

5.2.6.5 For the purposes of this section, and without limiting the generality of the aforementioned, the following are mainly, but not limited to, considered inside information or information that is not of public nature: documents and information that cannot be disclosed or whose confidentiality must be ensured pursuant to the *Act respecting access to documents held by public bodies and the Protection of personal information* (RLRQ, c. A-2.1), discussions held during closed sessions and all information that is protected by professional secrecy, as long as the Municipality has not waived the latter.

5.2.7 Post mandate obligation

5.2.7.1 It is forbidden for any member of council, during the twelve (12) months following the end of their mandate, to hold an administrator or manager position in a corporation, a job or any other position as such, that they or any other person draws an undue benefit from due to their previous duties as a member of council of the Municipality.

5.2.8 Announcement during a political financing activity

5.2.8.1 It is forbidden for any member of council, during a political fundraising activity, to make an announcement concerning the completion of a project, the conclusion of a contract or the awarding of a grant by the Municipality, unless a final decision regarding this project, contract or grant has been made by the competent authority within the Municipality.

5.2.9 Interference

5.2.9.1 A member of council shall not interfere in the daily administration of the Municipality or give instructions to municipal employees, other than when a decision is made at a public sitting of the municipal council. In a case as such, instructions are given to municipal employees by the Director General.

However, it is understood that a member of council who is a member of a committee or commission formed by municipal council or who is designated by the municipal council to

represent the Municipality in a particular matter may be required to collaborate with the Director General and employees of the Municipality. This collaboration is limited to the mandate assigned to them by the municipal council.

Under no circumstances shall this provision be applied or interpreted in such a way to limit the Mayor's statutory right of supervision, investigation and/or control which is granted by law.

- 5.2.9.2 All members of council shall forward any complaints they receive to the Director General of the Municipality who shall do the appropriate follow-up. If the complaints are against the Director General, they shall refer them to the mayor.

ARTICLE 6 CONTROL AND ENFORCEMENT PROCEDURES AND PENALTIES

- 6.1 The control and enforcement procedures of this Code are those stipulated in the MEGCA;
- 6.2 A municipal council member who fails to comply with a rule stipulated in this present Code may see the enforcement of the following penalties provided for in the MEGCA:
- 6.2.1 Reprimand;
 - 6.2.2 Participation in a training regarding municipal ethics and conduct, at the expense of the member of council, within the time period determined by the Quebec Municipal Commission;
 - 6.2.3 Remittance to the municipality, within 30 days of the decision of the Quebec Municipal Commission:
 - a) of the gift, hospitality or benefit received or the value thereof;
 - b) of any profit received in violation of a rule stated in this Code;
 - 6.2.4 The reimbursement of any remuneration, allowance or other sum received, for the period determined by the Commission, as a member of council, committee or commission of the Municipality or of an organization;
 - 6.2.5 A penalty not exceeding \$4 000.00, to be paid to the Municipality;
 - 6.2.6 The suspension of a council member for a period in which the duration shall not exceed 90 days, this suspension can go beyond the day on which their mandate ends if they are

re-elected in an election held during their suspension and if this suspension has not been fully served on the day that they begin their new mandate.

When a member of council is suspended, they may not carry out any duties regarding their office as mayor or councillor and, in particular, they may not sit on any council, committee or commission of the Municipality or, as a member of council of the Municipality, of another organization, nor receive any remuneration, allowance or any other sum from the Municipality or an organization as such.

ARTICLE 7 REPEALED BYLAWS

7.1 This bylaw repeals and replaces Bylaw 2021-002 – Regarding the Code of Ethics and Professional Conduct of Municipal Elected Officials, adopted on November 15, 2021.

7.2 Any mention or reference to a Code of ethics and conduct for municipal elected officials, whether it be in a bylaw, resolution, policy, contract, etc., is deemed to refer to this present bylaw.

