

Role and Responsibilities of Elected Municipal Officers: Brief Introduction and References

Several laws enacted by the provincial legislature form the framework within which Quebec municipalities operate. The goal of this document is to provide general information on the role and main responsibilities of elected municipal officers.

Representing the citizens

It is the duty of an Elected Officer to ensure that services offered by the Municipality correspond to the needs of its citizens. It is a delicate task which requires the ability for Elected Officers to discuss and compromise, since they must act in the best interest of the Municipality and in a way to benefit a majority of citizens.

- ▶ MAMH, *Démocratie municipale: Rôle du conseil et des élus*, online: <https://www.mamh.gouv.qc.ca/organisation-municipale/democratie-municipale/conseil-municipal-et-elus/role-du-conseil-et-des-elus/>

Municipal council and decision-making

The Municipal Council of the City of Dollard-des-Ormeaux is formed by the Mayor and eight Councillors. When in sittings, Council represents the City legally, and acts on its behalf. The law grants no power to Council members individually. During said meetings, Council makes decisions on behalf of the City by adopting by-laws and resolutions.

- ▶ Refer to Section 350 of the *Cities and Towns Act* (CQLR, c. C-19).
- ▶ MAMH, *Guide d'accueil et de référence pour les élués et les élus municipaux*, Publications du Québec, July 2021, online : https://www.electionsmunicipales.gouv.qc.ca/fileadmin/publications/elections/guide_accueil_elus_municipaux.pdf

Municipal Powers

Municipal Powers are determined by provincial legislations. Municipalities have jurisdiction in the following fields:

- Community activities and parks;
- Community and cultural development;
- Management of residual materials;
- Recreation and culture;
- Sanitation and nuisance;
- Local road network and snow removal;
- Urban planning.

The City of Dollard-des-Ormeaux is part of the Montreal Urban Agglomeration and therefore certain powers such as Police and Fire Departments fall under the jurisdiction of the Agglomeration Council.

- ▶ Amongst other Acts, refer to the *Municipal Powers Act* and the *Act Respecting Land Use Planning and Development*

Administrating Municipal Affairs

Elected Officers have an administrative role when it comes to Municipal affairs. Not only does Council establish the orientations and priorities of the City, it makes decisions and acts on behalf of the City. Elected Officers must also follow-up on the execution of those decisions, monitor the budget planning and ensure that the Municipal resources are efficiently used.

For the execution of Council decisions, the Elected Officers rely on Municipal Officers whose roles and responsibilities are determined by law. All municipalities must at least have a City Manager who acts as the Municipality's Chief Officer and manager of the human, material and financial resources. The City Clerk and Treasurer's duties are also provided for by law.

- ▶ Refer to Sections 112 to 114.1.1, 85 and 97 of the *Cities and Towns Act*.

Council meetings schedule

Regular Council meetings are scheduled to take place every month. The yearly schedule is adopted every year at the November Council meeting. Special sittings may be scheduled throughout the year, as needed.

- ▶ Refer to Sections 319 and 323 of the *Cities and Towns Act* (CQLR, c. C-19).

Preparing for Council meetings

Participating in Municipal Council meetings requires significant preparation. Councillors are provided before each Council meeting, with voluminous documents which are essential for their decision-making process. These documents contain draft resolutions and by-laws and any other support documents.

Participation is also required in preparatory meetings, called "caucuses", which precede each Council meeting. These caucuses allow Elected Officers to discuss, ask questions and receive information from municipal employees. Elected Officers may also be called upon to participate in various committees tasked with examining specific issues, such as traffic. Usually, these committees only have an advisory role, since only the Municipal Council can make decisions on behalf of the City. Council resolutions and by-laws determine the operations and rules of conduct of committees.

- ▶ Refer to Section 319 of the *Cities and Towns Act* (CQLR, c. C-19).

Participation in council sittings

Municipal Council meetings are public, whether they take place in the Council chamber or remotely via technological means. They always include a question period during which citizens can address concerns or inquiries to Elected Officers. Council meetings are presided by the Mayor who ensures the respect of order and decorum.

Municipal Council decisions are taken by majority vote. City Councillors have an obligation to vote, unless there is a situation of conflict of interest. Except in certain cases, the Mayor may choose to abstain from voting.

With some exceptions, an Elected Officer who does not attend Council meetings for a period of 90 consecutive days shall see his/her term of office ended.

- ▶ Refer to Sections 322, 328 and 329 of the *Cities and Towns Act* (CQLR, c. C-19).
- ▶ Refer to Section 317 of the *Act respecting Elections and Referendums in Municipalities* (CQLR, c. E-2.2).

The code of ethics and conduct of elected municipal officers

The City of Dollard-des-Ormeaux has its own Code of Ethics and Professional Conduct for Elected Officers as provided by law. This Code is a municipal by-law which sets out the ethical values guiding the Elected Officers of the City and which sets out rules of conduct which they must respect. Newly elected municipal officers must participate in a professional development program on Municipal Ethics and Good Conduct.

The *Commission municipale du Québec* is the public body responsible for investigating breaches of the rules set out in the code of ethics and conduct of Elected Municipal Officers. Certain penalties provided for in the law may be imposed in the event of a breach.

- ▶ Refer to Sections 4, 5, 6, 13 and 31 *Municipal Ethics and Good Conduct Act* (RLRQ, E-15.1.0.1).
- ▶ Refer to the By-law on the *Code of Ethics and Conduct for Elected Officers of the City of Dollard-des-Ormeaux*, Municipal Council of Dollard-des-Ormeaux, by-law n° 2018-129.
- ▶ MAMH, « Adoption du d'éthique et de déontologie et formation sur l'éthique et la déontologie en matière municipale », *Muni Express*, n° 12, Octobre 2011, Online : <https://www.mamh.gouv.qc.ca/publications/bulletin-muni-express/2011/n-12-14-octobre-2011/>

Rules on conflicts of interest

The *Act respecting Elections and Referendums in Municipalities* includes rules aimed at preventing situations of conflict of interest. These obligations are in addition to those of the code of ethics and conduct of elected municipal officers. Newly Elected Officers must file a written statement of pecuniary interests within 60 days of being elected. This written statement must then be updated annually.

A provision also applies when an Elected Officer has a direct or indirect pecuniary interest in a matter taken into consideration by the municipal council. In this situation, the law obliges the Elected Officer to make certain disclosures and to abstain from participating in discussions and from voting on the issue.

Not complying with the rules regarding conflict of interest may result in disqualification from holding office as a member of the municipal council for a period of five years.

- ▶ Refer to Sections 357, 361, 304, 305 and 303 of the *Act respecting Elections and Referendums in Municipalities* (RLRQ, c. E-2.2).