

**PROVINCE OF QUEBEC
CITY OF CÔTE SAINT-LUC**

BY-LAW NO. 2496

**BY-LAW RE-ADOPTING BY-LAWS
2424 AND 2424-1 ADOPTING A
CODE OF ETHICS AND GOOD
CONDUCT FOR THE ELECTED
MUNICIPAL OFFICERS OF THE CITY
OF CÔTE SAINT-LUC**

At the Regular Council Meeting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, January 15, 2018 at 8:00 p.m. at which were present:

Mayor Mitchell Brownstein, B. Comm., B.C.L., L.L.B
Councillor Sidney Benizri
Councillor Mike Cohen, B.A.
Councillor Steven Erdelyi, B.Sc., B.Ed.
Councillor Ruth Kovac, B.A.
Councillor Mitch Kujavsky, B. Comm.
Councillor Oren Sebag, B.Sc. RN MBA

ALSO PRESENT:

Ms. Tanya Abramovitch, City Manager
Ms. Nadia Di Furia, Associate City Manager
M^e Jonathan Shecter, Associate City Manager and City Clerk
M^e Frédérique Bacal, Assistant City Clerk, acted as Secretary of the meeting

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- WHEREAS** the *Municipal Ethics and Good Conduct Act*, (“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 City of Côte Saint-Luc (“City”) duly adopted its Code of Ethics and Good Conduct for its Elected Municipal Officers (“Code”) on October 17, 2011 under By-Law no. 2352;
- WHEREAS** on January 20, 2014 the City re-adopted the Code after the general elections held on November 3, 2013 under By-Law no. 2424;
- WHEREAS** as required by Bill 83 – *An Act to amend various municipal – related legislative provisions concerning such matters as political financing*, on September 12, 2016 the City adopted By-Law 2424-1 amending By-Law no. 2424;
- WHEREAS** in conformity with the Act, the City wishes to readopt its Code within 120 days of the general election held on November 5, 2017;
- WHEREAS** the formalities contemplated by the above-mentioned Act have been duly complied with; and
- WHEREAS** a notice of motion has been given;

THAT it be enacted and ordained as By-Law 2496 entitled “By-Law Re-adopting By-Laws 2424 and 2424-1 adopting a Code of Ethics and Good Conduct for the Elected Municipal Officers of the City of Côte Saint-Luc” as follows:

SECTION 1: TITLE

The title of this Code is: “*Code of Ethics and Good Conduct for the Elected Municipal Officers of the City of Côte Saint-Luc.*”

SECTION 2: DEFINITIONS

The following terms in this Code shall have the following meaning:

“**Act**” means the *Municipal Ethics and Good Conduct Act (Bill 109; R.S.Q. 2010, c. 27)* pursuant to which this Code is adopted by the City.

“**Benefit**” means an actual or promised: gift, donation, travel, hospitality, gratuity, favour, loan, service, benefit, compensation, remuneration, advance, commission, award, amount of money, profit, indemnity, discount or retribution.

“**City**” means the City of Côte Saint-Luc.

“**City Clerk**” means the city clerk employed as such by the City and includes the assistant city clerk and, where the foregoing persons are unavailable, the City Treasurer.

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“**City Contract**” means a Contract entered into by the City.

“**City Property**” means the Property belonging to the City.

“**City Treasurer**” means the treasurer employed as such by the City and includes the assistant treasurer.

“**Code**” means this *Code of Ethics and Good Conduct for the Elected Municipal Officers of the City Of Côte Saint-Luc* adopted by the City as revised from time to time.

“**Commission**” means the *Commission municipale du Québec* appointed pursuant to an *Act respecting the Commission municipale* (R.S.Q., c. C-35).

“**Complainant**” shall have the meaning ascribed in Section 12 hereof.

“**Complaint**” shall have the meaning ascribed in Section 12 hereof.

“**Conflict Of Interest**” means the presence of an Interest known to a Council Member sufficient to impair his independence of judgement in carrying out the duties of his Office including, without limitation, the entering of a decision or vote in respect of a City by-law or resolution, or the granting of a City Contract to a particular supplier to the City.

