



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 233-2012

To Establish the Office of  
Integrity Commissioner

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WHEREAS the *Municipal Act, 2001* confirms that a municipality may establish a Code of Conduct for Members of Council and the Council of the City of Brampton has approved a Code of Conduct for Members of Council;

AND WHEREAS the Members of Council of the City of Brampton agree to serve their community in an open, transparent and accountable manner, respecting that members of the public expect elected officials to be guided by the highest ethical standards of behaviour in decision-making and conduct;

AND WHEREAS to promote public confidence in government, Members of Council agree to execute their duties and obligations without improper use of influence, taking all steps necessary to avoid conflicts of interest both apparent and real and to uphold the letter and spirit of the law including policies adopted by Council;

AND WHEREAS rigorous oversight of Members of Council is contained in numerous statutes such as the *Criminal Code of Canada*, the *Human Rights Code*, provincial legislation and various City by-laws, policies and protocols of the City of Brampton including but not limited to:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Municipal Elections Act*
- *Occupational Health and Safety Act*
- Procedure By-law
- Purchasing By-Law
- Conflict of Interest Guidelines as it relates to the Provincial Offences Court
- The Corporate Values Statement
- Corporate policies related to expenses, sponsorships, use of resource
- Corporate policies related to "human resources" matters;

AND WHEREAS the *Municipal Act, 2001* authorizes municipalities to appoint an Integrity Commissioner who reports to Council and is responsible for performing in an independent manner the application of a Code of Conduct for Members of Council as well as the application of any procedure, rule and policy of the municipality governing the ethical behaviour of Members of Council;

AND WHEREAS the establishment of a Code of Conduct for the Members of Council and the appointment of an Integrity Commissioner are consistent with the principles of open, transparent and accountable government providing Members of Council with a common basis for demonstrating their high regard and respect for the public trust that extends beyond current legislative provisions;

AND WHEREAS the Code of Conduct and the retention of an Integrity Commissioner will underscore the commitment of Members of Council toward the highest standard of conduct to serve the Citizens of the City of Brampton;

AND WHEREAS sections 5, 8, 9 and 11 of the *Municipal Act, 2001* authorize the Council to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 11 (2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations;

AND WHEREAS section 223.3 of the *Municipal Act, 2001* confirms that Council may appoint an Integrity Commissioner who performs functions with respect to the application of the Code of Conduct for Members of Council and other procedures, rules or policies governing their ethical behavior;

AND WHEREAS sections 223.4 to 223.8 of the *Municipal Act, 2001* provide that an Integrity Commissioner has certain powers, duties and protections;

AND WHEREAS by By-law Number 41-2011, Council established the Office of the Integrity Commissioner, and appointed an Integrity Commissioner, on an interim basis for a term of one year, extended by amending By-law Number 39-2011 to expire on September 3, 2012;

AND WHEREAS Council wishes to establish the Office of the Integrity Commissioner beyond expiry of the interim term, and appoint an Integrity Commissioner to continue to provide Integrity Commissioner services to City Council;

NOW THEREFORE The Council of The Corporation of the City of Brampton  
**ENACTS AS FOLLOWS:**

#### **Definitions**

1. In this By-law:
  - a) "City" means the Corporation of the City of Brampton;
  - b) "Code of Conduct" means the Code of Conduct for the Members of Council of the City of Brampton, as may be amended from time to time;
  - c) "Members of Council" means the Mayor, Regional Councillors and City Councillors of the City of Brampton;
  - d) "*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

#### **Appointment**

2. Council hereby establishes the Office of Integrity Commissioner, and appoints ADR Chambers as the Office of the Integrity Commissioner for the City of Brampton, with all powers, duties and protections provided under the *Municipal Act, 2001*.
3. ADR Chambers, as the Office of the Integrity Commissioner, will provide Integrity Commissioner services to the City including the services of:

- a) A former judge appointed under s. 96 of *The Constitution Act, 1867*, who has retired from judicial office, who will serve as the Integrity Commissioner, accountable directly to City Council;
- b) A trained lawyer, mediator, arbitrator and investigator, who will report to the Integrity Commissioner;
- c) An administrative assistant or assistants reporting to the Integrity Commissioner.

### **Role**

4. The role of the Office of the Integrity Commissioner is to help Members of Council ensure that they are performing their functions in accordance with their Code of Conduct and other applicable legislation, procedures, rules or policies governing their ethical behavior. The Office of the Integrity Commissioner will not provide legal advice.
5. The Office of the Integrity Commissioner will serve the public interest and is granted authority under the *Municipal Act, 2001* to educate, advise and investigate the conduct of Members of Council.

### **Duties**

6. The Integrity Commissioner shall cause to perform, in an independent manner, the functions of Integrity Commissioner pursuant to Part V.1 of the *Municipal Act, 2001* with respect to the application of the Code of Conduct for Members of Council of the City of Brampton, including any legislation, procedures, rules and policies of the City governing the ethical behavior of the Members of Council. The functions of the Integrity Commissioner will include:

#### *Advice and Education*

- a) Advice to Members of Council, upon requests by Members of Council, regarding their ethical obligations and responsibilities under their Code of Conduct, and any other legislation, rules or polices governing their ethical behavior;
- b) Advice to Council as a whole, upon request of Council, or where deemed appropriate by the Integrity Commissioner, regarding the ethical obligations and responsibilities of Members of Council under their Code of Conduct, and any other legislation, rules or polices governing their ethical behavior;

#### *Complaints*

- c) Responsibility for receiving, assessing, and investigating where appropriate, complaints made by Council, a Member of Council, a member of staff, or a member of the public, respecting an alleged breach of the Code of Conduct for the Members of Council of the City of Brampton.
7. In carrying out his or her responsibilities, the Integrity Commissioner is specifically authorized to cause independent investigation of issues in a broad and comprehensive manner, has responsibility for determining whether and how investigations will be conducted in accordance with the *Municipal Act, 2001*, and may establish a complaints protocol. In determining whether an investigation will be conducted, the Integrity Commissioner may consider whether an investigation is likely to accomplish any significant purpose, and if the integrity Commissioner concludes that an investigation is unlikely to accomplish any significant purpose, the Integrity

Commissioner may so determine and close the file without conducting an investigation.

### Reporting to Council

8. The Integrity Commissioner will report directly to City Council.
9. The Integrity Commissioner may recommend that Council impose penalties in accordance with the *Municipal Act, 2001* if in the opinion of the Integrity Commissioner a Member of Council has contravened the Code of Conduct.

### Budget for the Office of the Integrity Commissioner

10. The annual budget of the Office of the Integrity Commissioner shall be submitted to Council for approval as part of the City's budget process.
11. The Office of the Integrity Commissioner will be retained by Council on an as-needed fee for service basis.

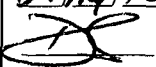
### Short Title


12. This By-law may be referred to as the "Integrity Commissioner By-law."


### In Force

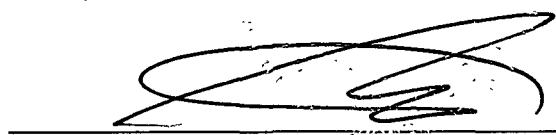
13. This By-law comes into force on the day it is passed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 8<sup>th</sup> day of August, 2012.

Approved as  
form  
8 Aug '12  


Approved as  
to content  
8 Aug '12  


  
Susan Fennell, Mayor

  
Peter Fay, Clerk