



Council Handbook: Volume 3

Accountability & Transparency

Please note that the information contained in this handbook relates to regular operating procedures. Certain procedures may be updated or altered due to the pandemic.



Table of Contents

1. VALUES	168
2. THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL.....	170
2.1 Confidentiality.....	170
3. COUNCIL-STAFF RELATIONS	172
4. MUNICIPAL CONFLICT OF INTEREST ACT (MCIA).....	173
5. THE INTEGRITY COMMISSIONER	175
5.1 At a Glance	175
5.2 Duties of the Integrity Commissioner	175
5.2.1 Advisory Role	176
5.2.2 Investigative Role.....	176
5.2.3 Educational Role	176
6. OMBUDSMAN.....	177
7. LOBBYIST REGISTRAR	178
8. GIFT REGISTRY	179
9. MUNICIPAL ELECTIONS.....	180



1. VALUES

Our Culture. Our DNA.

In Spring 2017, the City launched People Advantage – a strategic People Plan that captured the voice of employees, researched industry best practices, and identified the organization’s greatest strengths.

During this six-month outreach – which included various consultation methodologies including, focus groups, interviews, and surveys – we asked questions to help us understand what is most important to City employees. In sum, we heard from 2,000 people about what values are most important, and what inspires and engages them to come to work every day.

From this data, we heard an important story ... it’s a story about our people. In essence, it’s our DNA: our strengths, character, talents, systems and processes working together. It’s what makes us unique. Our DNA is made up of our Purpose, our Values, our Mindset, and our Style.

Our Purpose is people – to serve and improve the lives of those around us.

Whether we have direct contact with Brampton residents, or we support internal teams to do their job most effectively, our purpose is to serve.

Our purpose aligns with the Equity Office, whose vision is to create an environment of equity, inclusion, diversity and anti-racism within the corporation of the City of Brampton, and in the community.

To educate, understand and allow for respectful dialogue around bias, racism, systemic, structural/institutionalized barriers and discrimination in all its forms.

To ensure compliance with human rights legislation, employment standards and equity principles, and other related legislations and best practices.



Our Values are our compass, informing what we do and how we do it. The top values that employees across the organization expressed as most important include: COURAGE, TRUST, COMPASSION, and INTEGRITY. When we live our values we apply them to every situation, decision and challenge with respect and empathy.

And, when we have a clear purpose with aligned values, it's then that our Future Ready Mindset will flourish! **Our Mindset** is about how we think, connect and work together. Our mindset will strengthen our foundation of people, customer service, financial management and government relations. Our DNA is made up of our Purpose, our Values and our Mindset. Our WHY, our WHAT, and our HOW.

Together, these links rely on one more piece to create our culture ... and that's **Our Style**... our groove! It's that feeling of belonging – like walking into your favourite room in your home, that special coffee place, or when you meet up with your best friend.

Our Style gives life to our Purpose, our Values, and our Mindset. And THAT is our culture. Culture shows up in everything... it shows up in how we:

- demonstrate respect, compassion and empathy
- learn and lead
- hire, work and play
- reward and recognize
- promote and prosper
- plan, strategize, and press “go”

Our Culture is shaped by our DNA. Our focus is people.

Visit [OurBrampton](#) and the [Equity, Diversity, Inclusion, Anti-Racism and Belonging Office \(Equity Office\)](#) for more information, and [watch our DNA video](#).



2. THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL

The Code of Conduct establishes rules that guide Members of Council in performing their diverse roles in representing their constituents and recognizes Members' accountability for managing City resources allocated to them.

Because ethics and integrity are at the core of public confidence in governance, it is important to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all. Recognizing that Members of Council are leaders of the community, they are held to a higher standard of behaviour and conduct.

The [Code of Conduct](#) applies to the Mayor and all Members of Council.

2.1 CONFIDENTIALITY

It is recognized that performance of duties within the City may result in Members and staff having access to information regarding the City's business and affairs and some of that information may be sensitive and/or confidential in nature.

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, such as under Access and Privacy legislation. Confidential information may also include information that concerns personal information of individuals, personnel matters, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, matters authorized in other legislation and matters discussed in closed session. Both Members and City staff have a responsibility to respect matters of confidentiality when they arise. Breach of confidentiality is a serious offense and may result in serious consequences for both the City and the individual involved.



Members should familiarize themselves with [Rule No. 3 of the Code of Conduct](#) to ensure they have a complete understanding on how to determine what is considered confidential in nature, how to determine what can or cannot be disclosed and how contraventions of this rule are handled.

Similar to Members, City staff, including members of Mayor and Council office staff, must adhere to an [Employee Code of Conduct and are also guided by the Council Office Management Framework](#).