“**Contract**” means any oral or written contract between two or more other persons where there is an exchange of monetary and/or non-monetary consideration and obligations, including a payment requisition, purchase order, private contract, or tender in connection with the sale-purchase, rental, subscription, license or other supply of Property. A Contract may include a City Contract.

“**Council**” means, collectively, all the officials duly elected to sit on the City council, including the Mayor and the City Councillors.

“**Council Member**” means an individual member of Council.

“**Disclosure Statement**” shall have the meaning ascribed in Section 9 hereof.

“**Elections and Referendums Act**” shall mean an *Act respecting elections and referendums in municipalities* (R.S.Q., c. E-2.2).

“**Exempt Benefit**” shall have the meaning ascribed in Section 10 hereof.

“**Exempt Conduct**” includes the conduct described in Section 10 hereof.

“**Interest**” means a direct or indirect pecuniary interest that is purely private in nature.

“**Legal Person**” means a company (or corporation), partnership, legal trust and such other non-individuals as recognized under Quebec and Canadian laws to the extent that each may apply.

“**Minister**” means the Minister of Municipal Affairs, Regions and Land Occupancy responsible for the administration of the Act.

“**Office**” or “**Duties of Office**” or “**Duties**” means the office of city council or the exercise of a Council Member’s duties, whether on Council, on a commission, committee, or other public or municipal body, in which he participates, gives advice, or makes or influences decisions by reason of his office as Council Member.

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“Post-Term” means the period of 12 months following the end of a Council Member’s Term.

“Privileged Information” means information that cannot be obtained under the *Act respecting access to documents held by public bodies and the protection of personal information* (R.S.Q., c. A-2.1).

“Program” means a professional development program on municipal ethics and good conduct.

“Property” means property that is movable or immovable, tangible or intangible, including goods, products, services, resources, materials, supplies, equipment, devices, sums of money, and intellectual property.

“Term” means the current term of a Council Member who has been elected as a representative of the City following a duly called public municipal election involving the City.

SECTION 3: INTERPRETATION

Gender: The masculine, feminine and neuter genders used in this Code shall include the other gender(s) where appropriate in the context.

Number: The singular in this Code shall include the plural and *vice versa* where appropriate in the context.

SECTION 4: SCOPE

This Code applies to every Council Member.

SECTION 5: PURPOSE OF THIS CODE

In compliance with the *Municipal Ethics and Good Conduct Act (Bill 109)*, assented to on December 2, 2010, the City of Côte Saint-Luc hereby adopts this *Code of Ethics and Good Conduct for the Elected Municipal Officers of the City of Côte Saint-Luc* as a statement of its ethical values and as a guideline for the conduct of its elected officials in connection with their Duties of Office during the Term and, to the extent indicated herein, during the Post-Term.

SECTION 6: ETHICAL VALUES OF THE CITY

First and foremost, human rights and the equality of the English and French language within the City are profound values that are protected and cherished by the City and the City Council.

Second, Council shall actively represent, and be goodwill ambassadors to promote, the City’s services to the best of its ability and availability including, without limitation, the City’s public library, tennis courts, swimming pools and Aquatic and Community Centre.

Third, every Council Member shall conduct himself with integrity, loyalty, honour and prudence in the pursuit of the public interest of the City and the pursuit of equity.

Integrity:

Every Council Member shall value honesty and justice.

Prudence:

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Every Council Member shall discharge his responsibilities diligently in the public interest of the City. In the accomplishment of his responsibilities, a Council Member shall to the best of his ability, act with professionalism, diligence and reasonable judgment.

Respect:

Every Council Member shall promote respect in his professional relationships.

Loyalty:

Every Council Member shall pursue the interests of the City according to his reasonable judgment.

Equity:

Every Council Member shall treat every person with justice and, to the extent possible, in accordance with the spirit of the City's by-laws, regulations and resolutions.

Honour:

Every Council Member shall preserve the honour attaching to his Office, by applying the 5 values of: integrity, prudence, respect, loyalty and equity.

