



Mrs Mireille Lemay
Lawyer

An Elected Official's First 100 Days: Ethics and Conduct

Recently, hundreds of elected municipal officials swore an oath to fulfill their duties with honesty and justice, in accordance with the law and with their municipality's code of ethics and conduct.¹

While individual officials are responsible for following their codes, the director general and clerk-treasurer has an important part to play in establishing preventive measures.

Here are four ways directors general can ensure that elected officials successfully navigate the ethical and conduct expectations of their first 100 days in office.

1. Go over the code of ethics and conduct for elected officials

This code sets out the main ethics and conduct rules that elected municipal officials must follow. Further rules can be found in the municipality's contract management by-law.²

These documents should be provided (and ideally, presented) to elected officials as soon as their term begins.

Going over them not only serves as a quick introduction to the rules, but also an invitation to discuss ethics and conduct and gather insights given that all councils must re-adopt their codes by March 1, 2026.³

This gives officials the chance to decide whether the code should only reiterate the content required by law or whether additional rules should be instituted in light of past experiences or specific situations.

2. Share the information in the statement of pecuniary interests.

The law⁴ requires council members to file written statements of their pecuniary interests with the council within 60 days of election. Among other things, they need to declare any pecuniary interests in certain immovables, as well as any jobs and administrative positions they hold. The statement becomes part of the municipal archives, so its content is public.⁵

While some information must be disclosed by law, elected officials may wish to disclose other information as well.

For example, it may be wise to share the names of their close relations,⁶ as many rules in the code prohibit elected officials from behaving or making decisions in a way that could involve their close relations.

Elected officials should carefully review these statements and this information so they can help prevent conflicts of interest.

After all, council members are called upon to make a multitude of decisions on a wide array of subjects. At the same time, it's not always easy for them to identify which ones could lead to a conflict of interest, especially at the start of their term.

For example, when a series of amendments to the urban planning by-law is brought before the council, a council member could easily miss that some of the amendments may affect an immovable in which they have an interest, and therefore that the decision they make could affect their heritage. Even so, taking part in the deliberations or voting on those amendments could constitute a violation of the code.

Similarly, an officer with the power to make expenditures and enter contracts could inadvertently invite a business in which an elected official has a special pecuniary interest to tender or enter a contract, potentially causing the official to violate the code.

For these reasons, sharing not only the information on the statement form, but also information about close relations, allows municipal stakeholders to stay alert and take precautions to avoid conflicts of interest.

3. Outline the conditions for voting.

After the general election, elected officials are quickly called to take part in plenary sessions and open sittings.

Since many of the rules in the code concern participation in council decisions, officials quickly need to understand when they need to disclose their interests and abstain from deliberations and voting, as well as how to do so.

In particular, they need to understand what to do when a matter comes up in which they have a direct or indirect pecuniary interest.⁷

- In working sessions: Declare their interest and leave the room in order to abstain from deliberations.
- At open sittings: Re-declare their interest and abstain from deliberations and voting.
- If they are absent during the open sitting at which the matter is being discussed: Disclose their interest at the next sitting they attend.

¹ Section 313 of the *Act respecting elections and referendums in municipalities* (AERM), CQLR, c. E-2.2.

² Sections 938.1.2 of the *Municipal Code of Québec* (MC), CQLR, c. C-27.1, and 573.3.1.2 of the *Cities and Towns Act* (CTA), CQLR, c. C-19.

³ Section 13 of the *Municipal Ethics and Good Conduct Act* (MEGCA) (CQLR, c. E-15.1.0.1).

⁴ AERM s. 357.

⁵ AERM s. 659.

⁶ The translation and definition of the French term, *proches*, can vary from one code to the next.

⁷ AERM s. 361.

Also, since the person presiding over municipal council sittings has the right to vote but is not obliged to do so,⁸ it must be made clear whether or not they decide to vote so that the minutes of the sitting can accurately reflect who participated in each decision.

4. Ensure they take the mandatory training on ethics.

Within 6 months of their first term and 9 months of any subsequent terms, elected officials must take training on municipal ethics and good conduct that is authorized by the Commission municipale du Québec and given by an authorized trainer.⁹

As of 2025, council members also need to take training on their role and on the municipal system that is recognized by the MAMH and given by an authorized trainer.¹⁰ This training must be taken within 9 months of taking office. Additional training is also required over the course of the term.

It is a good idea to have the municipality's main officers take the training as well; in addition to ensuring that everyone has the same information, it allows people to build relationships and fosters a culture of preventing conflicts of interest.

In addition, when people take individual training, it would be wise for the municipality to hold a debriefing with officers and elected officials afterwards to discuss specific ethical and conduct issues.

Conclusion

Codes of ethics and conduct are meant to guide elected officials and increase public trust in institutions.

Violating the code, even if done inadvertently and in good faith, reflects negatively not only on the official, but on the council and the municipality as a whole.

As such, it is wise for officers and elected officials alike to remain vigilant and to keep ethics and good conduct in mind throughout the entire decision-making process.

⁸ MCs, 161 and CTA s. 328

⁹ MEGCA s. 15.

¹⁰ Section 8 of the *Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire* (CQLR, c. M-22.1).



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COLLABORATION

RESPECT

418 658-9966

tremblaybois.ca



  