ARTICLE 8 COMING INTO FORCE

8.1 This bylaw comes into force in accordance with the law.

ADOPTION OF BYLAW 2022-002 TO REPEAL AND REPLACE BYLAW 2019-002 – ESTABLISHING THE CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR THE EMPLOYEES OF THE MUNICIPALITY OF GROSSE ILE

WHEREAS the *Municipal Ethics and Good Conduct Act* (MEGCA), assented to on December 2, 2010, obliges all local municipalities to adopt a code of ethics and professional conduct that stipulates the Municipality's main ethical values and the rules that must guide employees' conduct;

WHEREAS the *Act to amend the Act Respecting Elections and Referendums in Municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions*, commonly referred to as "Bill 49" and assented to on November 5, 2021, requires the addition of a rule concerning the receipt of a gift or benefit by employees;

WHEREAS, in accordance with section 18 of the MEGCA, any decision concerning the adoption of the Code of Ethics and Professional Conduct must be made by means of a municipal bylaw;

WHEREAS a notice of motion was given at the regular sitting of council held on January 10, 2022;

WHEREAS the adoption was preceded by the presentation and tabling of a draft bylaw on January 10, 2022 and a consultation with employees on the draft bylaw held on February 8, 2022;

WHEREAS in accordance with section 12 of the said Act, a public notice containing a summary of the draft bylaw was published on February 3, 2022;

WHEREAS the members of council deems it appropriate, essential and in the public interest to comply with the requirements of the Act by amending the Municipality's Code of Ethics and Professional Conduct for its employees;

WHEREAS a copy of this present bylaw was given to all members of council at least seventy-two (72) hours prior to the present sitting;

WHEREAS the members of council present declare having read the bylaw;

WHEREAS during the course of the sitting, the content and scope of the bylaw are mentioned;

THEREFORE

R2022-029

It is proposed by Marlene Boudreau
Seconded by Katrina Keating
And unanimously approved by the Councillors present

THAT Bylaw 2022-002 - To repeal and replace Bylaw 2019-002 – Establishing the Code of Ethics and Professional Conduct for the Employees of the Municipality of Grosse Ile be hereby adopted and that the following is ordered and decreed by the said bylaw:

Article 1 Preamble

The preamble of this present bylaw is an integral part thereof.

Article 2 Purpose

The purpose of this bylaw is to repeal and replace the current Code of Ethics and Professional Conduct for the Employees of the Municipality, notably to provide details regarding the receipt of gifts and benefits by municipal employees.

Article 3 Introduction

This Code of Ethics and Professional Conduct for Employees of the Municipality of Grosse Ile is adopted pursuant to sections 2, 16 and 18 of the *Municipal Ethics and Good Conduct Act* (RSQ, c. E-15.1.0.1).

Under the provisions of this Act, the Municipality of Grosse Ile must adopt, by means of a municipal bylaw, a code of ethics and professional conduct for municipal employees, which states the main ethical values of the Municipality and the rules that must guide employees' conduct according to the enforcement and control procedures provided for this purpose.

Article 4 Values

4.1 The ethical values of the Municipality are:

1. Integrity of municipal employees;
2. Honour affiliated with the duties of a municipal employee;
3. Caution within the pursuit of public interest;
4. Respect and civility towards the members of municipal council, other municipal employees and citizens, including interactions online and on social media;
5. Loyalty towards the Municipality;
6. The pursuit of equity.

4.2 All employees must demonstrate integrity, honesty, impartiality and fairness while carrying out their duties.

4.3 The values stated in this present Code must guide all employees in the interpretation, from a public interest standpoint, of the ethical rules that they must follow.

Article 5 General Principle

5.1 Employees must perform their duties and organize their professional activities in a manner that preserves and maintains the public's trust towards the Municipality.

Article 6 Objectives

6.1 The rules presented in this Code are intended to avoid, among other things:

1. Any situation where the personal interest of an employee may influence their independence of judgment in the performance of their duties;
2. Any situation that is contrary to the values stated in this Code of Ethics and Professional Conduct;
3. Favouritism, embezzlement, breach of trust or other misconducts.