3. COUNCIL-STAFF RELATIONS

Section 270 (1) of the *Municipal Act, 2001*, states that a municipality shall adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of a municipality.

The City has a broad range of policies that support productive working relationships between Members of Council and staff, including the [Council-Staff Relations Policy](#). The City is committed to promoting productive and respectful interactions and relationships between Members of Council and staff based on mutual respect, treating all members of Council equally, and providing open, clear and transparent communication. This is a joint responsibility between Members of Council, Council's Political Staff and City employees.

The Council-Staff Relations Policy provides a broader framework for policies that have already been endorsed by Council, including:

- [Accountability and Transparency Policy](#)
- [Code of Conduct for Members of Council](#)
- [Lobbyist Registry Bylaw](#)
- [Employee Code of Conduct](#)
- [Respectful Workplace Policy](#)
- [Workplace Violence Prevention Policy](#)
- [Use of Corporate Resources Policy](#)
- [Corporate Fraud Prevention Policy](#)
- [Procedure Bylaw](#)



4. MUNICIPAL CONFLICT OF INTEREST ACT (MCIA)

Members of Council and local boards (Members) should be aware of their duties under the [*Municipal Conflict of Interest Act \(MCIA\)*](#), contravention of which can have serious consequences. These duties are apart from legal and ethical obligations under the Councillor Code of Conduct and other City policies.

The intent of the *MCIA* is to prevent Members from exercising influence in the consideration of matters in which they have or are deemed to have a pecuniary interest. In general terms, where a Member or a Member's spouse, parent or child has such an interest, direct or indirect, and is present at a meeting at which the matter is considered, the Member has a duty:

- to disclose the interest and its general nature before the matter is considered;
- not to take part in the discussion of, or vote on any question in respect of the matter;
- not to attempt before, during or after the meeting, to influence the voting on any such question;
- where the meeting is not open to the public, to leave the meeting or the part of the meeting during which the matter is under consideration;
- where the interest has not been disclosed by reason of the Member's absence from the meeting, to disclose it at the first meeting attended by the Member thereafter.

Members are responsible for compliance with their statutory obligations in serving on Council or local boards, and should arrange for their own legal or other professional advice where required. The City's Legal Services Division represents the municipal corporation, and are not in a position to give conflict opinions or other legal advice to individual Members.



Members may be able to obtain advice respecting their obligations under the *Municipal Conflict of Interest Act* from the Integrity Commissioner.

The *Municipal Conflict of Interest Act* has been updated, in part, to:

- introduce principles in relation to the duties of Members;
- create a duty, where there is a pecuniary interest, not to attempt to influence any decision or recommendation in a matter being considered by an officer, employee or person with delegated authority;
- require Members who declare a pecuniary interest to provide a written statement of the interest to the City Clerk at the meeting or as soon as possible afterwards;
- require a registry of statements of pecuniary interests to be maintained and made publicly available;
- allow Members to take part in the discussion but not to vote in respect of a matter where the suspension of their remuneration is under consideration;
- permit an elector, an Integrity Commissioner of a municipality, or a person demonstrably acting in the public interest, to make an application to a judge to determine if a member has contravened the requirements of the Act; and,
- make available to a judge a range of discretionary remedies, and dispense with mandatory declaration of vacancy where contravention is due to inadvertence or by reason of an error in judgement made in good faith.



5. THE INTEGRITY COMMISSIONER

5.1 AT A GLANCE

Citizens expect Members of Council and local boards (Members) to meet the highest standards of conduct when carrying out their public functions. This means serving constituents in a conscientious and diligent manner, acting with integrity, avoiding conflicts of interest and improper use of influence, arranging their private affairs in a way that promotes public confidence, and displaying behaviour that will withstand close public scrutiny.

There is an expectation that Members will not only comply with law and City policies, but will serve the public interest by upholding the letter and spirit of the written standards.

The work of the City of Brampton and, specifically, of Members, is complex and often involves multiple competing interests. It is not always easy for the Member to know how to act properly and in accordance with the high standards that are expected of them.

The [Office of the Integrity Commissioner](#) is the Member's number one resource to meeting these high expectations. The Integrity Commissioner is available to Members to answer questions and provide advice about how to meet the standards expected of them.

Members may ask questions and seek advice by emailing:

integrity.commissioner@brampton.ca.

Costs associated with the Integrity Commissioner's role to receive and address complaints, provide advisory services to Members and offer training and education to Members and the public are allocated to the Accountability and Transparency Office cost centre (0130) within the City Clerk's budget.