SECTION 7: RULES OF CONDUCT

The provisions of this Code are intended to guide the conduct of Council Members during the Term in connection with their Duties of Office, and aim to prevent:

- (a) any situation where the Interest of a Council Member might impair his independence of judgment in carrying out his Duties and thereby create for that Council Member a Conflict Of Interest;
- (b) any situation that would be contrary to sections 304 and 361 of the *Elections and Referendums Act*; and
- (c) favouritism, embezzlement, breach of trust, or other misconduct by a Council Member.

SECTION 8: PROHIBITED CONDUCT

8.1 During the Term:

Subject to Sections 9-10 hereof, during his Term every Council Member shall refrain from knowingly:

- (a) Acting, or attempting or omitting to act, in such a way, in the carrying out of his Duties, so as to improperly further his Interests or the Interests of another person.
- (b) Using his position to influence or attempt to influence another Council Member's or City employee's decision so as to improperly further his Interests or the Interests of another person.
- (c) Soliciting, eliciting, accepting or receiving a Benefit, whether for himself or for another person, in exchange for taking a position on a matter that may be

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brought before Council, a committee or a commission on which the Council Member sits.

- (d) Accepting a Benefit, whatever its value, that may impair his independence of judgment in carrying out his Duties or that may compromise his integrity.
- (e) Using the City's Property for primarily or purely personal purposes.
- (f) Having a direct or indirect Interest in a Contract with the City or a committee or commission on which he sits by reason of his Office, failing which he is disqualified from his Office pursuant to Section 304 of the *Elections and Referendums Act*.
- (g) Using or communicating, or attempting to use or communicate, Privileged Information so as to improperly further his Interests or the Interests of another person.
- (h) Committing fraud, embezzlement, theft or breach of trust in connection with City Property.
- (i) 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.
- (j) A council member who employs office personnel must ensure that those employees comply with the prohibition under the previous paragraph. If an employee fails to comply with the prohibition under paragraph (i), the council member is accountable and subject to the sanctions set out in Section 13.

8.2 During the Post-Term:

Subject to Sections 9-10 hereof, during his Post-Term every Council Member shall refrain from knowingly:

- (a) Using his position as a director, officer or senior executive of a Legal Person,
- (b) Using his position of employment or any other position so as to improperly obtain for himself or another person undue Benefit from his prior Office as Council Member.
- (c) Using or communicating, or attempting to use or communicate, Privileged Information so as to improperly further his Interests or the Interests of another person.

SECTION 9: BENEFITS - DISCLOSURES AND REGISTER

Subject to Section 10 hereof, within 30 days of a Council Member receiving a Benefit that is not purely or primarily of a private nature and whose value exceeds \$200, the Benefit shall be declared in a public register by the Council Member as follows: the Council Member shall make, date and sign, on the standard form mentioned below, a written disclosure statement, delivered to the City Clerk, setting out the name of the Donor, a description of the Benefit, the date on which the Benefit was received and the circumstances in which the Benefit was received ("**Disclosure Statement**").

The City Clerk shall:

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- (a) create a standard form of Disclosure Statement for convenient and standardized informational purposes; and
- (b) maintain a public register containing all of the Disclosure Statements delivered by Council.

The City Clerk shall, during the last regular public meeting in December of each year commencing in 2014, table an extract from such register containing the Disclosure Statements filed since the preceding December.

SECTION 10: EXEMPTIONS

The following Benefits, Interests or City Property (as the case may be) are deemed either “**Exempt Benefits**” that need not be disclosed in the public register referred to in Section 11 hereof or relate to “**Exempt Conduct**” that does not violate this Code:

- (a) The Council Member has acquired his Interest by succession or donation and has renounced or intends to renounce thereto or divest himself thereof as soon as practicable.
- (b) The Council Member’s Interest consists of the holding of shares in a Legal Person that he does not control, of which he is neither an executive officer nor a director and/or of which he owns less than 10% of the issued voting shares or units.
- (c) The Council Member’s Interest consists of the fact that he is a member, executive officer or director of another municipal organization or body, of a public body within the meaning of an *Act respecting access to documents held by public bodies and the protection of personal information* (R.S.Q., c. A-2.1), a non-profit organization or an organization of which the law requires the Council Member to be a member, director or executive officer because of his position as Council Member.
- (d) The Contract or Interest has as its object remuneration, an allowance, allocation or reimbursement of expenses, social benefits, other conditions of employment, or any Property relating to a Council Member’s Office.
- (e) The Contract has as its object the appointment of the Council Member to a position as functionary, officer or employee which does not disqualify him as a Council Member.
- (f) The Contract has as its object the supply of Property offered by the City in a general way to the City’s residents.
- (g) The Contract has as its object the sale or rental of an immovable without preferential conditions.
- (h) The Contract consists of obligations, bonds, notes or other securities offered to the public by the City or in the acquisition of same without preferential conditions.
- (i) The Contract has as its object the supply of Property that the Council Member is obligated by law or regulation to supply to the City.
- (j) The Contract has as its object the supply of Property by the City that was entered into before the Council Member was elected to office and before he

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became a candidate in the election at which he was elected to Office during the Term.

- (k) In the case of irresistible force, *force majeure*, *cas fortuit*, or Act of God, where the public interest or the interest of the City or the municipal body requires that the Contract be entered into in preference to any other contract.
- (l) Benefits reasonable or minor in nature or value so as to be unlikely to place the Council Member in a situation of Conflict Of Interest.
- (m) Benefits conferred or used to promote the City or its services to City residents.
- (n) Benefits conferred or used primarily or reasonably in connection with a Council Member's Office.
- (o) Where the same Benefits are conferred equally or similarly on all employees or one or more categories of employees of the City.
- (p) A reasonable quantity or value of confectionaries, holiday products or spirits, given by a resident, employee or an actual or prospective supplier of the City to a Council Member as a mark of courtesy, hospitality or celebration of a holiday or personal milestone, or in other similar circumstances, that could reasonably be perceived by either the donor or the Council Member as rude, disrespectful, discourteous or inhospitable if refused.
- (q) Where there are no preferential conditions.
- (r) Where there is no expectation or promise of advancement of the Interests of the Council Member or those of the donor.

SECTION 11: DECLARATION OF INTEREST

In compliance with Section 361 of the *Elections and Referendums Act*, a Council Member who is present at a public meeting of Council or otherwise involving his Office when a matter in which he has a direct or indirect Interest is under consideration, shall disclose the general nature of his Interest before the discussions and vote during a public meeting, and abstain from participating in them or from attempting to influence the vote on that matter.

In a private meeting, in addition to the above, the Council Member shall leave the meeting while the matter is being discussed and voted on.

Where the Council Member is not present at such a meeting (public or private), the Council Member shall disclose the general nature of his Interest at the next possible meeting attended by the Council Member.

This Section 11 shall not apply where the Interest: (a) relates to the conditions of employment of the Council Member in connection with his Office, or (b) is so minor that the Council Member could not reasonably be influenced by it. For the purpose of this Code, Sections 9-10 hereof serve, with the necessary modifications, to exemplify, without limitation, what constitutes a "minor" Interest.

Furthermore, in compliance with Sections 357-358 of the *Elections and Referendums Act*, within 60 days of being elected, every Council Member shall file a written declaration with Council of his pecuniary interests in immovables and in Legal

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Persons likely to make transactions with the City or any municipal body of which he is a member, without mentioning the value or extent of those interests. The statement must include a list of the employments and administrative positions held and of the loans obtained from other than a financial institution on which the balance in principal and interest is over \$2,000. Within 60 days after the anniversary of his election, every Council Member shall file an updated statement with Council.