Article 7 Interpretation

7.1 Unless the context indicates otherwise, the words used in this Code maintain their usual meaning, except for the following expressions and words which are defined as follows:

1. **Benefit:** any benefit of any nature, as well as any promise of a benefit as such;
2. **Conflict of interest:** any situation where employees must choose between the interest of the Municipality and their own personal interest;
3. **Confidential information:** information that is not public knowledge, to which employees have access as a result of their employment with the Municipality;
4. **Immediate supervisor:** person who represents the first level of authority above employees and who supervises their work. In the case of the director general – clerk-treasurer, the immediate supervisor is the mayor.

Article 8 Scope

- 8.1 This Code applies to all employees of the Municipality of Grosse Ile.
- 8.2 In addition to this Code, the Municipality may adopt bylaws, policies or guidelines to which employees are bound, the breach of which may result in disciplinary action. In cases of incompatibility, the Code shall prevail.
- 8.3 A law, a federal or provincial regulation, as well as any employment contract which the Municipality is involved in shall prevail over any incompatible provisions of this Code.
- 8.4 This Code applies to employees in addition to any other codes of ethics or of professional conduct to which they are subject, particularly under the *Professional Code* (RSQ c. C-26) and any Acts governing the professions referred to therein. However, the Municipality cannot, in virtue of this Code or otherwise, force an employee to violate another code of ethics or professional conduct adopted by law.

Article 9 General Obligations

- 9.1 The employees must:
1. Diligently perform the work inherent to their duties;
 2. Respect this Code as well as the policies, rules and guidelines of the employer;
 3. Fulfill their duty of confidentiality towards the Municipality. They must not impair the dignity or reputation of their employer or, if related to their work, those of a council member or another employee of the Municipality;
 4. Act with integrity and honesty;
 5. Be appropriately dressed at work;

6. Communicate to their employer any information brought to their attention that they know to be relevant to the Municipality.
- 9.2 Regarding municipal elections, this Code must not be interpreted as prohibiting an employee from performing an activity that the *Act Respecting Elections and Referendums in Municipalities* (RSQ c. E-2.2) does not consider to be partisan.
- 9.3 This Code must not be interpreted or enforced to prevent employees from taking all reasonable measures to protect their health, safety or physical and mental well-being, or those of another person.

Article 10 Specific Obligations

10.1 RULE 1 – Conflicts of Interest

10.1.1 Employees must avoid any situation where they must knowingly choose between the interest of the Municipality and their own personal interests or, in an undue manner, those of any other person.

10.1.2 Employees must:

1. Faithfully perform their duties in accordance with applicable laws, including the regulations in force at the Municipality and in all other municipal organizations;
2. Abstain from knowingly, either directly or indirectly, having a contract with the Municipality, and prevent their associates from doing the same. However, this prohibition does not apply to contracts authorized by law;
3. Inform their supervisor when a situation may put them in a conflict of interest.

10.1.3 Without limiting the particularity of the above, it is forbidden for employees:

1. To act, to attempt to act or to omit to act, in any way to favour, in the performance of their duties, their own personal interests or, in an undue manner, those of any other person;
2. To prevail of their position to influence or to attempt to influence the decision of another person in a way that favours their personal interests or, in an undue manner, those of any other person.

10.2 RULE 2 – Benefits

10.2.1 It is forbidden for employees:

1. To solicit, evoke, accept or receive any benefit whatsoever, for themselves or for any other person, in exchange for deciding, acting, omitting to decide or to act, or exercising any influence whatsoever within the performance of their duties;

2. To accept any gift, token of hospitality or any other benefit offered by a goods or services provider, no matter the value, that may impair their independence of judgment in carrying out their duties of office, or that may compromise their integrity.

10.2.2 However, employees may accept a benefit that is not offered by a goods or services provider if the following three conditions are met:

1. It is received in accordance with courtesy and hospitality rules, customs or protocols;
2. It does not constitute a sum of money or a financial security of any kind such as a stock/share, bond or bank note;
3. It does not cast doubt on the integrity, independence or fairness of the employee.

Employees who receive a benefit that complies with these conditions must report it to their immediate supervisor. The Director General/Clerk-Treasurer must enter the declaration in the register kept for this purpose.

