
**BY-LAW No. 782 REGARDING THE
ADOPTION OF A CODE OF ETHICS
AND CONDUCT FOR MEMBERS OF
COUNCIL OF THE TOWN OF
HAMPSTEAD**

WHEREAS the government of Quebec adopted on December 2nd, 2010, Bill 109 which requires all municipalities to adopt a code of ethics to ensure that the members of every council of a municipality explicitly adhere to the main ethical values of the municipality, and to provide for the adoption of rules of conduct and the application and enforcement of those rules;

WHEREAS the Town of Hampstead adopted a code of ethics in June 2010 and in light of the new legislation, a new code needs to be adopted which includes all the essential requirements of the former code and adds additional items in compliance with Bill 109;

WHEREAS Notice of Motion of the present by-law was given at the January 17th, 2011 council meeting;

ON FEBRUARY 7TH, 2011, THE COUNCIL DECREES THE FOLLOWING:

SECTION I – ETHICS

1. The members of the Council of the Town of Hampstead (hereafter called “members of Council”) must adhere to the highest standards of honour and integrity in the performance of their duties of office, and they must exercise prudence in the pursuit of the public interest.
2. The members of Council must show respect to each other, to the employees of the town, to the residents of the town and to anyone with whom they may have dealings relating to town business.
3. Members of Council must be loyal to the town and, at all times, be fair and impartial.
4. The ethical principles set out in this section must guide members of Council in understanding the rules of good conduct covered in Section II.

SECTION II – CONDUCT

5. Employment

- 5.1** No immediate family member (spouse, child, mother, father, brother or sister) may be employed by the Town of Hampstead in a permanent position. However, unpaid volunteer work is allowed.
- 5.2** Summer employment of children of members of council is allowed, provided that members of council do not try in any way to influence staff hiring, firing or disciplinary decisions with respect to their children.

The staff must hire the best students with no regard for who the parent is. Any attempt to question staff decisions will be a violation of this code.

- 5.3** Within 12 months after the expiry of his/her term, a member of council may not serve as a director or officer or senior executive of a legal person or hold employment or any other position so as to obtain for himself or herself or another person undue benefit from his/her prior office as a council member.

6. Supplier relationships

- 6.1** Members of Council and immediate family members (spouse, child, mother, father, brother or sister) may not be a direct supplier to the Town of Hampstead nor may they have any contract with the Town of Hampstead.
- 6.2** An exception applies when goods or services are supplied to the Town at no charge and without any consideration other than the appropriate tax receipt, if applicable.

7. Gifts or benefits

- 7.1** Members of Council may not accept a gift, hospitality or benefit (including cash) from suppliers or potential suppliers to the Town of Hampstead unless the value is under \$40. If it is awkward to refuse, the gift must be given to the Town and the Town will issue a tax receipt to the donor for the value of the gift.
- 7.2** For gifts, hospitalities or benefits of a value under \$40 which have been accepted, not prohibited under paragraph c) of art. 9.1 of the present by-law, and not of a purely private nature, the member of council must file a statement of disclosure with the Town Clerk. This statement must be filed within 30 days of receipt of the gift or hospitality or benefit and must include an exact description of the gift or hospitality or benefit, the name of the donor, the date on which the gift or hospitality or benefit was received and the circumstances.

7.3 Promotional items given away at trade shows, such as the Municipal Expo at the Federation of Canadian Municipalities, will not be considered as gifts.

7.4 The Town Clerk will keep a public register in which all disclosure statements are recorded. At the last regular council meeting in the month of December, the Town Clerk must table an extract from the register containing the disclosure statements filed since the last meeting where the extract was tabled.

8. **Personal Gain**

8.1 No member of Council may use confidential information obtained while exercising his duties as a member of council for personal gain nor may he/she use any of the resources of the Town for personal purposes or purposes not related to the duties of his/her office.

9. **Conflicts of Interest**

9.1 It is forbidden for members of Council to:

- a) Act or attempt to act or omit to act, in any way, in carrying out the duties of office, so as to further his/her private interests or improperly further those of another person.
- b) Use his/her position to influence or attempt to influence another person's decision so as to further his/her private interests or improperly further those of another person.
- c) Solicit, elicit, accept or receive any gift, hospitality or benefit, whether for himself or herself or another person, in exchange for taking a position on a matter that may be brought before the council, a committee or a commission on which the council member sits.
- d) Accept any gift, hospitality or other benefit, whatever its value, that may impair his/her independence of judgment in carrying out the duties of office, or that may compromise his/her integrity.

10. **Confidentiality**

10.1 Members of council may not use or communicate, or attempt to use or communicate, whether during or after his/her term, information obtained in or in connection with the carrying out of the duties of office that is not generally available to the public so as to further his/her private interests or those of another person.

- 10.2** In addition, it is considered a lack of respect and a breach of trust to another council member to reveal to anyone information, which can be reasonably considered as confidential, without the consent of the council member who provided the information.

SECTION III – SANCTIONS

- 11.** A violation by a member of the Council of the Town of Hampstead of any rule in this code may entail the imposition by the *Commission Municipale du Québec* of the following sanctions:

1. a reprimand;
2. the delivery to the municipality, within 30 days after the decision of the *Commission municipale du Québec*,
 - a) of any, or of the value of any, gift or hospitality or benefit received; or
 - b) of any profit made in violation of a rule set out in the code;
3. the reimbursement of the remuneration, allowances or other sums received as a member of the council of the Town of Hampstead, committee or commission of the Town of Hampstead or member of a body while the violation of a rule of the code continued; or
4. the suspension of the member of Council for a period of up to 90 days and not exceeding the expiry of his or her term.

When suspended a member of Council may not sit on any council, committee or commission of the Town of Hampstead or on any other body in his or her capacity as a council member, nor may the council member receive remuneration, allowance or other sum from the Town of Hampstead or such a body.

- 12.** The present by-law replaces any other prior code of ethics and conduct for members of Council of the Town of Hampstead.

- 13.** The present by-law will come into effect according to the law.

(s) William Steinberg
William Steinberg, Mayor

(s) Nathalie Lauzière
Me Nathalie Lauzière, Town Clerk