SECTION 12: COMPLAINTS

Any person who has reasonable grounds for believing that a Council Member's conduct is in violation of this Code (the "**Complainant**") may, within 3 years of the end of the Council Member's Term in which such violation took place, petition the Commission to examine the alleged conduct of the Council Member for a violation of this Code. This petition shall be made by the sending by the Complainant of Complainant's sworn written statement setting out the name of the Council Member, the date and a description of the alleged violation of this Code with reasons (the "**Complaint**"). The Complainant shall supply all necessary documentary proof in support of his sworn Complaint. The Complainant shall send a full copy of his Complaint and supporting documents to the City Clerk simultaneously with his sending of the Complaint to the Commission.

The Act shall govern, *inter alia*, the complaint procedure, the Commission's treatment of a Complaint and the decision by the Commission to either dismiss the Complaint or refer it to the Commission for further inquiry.

The Commission may dismiss the Complaint if the Commission is of the opinion that it is frivolous, vexatious or clearly unfounded, or if the Complainant refuses or fails to provide the Commission with any information or documents required.

The Act shall govern, *inter alia*, such further inquiry by the Commission (if any). Such inquiry shall be held *in camera* and the Council Member shall be entitled to make representations and produce documents. The Commission shall formulate its recommendations, including whether or not a sanction is recommended against the Council Member if he is found to have violated this Code, after taking into consideration the values of this Code, the second paragraph of Section 5 of the Act, the seriousness of the violation and the circumstances in which it occurred, including whether or not the Council Member obtained a written advisory opinion, containing reasons, from an ethics and conduct advisor listed as such on the website of the Commission ([http:// http://www.cmq.gouv.qc.ca/](http://www.cmq.gouv.qc.ca/)) or took any other reasonable measure to comply with this Code.

The City Clerk must table the Commission's decision to Council at the first regular public meeting held after its receipt.

For additional information, an interested person should consult the Act.

SECTION 13: SANCTIONS

Subject to Section 12 hereof, a violation of a rule of this Code found by the Commission to have been committed by a Council Member may entail, in the discretion of the Commission, the imposition of the following sanction(s):

- (a) A reprimand;

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- (b) The return, or refund of value, by the Council Member, within 30 days after the decision of the Commission is rendered, of any Benefit found to have been received by the Council Member;
- (c) The return of any profit made in violation of a rule set out in this Code;
- (d) The reimbursement of the remuneration, allowances or other sums received as council member in connection with his Office while the violation of such rule continued; or
- (e) Suspension from Office, without remuneration, allowance or other sum from the City, of the Council Member for up to 90 days and not exceeding the expiry of his Term.

SECTION 14: OATH

Every Council Member whose Term is underway before the adoption of this Code must, within 30 days from the date this Code is adopted by the City, recite the following oath either collectively or individually, as follows:

“I, (*name*), declare under oath that I will fulfill the duties of the office of (*mayor or councillor*) in accordance with the *Code of Ethics and Good Conduct for the Elected Municipal Officers of the City of Côte Saint-Luc*, and undertake to observe the rules of that Code applicable to me after my term has ended.”

Every Council Member who’s Term commences after the adoption of this Code must recite the following oath either collectively or individually, as follows:

“I, (*name*), declare under oath that I will fulfill the duties of the office of (*mayor or councillor*) with honesty and justice, in accordance with the law and with the *Code of Ethics and Good Conduct for the Elected Municipal Officers of the City of Côte Saint-Luc*, and undertake to observe the rules of that Code applicable to me after my term has ended.”

The City Clerk shall minute the recitation of the oath by Council.

SECTION 15: PROFESSIONAL DEVELOPMENT

Every Council Member who has not already participated in a Program must participate in such a Program within 6 months from the commencement of his Term. However, a Council Member whose Term is underway on December 2, 2010 or commences before December 2, 2011 must participate in a Program before June 2, 2012.

The Program must, *inter alia*, encourage participants to reflect on municipal ethics and adhere to the values set out in this Code, and help them acquire the competencies they need to understand and observe the rules set out in this Code.

Within 30 days after participating in such a Program, a Council Member must disclose his participation to the City Clerk who in turn reports it to Council.