10.3 RULE 3 – Discretion and Confidentiality

10.3.1 Employees must not knowingly use, communicate or attempt to use or communicate any information obtained while carrying out their duties or during their time of employment that is not generally available to the public, to favour their own personal interests or, in an undue manner, those of any other person.

10.3.2 Employees must take all reasonable measures to protect confidential information, including in electronic communications.

10.3.3 If in doubt, employees must contact the person in charge of implementing the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* to verify whether the information is of public or confidential nature.

10.4 RULE 4 – Use of Municipal Resources

10.4.1 It is forbidden for employees to use the resources of the Municipality for personal purposes or for purposes other than those of carrying out their duties.

However, this prohibition does not apply to the non-preferential use of resources made available to citizens.

10.4.2 Employees must:

1. Use municipal property with care. They must use the resources for the purpose of carrying out their duties and follow all applicable rules, policies and guidelines;
2. At all times, have full authorization and the required permit(s) when using a vehicle belonging to the Municipality.

10.5 RULE 5 – Respect for Individuals

10.5.1 The relationships that employees have with co-workers, municipal council members or any other person must be based on respect, consideration and civility.

10.5.2 Employees must:

1. Exercise fairness while carrying out their duties and shall not grant preferential treatment to one person at the expense of others;
2. Refrain from using abusive language or harassing a person through attitudes, words and/or gestures that may affect their dignity or integrity;
3. Use appropriate language while carrying out their duties.

10.6 RULE 6 – Duty of Loyalty

10.6.1 Employees must be loyal and faithful to their commitments with the employer.

10.7 RULE 7 – Sobriety

10.7.1 It is forbidden for employees to consume or to encourage anyone to consume alcoholic beverages, cannabis or an illegal drug while working. Employees must not be under the influence of alcohol or drugs while performing their duties.

However, employees who, as part of their duties, attend an event where alcoholic beverages are served do not violate this rule if they consume in a reasonable manner.

10.8 RULE 8 – Announcements at political fundraising activities

10.8.1 During a political fundraising activity, it is forbidden for employees to make an announcement concerning the completion of a project, the signing of a contract or the awarding of a grant by the Municipality, unless a final decision regarding the project, contract or grant has already been made by the competent municipal authority.

10.9 RULE 9 – Post-employment Obligation

10.9.1 The following employees of the Municipality:

- 1) The Director General and their assistant
- 2) The Clerk-Treasurer and their assistant
- 3) The Treasurer and their assistant
- 4) The Clerk and their assistant

are prohibited from holding a position as a director or officer of a corporation, or any other position or job in which they or any other person benefit from an unfair advantage given their previous position as an employee of the Municipality.

Article 11 Penalties

- 11.1 A violation of this Code may result in the enforcement of any sanctions deemed appropriate given the nature and severity of the violation. The municipal council or the Director General/Clerk-Treasurer, if granted the authority by law, bylaw or resolution, must make this decision in accordance with the employee's employment contract.
- 11.2 If an employee fails to comply with an obligation after their employment contract has ended, the Municipality may, depending on the circumstances, file a formal request in court to obtain compensation or, generally speaking, to protect its rights.
- 11.3 The Municipality acknowledges the remedial aspect of discipline within the workplace. Also, it acknowledges that disciplinary measures must be fair and reasonable, and proportionate to the severity of the misconduct.

Article 12 Enforcement and Control

12.1 Any complaint by citizens regarding this Code must:

1. Be filed confidentially with the Director General/Clerk-Treasurer, who will determine whether there has been a violation of the Code of Ethics and Professional Conduct;
2. Be presented and justified in writing and accompanied, if necessary, by any supporting documents. Anyone with knowledge of a violation of this Code of Ethics and Professional Conduct may file a complaint.

12.2 All complaints in regards to the Director General/Clerk-Treasurer must be filed with the Mayor of the Municipality. Paragraphs 1 and 2 of the preceding article apply with the necessary modifications.

12.3 Employees may not be sanctioned before:

1. Being informed of the misconduct and/or accusations against them;
2. Having had the opportunity to express themselves on the subject.

