

March 25, 2014

A regular meeting of Shawville Council was called to order by Mayor Sandra Murray at the Town Hall at 7:30 p.m., March 25, 2014 with Councillors John Beimers, Bill Hobbs, Bill McCleary, Patti Moffatt, Peggie Sheppard, Frank Stafford Jr., as well as Assistant Director General, Katlyn Sharpe.

64-14 Moved by John Beimers, seconded by Bill McCleary, that the agenda be adopted. Carried unanimously.

65-14 Moved by Bill McCleary, seconded by Bill Hobbs, that the minutes of the regular meeting of March 25, 2014 be adopted as circulated. Carried unanimously.

Visitors' Question Period

Deborah Powell and Rick Valin attend the Council meeting to discuss the Chimney Swifts project.

66-14 Moved by Patti Moffatt, seconded by Bill Hobbs, that the Council of the Municipality of Shawville authorize to end winter hours as of March 29, 2014. Carried unanimously.

67-14 Moved Bill McCleary, seconded by Bill Hobbs, that the Council of the Municipality of Shawville authorize to pay \$40.00 per month to Mayor, Sandra Murray, for her cell phone. Carried unanimously.

68-14 Moved by John Beimers, seconded by Bill McCleary, that the Council of the Municipality of Shawville authorize to exempt the 2014 municipal taxes for roll number 0551-71-2663. Carried unanimously.

Councillor John Beimers goes into camera at 8:05 p.m.
Councillor John Beimers comes out of camera at 8:20 p.m.

69-14 Moved by John Beimers, seconded by Peggie Sheppard, that the Council of the Municipality of Shawville authorize to amend resolution number 61-14 and should read as follows:

WHEREAS: When a water line of a property owner in the Municipality of Shawville is frozen, the Town Men will dig at the curb stop or property line to see in what direction the line is frozen.

WHEREAS: Should the problem occur on their side of the property the home owner will be responsible for all costs related to solving the problem.

WHEREAS: If the problem is on the Municipality side the Municipality of Shawville is responsible for all costs related to this problem.

WHEREAS: This resolution only applies to frozen water lines. If it is deemed that the water line is not frozen, in the case of a blocked line or bad pipes, the property owner is responsible.

WHEREAS: If deemed the property owners responsibility they will be charged the rate of \$28.00 per hour per employee, plus parts and applicable taxes and a fee of \$65.00 per hour for the backhoe.

WHEREAS: Should the owner be responsible for any costs, an invoice will be sent to them and they will have 30 days to pay.

WHEREAS: That a copy of this resolution is given to the property owner and it must be signed should they agree to all terms.

WHEREAS: Should the property owner refuse to sign the Municipal agreement it would be the responsibility of the property owner to get a plumber to rectify the problem from inside the owner, and they may do so at their cost before any digging is done to find the location of the problem, as the location is very important and can be costly.

**CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF SHAWVILLE
BY-LAW NUMBER 430
TO AMEND BY-LAW NUMBER 408
FOR THE PURPOSE OF A BY-LAW
FOR THE CODE OF ETHICS AND GOOD CONDUCT
FOR THE ELECTED OFFICERS**

Whereas the *Municipal Ethics and Good Conduct Act* (the "Act"), which came into force on December 2, 2010, requires that every local municipality or regional county municipality whose warden is elected by its citizens must have a code of ethics and good conduct which applies to its elected municipal officers;

Whereas the council of any municipality that does not have a code of ethics and good conduct that meets the requirements of the Act must adopt one not later than December 2, 2011;

Whereas the formalities contemplated by the Act have been duly complied with; and

Whereas a notice of motion has been given by Patti Moffatt on March 11, 2014;

70-14 Therefore it is moved by Bill Hobbs and seconded by Patti Moffatt, and duly resolved

THAT a Code of Ethics and Good Conduct be adopted as follows:

SECTION 1: TITLE

The title of this code is: "Code of Ethics and Good Conduct of Municipal Officers of the Municipality of Shawville

SECTION 2: SCOPE

This code applies to every member of the council of the Municipality of Shawville.

SECTION 3: PURPOSE OF THIS CODE

The purpose of this code is as follows:

- 1) To give priority to those values on which individual members of the municipal council base their decisions, and to contribute toward a better understanding of the values of the municipality;
- 2) To establish standards of behaviour which promote these values as being integral to the process of decision making by elected officers, and in their general conduct as well;
- 3) To prevent ethical conflicts and, if they arise, help in resolving them effectively and judiciously;
- 4) To ensure 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 to decision making; to the general conduct of the members of the council(s) of the municipality in their capacity as elected officials; and particularly when situations are encountered that are not explicitly provided for in this code or in the municipality's various policies.