5.2 DUTIES OF THE INTEGRITY COMMISSIONER

The Integrity Commissioner has the following duties:



5.2.1 Advisory Role

On written request, the Integrity Commissioner provides written advice to individual Members of Council and local boards (Members) about their obligations under:

- the Code of Conduct for Members of Council (the “Code of Conduct”)
- any procedures, rules and policies of the City governing ethical behaviour
- the *Municipal Conflict of Interest Act*

The Integrity Commissioner provides the Mayor and all Members of Council with opinions on issues of ethics, integrity and related policy matters.

5.2.2 Investigative Role

Complaints about breaches of the Code of Conduct may be made by Council, a Member of Council or a member of the public to the Integrity Commissioner. Complaints can be dealt with through a formal or informal process. When carrying out a formal complaint investigation, the Commissioner can summon evidence and examine under oath.

Should the Integrity Commissioner find a contravention, they can recommend various penalties be imposed by Council. The available penalties range from suspension of remuneration for up to 90 days to a reprimand.

The Integrity Commissioner may conduct an inquiry concerning an alleged contravention of section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act, in accordance with section 223.4.1 of the Municipal Act.

5.2.3 Educational Role

The Integrity Commissioner is responsible for providing educational information to Members of Council. This is delivered through group settings, one-on-one meetings, annual reporting and training opportunities organized through the City.



6. OMBUDSMAN

The Municipal Ombudsman acts independently and reports to Council, to investigate any decision or recommendation made or act done or omitted in the course of the administration of the municipality.

As of January 1, 2016, if a municipality does not appoint a Municipal Ombudsman, then the [Ontario Ombudsman](#) becomes its default Municipal Ombudsman. Brampton City Council has appointed a Municipal Ombudsman. Therefore the Ontario Ombudsman currently functions as the Municipal Ombudsman for Brampton.



7. LOBBYIST REGISTRAR

The Lobbyist Registrar is a discretionary position appointed under the *Municipal Act, 2001*. In 2016, City Council established a Lobbyist Registry for the City of Brampton. The [Lobbyist Registry](#) is an accessible record of persons who lobby public office holders outside of public forums such as the Council and Committee meetings or public open houses. The intent of the registry is to enhance transparency to the public. The City's current Lobbyist Registrar is Principles Integrity.

Lobbying refers to the act of an individual, who represents a business or financial interest, communicating with the public office holder with the intent to influence a decision on governmental matters outside of the normal process.

A public office holder may be considered a Member of Council, an officer or employee of the City, a member of a Local Board or Committee established by Council and an accountability officer appointed under the *Municipal Act, 2001*.

Anyone who wishes to lobby a public office holder outside of a public forum, must review the [Lobbyist Registry By-law](#) and register on the [Lobbyist Registry](#). There are some exemptions to this process which are outlined in the [Lobbyist Registry By-law](#). The by-law also includes a Lobbyist Code of Conduct, which lobbyists must agree to abide by.

Although a significant portion of day-to-day communications with a public office holder may not need to be registered, it is important to understand the difference between routine communication and lobbying to ensure that the process is adhered to properly. For more details, refer to the [Lobbyist Registry FAQs](#).



8. GIFT REGISTRY

The City of Brampton has implemented a [Gift Registry](#) that applies to Members of Council and City employees. This registry is a list of all gifts, benefits and hospitality valued at \$50 or more received by the Members or staff, and is intended to enhance transparency to the public.

Recipients must complete a Gift Disclosure Statement for each item received that has a value of \$50 or more, however the disclosure of all gifts, benefits and hospitality is encouraged. Statements of gifts received will be posted quarterly on the [City's website](#). For more details, refer to the [Gift Registry FAQs](#)



9. MUNICIPAL ELECTIONS

Municipal elections in Ontario are held every four years and are regulated by the *Municipal Elections Act, 1996 (MEA)*. Subject to the MEA, municipalities are required to establish rules and procedures with respect to the use of municipal resources during the election campaign period. A candidate's campaign period begins the day they file their nomination with the Clerk and ends on December 31st in the year of the election. The earliest a candidate's campaign can begin is May 1st in the year of the election.

Local boards (school boards) are also required to establish rules and procedures with respect to the use of board resources. Procedures must be established by May 1st in the year of the election.

The City has established the [Use of Corporate Resources Policy](#) that provides a consistent approach and direction in relation to the use of corporate resources during a campaign period. The policy is directed at Members, candidates and registered third party advertisers and provides guidance and reference points to City staff.

Members should become familiar with this policy throughout their term, and ensure adherence to the policy during the campaign period. Any questions related to this policy, or its contents, should be directed to the City Clerk.