AGENDA
1:00 p.m. – 5:00 p.m.
Boardroom WT-2C/2D, West Tower, City Hall

Light lunch to be provided at the Workshop.

Workshop Agenda:
Council Code of Conduct, Lobbyist Registry and Gift Registry

12:00 p.m. Lunch

1:00 p.m. Welcome and Opening Remarks

1:15 p.m. New Council Code of Conduct
Robert Swayze, Integrity Commissioner

3:00 p.m. Break

3:15 p.m. New Lobbyist Registry and Gift Registry
Robert Swayze, Interim Lobbyist Registrar
Wendi Hunter, Manager, Administrative Services and Elections

4:30 p.m. Final Observations and Wrap-up

Agenda materials will be distributed at the Workshop.

City Council Workshop Rules
Attire for the workshop is ‘business casual’
Section 20 of Procedure By-law 160-2004, as amended, applies:
- A workshop can include open session and closed session business, in accordance with the Procedure By-law and The Municipal Act, 2001.
- Workshop notice is to be made available to the public.
- After Workshop notice is provided, no new matters can be added to an agenda.
- Quorum of Council is not required for a Workshop.
- Members of the public attending a Workshop are permitted to observe the public session.
- No decisions or directions to staff can be made at the Workshop. Any matter requiring a Council decision must be reported back to Committee or Council for consideration and approval.
- The City Clerk’s Office will prepare “minutes” from the Workshop. Public session “minutes” are available for public review if a request is received.
Code of Conduct Workshop
City of Brampton
February 26, 2016
Roles and Responsibilities

This Code of Conduct operates along with and as a supplement to Federal and Provincial legislation that govern the conduct of members of Council, those being:

- The Criminal Code of Canada;
- The Municipal Conflict of Interest Act,
- The Municipal Elections Act, 7996
- The Municipal Freedom of Information and Protection of Privacy Act;
- The Municipal Act,
- The Human Rights Code
- The Occupational Health and Safety Act (Violence and Harassment in the Workplace)
Key Principles

1. Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.
2. Members of Council should be committed to performing their functions with integrity and transparency.
3. Members of Council shall perform official duties and arrange their public affairs in a manner that promotes public confidence and respect and will bear close public scrutiny.
4. Members shall make every effort to participate diligently in the activities of the Committees, agencies, boards, commissions and advisory committees to which they are appointed.
5. Members shall conduct themselves at Council with decorum. Respect for all persons appearing before Council and for fellow members and staff requires that all members show courtesy and not distract from the business of the Council during presentations and when other members have the floor.

6. Harassment of a member by another member, staff or any member of the public is misconduct.
Rule 2  Acceptance of Gifts

* No member shall accept a fee, advance, gift, loan, or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, except as specifically permitted by the exceptions listed below.

* Each Member shall disclose in a Gift Registry to be maintained in the Clerks department all gifts, benefits and hospitality received with an individual value of $50 CAD or more from one source in a calendar year.
Rule 3  Disclosure of confidential information

* No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

* No Member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.
Rule 4  Personal Use of City Property

No Member shall use for personal purposes any City property, equipment, services, supplies or services of consequence (for example, agency, board, commission, or City-owned materials, websites, board and City transportation delivery services, and any Members expense budgets) other than for purposes connected with the discharge of City duties, which may include activities within the Member’s office of which City Council has been advised.
Rule 7  Improper Use of Influence

No Member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.
Rule 14  **Workplace Harassment**
Members shall be governed by the City’s current policies and procedures as amended from time to time, regarding a respectful workplace, workplace harassment prevention and workplace violence prevention.

Rule 16  **Conduct respecting staff**
No member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff’s duties, including the duty to disclose improper activity.
Investigations

1. Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Council policies as described in subsection (3).

2. If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation.
The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment to the Integrity Commissioner on the proposed finding and any recommended sanction.
Penalties

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.

2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006.
Lobbyist Registry and Gift Registry – What you Need to Know
Items for Discussion

- Training Outcomes
- Overview – Why Now?
- Part 1 – Lobbyist Registry
- Part 2 – Gift Registry
- Questions
- Contact Information
Training Outcomes

By the end of this session you will:

• Understand the purpose of the Lobbyist and Gift Registries
• Understand the definition of a lobbyist
• Understand the process of registering as a lobbyist and subject matter registrations
• Understand your role and responsibilities in dealing with lobbyists and in using the Gift Registry
• Have basic knowledge of the lobbyist registry tool and how to use the search function
• Be able to coach stakeholders on when it’s appropriate to use the Lobbyist Registry
Overview – Why Now?