SECTION 16: CITY CLERK

For convenience and recapitulation (but without limitation), the responsibilities of the City Clerk under this Code are set out in Sections 9-10, 12 and 14-18 hereof. The responsibilities of the City Clerk under the Act are, without limitation, set out in Sections 6, 8-15 and 18 thereof.**SECTION 17: ADOPTION**

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This Code and its revisions (see Section 18 hereof) shall be adopted pursuant to a by-law adopted at a regular public meeting of Council, according to the procedure set out below:

The adoption of this Code and its revisions shall be preceded by the tabling of a draft by-law and the publication of a public notice as required by Sections 11-13 of the Act.

The draft by-law must be tabled at a public meeting of Council by a Council Member giving the notice of motion.

After the tabling of the draft by-law, the City Clerk must, in accordance with *The Cities and Towns Act* (R.S.Q., c C-19), give a public notice containing a summary of the draft by-law and setting forth the date, time and place of the public meeting at which the by-law is to be adopted. The notice must be published no more than 7 days before the date of the public meeting.

Within the 30 days of the adoption of this Code, the City Clerk shall send a certified copy of the by-law and this Code to the Minister.

SECTION 18: REVISIONS

Before March 1st following a general municipal election involving the City, Council must adopt a revised code to replace the Code currently in force, with or without amendments, following the procedures set out in Section 17 hereof with the necessary modifications.

Within the 30 days of the adoption of a revised Code, the City Clerk shall send a certified copy of the adopting by-law and the revised Code to the Minister.

SECTION 19: CONCLUSION

This Code is not intended to govern the conduct of Council Members in minute detail or to stipulate or resolve every situation where a question of a Council Member's ethics may arise. This would be impossible to achieve. Rather, this Code establishes useful guidelines for its elected municipal officers, thereby demonstrating the City's confidence in the judgement and sense of responsibility of Council in its ongoing application of ethical standards and conduct. The City believes that its Council Members possess the requisite skills and attributes required to adequately perform their official duties in the pursuit of the public interest of the City, and encourages only those persons with such skills and attributes to seek elected office with the City.

While reference is made in this Code to other applicable legislation this is not meant to be exhaustive. Other provisions of law or regulation may apply to elected municipal officers and their conduct including, without limitation, the *Cities and Towns Act* (R.S.Q., c. C-19), other provisions of the *Elections and Referendums Act*, the *Lobbying Transparency and Ethics Act* (R.S.Q., c. T-11.011), the *Civil Code* (L.Q. 1991, c. 64) and the *Criminal Code* (R.S.C. 1985, c. C-46). Every Council Member is responsible for familiarizing himself with the same and complying therewith. The provisions of this Code are furthermore not intended to constitute a legal opinion or advice, or an interpretation of the laws applicable to Council.

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SECTION 19: REPLACEMENT AND COMING INTO FORCE

This by-law replaces by-laws 2424 and 2424-1 and shall come into force according to law.

(s) Mitchell Brownstein

MITCHELL BROWNSTEIN
MAYOR

(s) Frédérique Bacal

FRÉDÉRIQUE BACAL
ASSISTANT CITY CLERK

CERTIFIED TRUE COPY



FRÉDÉRIQUE BACAL
ASSISTANT CITY CLERK

DISCLOSURE STATEMENT

I, _____ hereby disclose that I have received a (non-exempt) benefit pursuant to By-law 2496 entitled: “ By-Law re-adopting By-Laws 2424 and 2424-1 adopting a Code of Ethics and Good Conduct for the Elected Municipal Officers of the City of Côte Saint-Luc” as outlined below:

Name of donor: _____
Description of benefit: _____
Date benefit received: _____
Circumstances: _____

Name and date

BY-LAW No. 2496

BY-LAW RE-ADOPTING BY-LAWS 2424 AND 2424-1 ADOPTING
A CODE OF ETHICS AND GOOD CONDUCT FOR THE ELECTED
MUNICIPAL OFFICERS OF THE CITY OF CÔTE SAINT-LUC

ADOPTED ON: January 15, 2018
IN FORCE ON: January 24, 2018

CERTIFIED TRUE COPY