1) Integrity

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

2) Prudence in pursuit of the public interest

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

3) Respect for other members, municipal employees and citizens

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

4) Loyalty to the municipality

Members shall work in the best interests of the municipality.

5) Fairness

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

6) Honour attached to municipal councillors

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

SECTION 5: RULES OF CONDUCT

5.1 Scope

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

- a) the municipality, or

b) any other body in their capacity as members of the (a) municipal council.

5.2 Purpose

These rules are intended, in particular, to prevent:

1. Any situation in which council members' private interest might impair their independence of judgment in course of their official duties;
2. Any situation that would be contrary to sections 304 and 361 of the Municipal Elections and Referendums Act (R.S.Q. chapter E-2.2)
3. Favouritism, embezzlement, breach of trust or other misconduct.

5.3 Conflict of interest

5.3.1 Members of a council 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 interest or improperly further the interest of any other person or persons.

5.3.2 Members of a council are prohibited from using their position to influence or attempt to influence another person's decisions so as to further their private interest or improperly further the interest 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 4 and 5 of subsection 5.3.6.

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 might impair their independence of judgment in 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) (secretary-treasurer) 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 states the name of the donor, the date and the circumstances under which it was received. The (clerk) (secretary-treasurer) shall keep a public register of these disclosure statements.

5.3.6 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 an 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 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 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 on 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 matter is under discussion, must disclose the general nature of his or her interest to 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.

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) (a) 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.

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) The delivery to the municipality, within 30 days after the decision of the Commission municipal 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;
- 3) Repayment of the remuneration, allowance or other

amounts received as a member of a municipal council, committee or commission, or as a member of a body contemplated in section 5.1, while the violation of the rule or rules continued;

- 4) Suspension of the municipal council member for a period of up to 90 days and not exceeding the expiry date of the member's term of office.

When suspended, a municipal council member may not 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.

SECTION 7: ENTRY INTO FORCE

This regulation shall come into force according to the relevant provisions of the Act.

By-Law Number 430 shall come into force according to law and shall apply for future years until it is amended or repealed.

By-Law No 430 was adopted as read at a regular meeting of Council held March 25, 2014 and will come into force according to law.

Mayor

Secretary-Treasurer

Correspondence

- E-mail received from Gwen Armstrong re. Municipal Services located at 180 Centre Street
- Invoice from Black Electric Ltd. re. Arena Lights
- Letter received from Pontiac Chamber of Commerce re. 2014-2015 Membership Form
- E-Mail received from Deborah Powell re. Chimney Swift
- Invitation from Pontiac en Forme re. achievement meeting

71-14 Moved by Bill Hobbs, seconded by Peggie Sheppard, that the Council of the Municipality of Shawville authorizes to pay Black Electric Ltd. in the amount of \$8,019.90, for the (57) 6-lamp fixtures posted to account number 22-70130-727. Carried unanimously.

72-14 Moved by Patti Moffatt, seconded by Bill McCleary, that the Council of the Municipality of Shawville authorize the Municipal logo for the Coupon Booklet presented by the Chamber of Commerce in the amount of \$75.00, and it is also resolved that the Council of the Municipality of Shawville renew the membership fee, for the year 2014, in the amount of \$143.72, taxes included. Carried unanimously.

73-14 Moved by Peggie Sheppard, seconded by Patti Moffatt, that the Council of the Municipality of Shawville authorize to support the Chimney Swift project, and it is also resolved that the Council of the Municipality of Shawville will act as their receiving agent for funding for their project. Carried unanimously.

Committee Report

Mayor Sandra Murray

-MRC Report

Patti Moffatt

-O.M.H

-Mill Dam Park - BBQ Fundraiser

-Library Mother Goose

Frank Stafford Jr.

-Arena - closing rink

-P.A.S. contract

-Arena Lights

Peggie Sheppard

-WQSB

Bill McCleary

-Arena Light - Is repaired

74-14 Moved by Patti Moffatt, seconded by Peggie Sheppard, that the Council of the Municipality of Shawville authorize a letter to be sent to the WQSB regarding parking located at the Dr. S.E. McDowell School. Carried unanimously.

75-14 Moved by Bill Hobbs, seconded by Frank Stafford Jr., that the Council of the Municipality of Shawville authorize the recommendation from our Fire Chief, Lee Laframboise, to hire three new firemen Joe McCleary, Julien Gagnon and Dave Powell providing that the Municipality of Clarendon agree. Carried unanimously.

Discussion:

Clarendon Resolution - Fire House Training - Tabled

76-14 Moved by John Beimers that the meeting be adjourned at 10:30 p.m.

Mayor

Secretary-Treasurer