Article 13 Examination of the Code of Ethics and Professional Conduct

13.1 A copy of this bylaw stipulating the Code of Ethics and Professional Conduct is given to each employee of the Municipality. Employees must confirm with the Director General/Clerk-Treasurer, on the form provided for this purpose, that they have received a copy and have read it within ten (10) days of its receipt. The attestation is then to be placed in the employee's file.

The Mayor shall receive a copy of the Director General/Clerk-Treasurer's attestation.

Article 14 Repealed Bylaws

14.1 This bylaw repeals and replaces any previous bylaws of the Municipality of Grosse Ile concerning the Code of Ethics and Professional Conduct for Municipal Employees.

14.2 Any mention of or reference to a code of ethics and professional conduct for municipal employees in a bylaw, resolution, policy, contract or other, is considered to refer to this bylaw.

Article 15 Coming Into Force

This bylaw comes into force in accordance with the law.

**REPEAL RESOLUTION R2019-150
APPOINTMENT OF ASSISTANT SECRETARY-
TREASURER**

R2022-030 It is proposed by Nancy Clark
Seconded by Johanne Clark
And unanimously approved by the Councillors present

THAT resolution R2019-150 be hereby repealed.

APPOINTMENT OF ASSISTANT CLERK-TREASURER

WHEREAS Maxine Matthews was appointed Assistant Secretary-Treasurer through resolution R2019-150, adopted at the regular sitting of council held on October 21, 2019;

WHEREAS following the enactment of Bill 49 on November 5, 2021, the title of Secretary-Treasurer now becomes Clerk-Treasurer in order to standardize this title with municipalities and towns that are governed under the Cities and Towns Act;

WHEREAS this change of title also applies to the Assistant Secretary-Treasurer;

THEREFORE

R2022-031 It is proposed by Marlene Boudreau
Seconded by Miranda Matthews
And unanimously approved by the Councillors present

THAT Maxine Matthews be hereby appointed Assistant Clerk-Treasurer should the current Director General/Clerk-Treasurer be unable to perform their duties as required by law.

THAT Rachelle Clark also be hereby appointed Assistant Clerk-Treasurer should the current Director General/Clerk-Treasurer and Assistant Clerk-Treasurer, Maxine Matthews, be absent and unable to perform their duties as required by law.

**SALE OF IMMOVABLES FOR NON-PAYMENT
OF TAXES**

R2022-032

It is proposed by Nancy Clark
Seconded by Miranda Matthews
And unanimously approved by the Councillors present

THAT a list of all tax accounts in arrears shall be forwarded to the Communauté maritime des Îles-de-la-Madeleine;

THAT the Director General/Clerk-Treasurer, Janice Turnbull, be hereby mandated to act on behalf of the Municipality of Grosse Ile during the sale of property for non-payment of municipal or school taxes, in order to acquire any of the abovementioned properties, if necessary.

**OFFER OF EMPLOYMENT
FITNESS CENTER ATTENDANT**

WHEREAS the Fitness Center Attendant, Julie Cyr-Déraspe, has found full-time employment and, is unable to continue to carry out her duties at the fitness center;

THEREFORE

R2022-033

It is proposed by Johanne Clark
Seconded by Nancy Clark
And unanimously approved by the Councillors present

THAT the Assistant Clerk-Treasurer, Maxine Matthews, be hereby authorised to proceed with an internal/external offer of employment in order to engage the services of a Fitness Center Attendant - seasonal status.

QUESTION PERIOD

N2022-034

No questions are asked as no members of the public are permitted to attend the sitting which is being held without the presence of the public following the recommendations and public health measures set forth by the Government of Quebec on December 20, 2021, in regards to the COVID-19 pandemic. Furthermore, as stipulated in public health order number 2020-049 issued on July 4, 2020, citizens may forward any questions pertaining to an item on the agenda by e-mail or by contacting the municipal office however, no questions were received.

CLOSE

R2022-035

The session is closed on a motion from Marlene Boudreau at 7:15 p.m.

Diana-Joy Davies
Mayor

Maxine Matthews
Assistant Clerk-Treasurer