- This is part of your continued commitment to enhance accountability and transparency.
- On July 8, 2015, the Lobbyist Registry By-law 149-2015 was passed. The By-law establishes the parameters for acceptable lobbying activity at the City and the process for lobbyists to engage with the City.
- The Lobbyist Registry and the Gift Registry were live as of Jan 1, 2016.
Part 1 – Lobbyist Registry
Part 1 – Items for Discussion

• What is Lobbying?
• What is a Lobbyist?
• Who is Exempt?
• What is the Lobbyist Registry?
• How Does this Affect Me?
• How do I know if I’m Being Lobbied?
• Examples of Lobbying
• Who Enforces the Registry?
• What Are my Responsibilities?
• How Can I Search the Registry?
What is Lobbying?

Lobbying is any communication with a public office holder by a person who represents a business or financial interest. The goal of lobbying is to try and influence any legislative action, including but not limited to the:

• Development, introduction, passage, defeat, amendment or repeal of a by-law, motion or resolution;

• Development, approval, amendment, application or termination of a City policy, program, directive, guideline; or

• Outcome of a decision on any matter before Council, a Committee of Council or a Councillor or staff member acting under delegated authority.
What is a Lobbyist?

There are three types of lobbyists:

- **Consultant Lobbyist:** a person who lobbies for payment on behalf of a client (another person, company, partnership or organization). If the consultant arranges for a meeting between a Council member or City employee and a third party, this is considered lobbying.

- **In-house Lobbyist:** a person who is an employee, partner, sole proprietor and who lobbies on behalf of their own employer, business or organization.

- **Voluntary Unpaid Lobbyist:** a person who lobbies without payment on behalf of a person, business, or other organization for the benefit of the interests of the person, business or other organization.
Who is Exempt?

The Lobbyist Registry process will not apply to the following:

• Government or public sector, other than the City
• Officials and employees of the City, the City of Mississauga, Town of Caledon, Region of Peel and other municipal bodies
• Members, directors, officers, employees or consultants retained by the following publicly-funded school boards and educational institutions
  - Peel District School Board;
  - Dufferin-Peel Catholic District School Board;
  - Ontario French Public School Board;
  - Ontario French Catholic School Board; and
  - Universities, colleges, and other publicly-funded educational institutions.
Who is Exempt? (cont.)

The Lobbyist Registry process will not apply to the following:

• Members, directors, officers, employees or consultants retained by the following publicly-funded healthcare institutions
  o Brampton Civic Hospital
  o Peel Memorial Centre for Integrated Health and Wellness

• Members, directors, officers, employees or consultants retained by the following municipal associations
  o Association of Municipalities of Ontario
  o Federation of Canadian Municipalities
What is the Lobbyist Registry?

• An online tool (available for public viewing) where lobbyists register their lobbying activity

• All lobbyists must register. Registration may be completed before lobbying takes place. Registration must be completed within 5 business days of lobbying commencing

• Registration is a three-step process:
  o **Step 1:** Registration as a Lobbyist – registration may remain valid for the term of Council
  o **Step 2:** Registration of subject matter – a registration item must be created for each issue or topic being lobbied
  o **Step 3:** Closure of subject matter registration – once lobbying is complete, the registration item should be closed. If registration exceeds one year, it may be automatically closed
Lobbyist Registry Categories

Here is the list of subject matter categories:

- Agriculture/Rural Affairs
- Arts/Culture
- Attractions/Tourism
- Budget
- Building Permits/Inspection
- By-laws/Regulation
- Economic Development
- Emergency Planning and Services (incl. Fire)
- Environment
- Financial Services
- Grants/Funding
- Information Technology
- Infrastructure
- Licences
- Parking
- Parks and Recreation
- Planning and Development
- Procurement
- Public Sector Union
- Real Estate/Property
- Signs
- Tax Policy
- Transit
- Transportation
- Water/Sewer
How Does this Affect Me?

• As a member of Council, you are lobbied quite regularly.
• When lobbying, a lobbyist must register the subject matter they are lobbying as well as who they are lobbying – the lobbyist is required to enter the name of any Council members and the position/title of any staff members they are lobbying.

Council and staff members are not required to register under the Lobbyist Registry. Lobbyists are responsible for registering their activity.

Did you Know that ??
How do I know If I’m Being Lobbied?

• Some of your day-to-day interactions may not be considered lobbying as they may be part of the normal routine
• The following are examples that are not considered as lobbying:
  o Communication that is a matter of public record or occurs during a meeting of Council or a Committee of Council
  o Communication that occurs during a public process such as a public meeting, hearing, consultation, open house or media event held or sponsored by the City or a public office holder or related to an application
  o Communication to a Member of Council by a constituent, or an individual on behalf of a constituent on a general neighbourhood or public policy issue
  o Communication restricted to compliments and complaints about a service or program
Examples of Lobbying

The following examples could be seen as lobbying activity:

• A vendor invites staff or Council members to a learning session where the vendor promotes their software solution over a solution currently being used at the City.

• A developer by-passes the regular development application process and seeks approval from the Director to expedite a development application.

• A local business owner meets with a Council member to request potential changes to a Licensing By-law.

• A developer meets with Council members and a Manager in Economic Development to discuss the benefits of building a casino in Brampton.

• A local business meets with a Council member to request funding for a new film studio being built in Brampton.
Who Enforces the Registry?

• The Lobbyist Registrar is responsible for managing and enforcing the registry
• The Lobbyist Registrar reviews and approves/denies all lobbying registrations
• If a lobbyist is found violating the requirements of the Lobbyist Registry By-law, the Lobbyist Registrar may impose certain penalties:
  o **First contravention** – a lobbyist may be prohibited from lobbying public office holders for 30 days;
  o **Second contravention** – a lobbyist may be prohibited from lobbying public office holders for a period of 90 days; and
  o **Third or subsequent contravention** – the Lobbyist Registrar will determine an appropriate penalty that is greater than a penalty for a second contravention.
What Are My Responsibilities?

- If you feel you are being lobbied, remind the lobbyist that lobbying activity must be registered in the Lobbyist Registry.
- Check the Lobbyist Registry from time to time to ensure that the lobbyist has registered him/herself, has registered the subject matter, and identified you as being lobbied.
- If you have concerns that lobbying activity has not been registered, speak to the Lobbyist Registrar.
- If a lobbyist has been prohibited from lobbying, you must stop lobbying-related communication with them, and inform the Lobbyist Registrar.
How Can I Search the Registry?

- The registry will be available at [www.brampton.ca/registry](http://www.brampton.ca/registry)
- From this website, you’ll be able to access the Lobbyist Registry

The Lobbyist Registry came into effect on January 1, 2016 and is a component of the City of Brampton's existing accountability and transparency policy framework.

The Lobbyist Registry is intended to enhance transparency to the public by providing an accessible record of persons who lobby public office holders outside of public forums like Council and Committee meetings or public open houses. An online tool has been developed to create, maintain, and search this record.

Lobbyists are required to register with the Lobbyist Registry within five business days of lobbying commencing; however, they may register before lobbying commences. The Lobbyist Registrar is responsible for the enforcement and oversight of the Lobbyist Registry and will annually review and report on its operations.
# Search Layout

- **Keyword**
  - **Keywords**

- **Lobbyist**
  - **Lobbyist**

- **Subject Matter**
  - **Subject Matter**

- **Person(s) Lobbied**
  - **Lobbied Person(s)**

- **Date Range**
  - **From**
  - **To**

- **Affected Ward**
  - **Affected Ward**

- **Show**
  - **10 entries**

### Search Results

<table>
<thead>
<tr>
<th>Lobbyist Name - Type</th>
<th>Subject Matter Category - Topic</th>
<th>Lobbied Person(s)</th>
<th>Lobbyist Start Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jennifer Tester</td>
<td>By-laws/Regulations</td>
<td>Council Member 3</td>
<td>November 27, 2015</td>
</tr>
<tr>
<td></td>
<td>Second Test No 27</td>
<td>Joe's Title</td>
<td></td>
</tr>
<tr>
<td>Jennifer Tester</td>
<td>By-laws/Regulations</td>
<td>Council Member 3</td>
<td>November 26, 2015</td>
</tr>
<tr>
<td></td>
<td>Testing Nov 26 Topic - add more</td>
<td>Staff Title</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council Member 1</td>
<td></td>
</tr>
<tr>
<td>Jennifer Tester</td>
<td>Agriculture</td>
<td>Council Member 1</td>
<td>November 27, 2015</td>
</tr>
</tbody>
</table>
Search – Entering Search Criteria

Keyword
Keywords

Lobbyist
Jennifer Taster

Subject Matter

Person(s) Lobbied
Lobbied Person(s)

Date Range
From
To

Affected Ward

Clear
Search

Show 10 entries
## Search – Results

### Lobbyist Details
- **Lobbyist Name:** Jennifer Tester
- **Type:** Voluntary Unpaid Lobbyist

### Subject Matter Details
- **By-laws/Regulations Second Test Nov 27**
- **Testing Nov 26 Topic - add more**
- **Agriculture demo nov 27**
- **Construction Todays Topic**

### Person(s) Lobbied
- **Lobbied Person(s):** Council Member 3 Joe's Title
- **Council Member 3 Staff Title**
- **Council Member 1 staff title**
- **Council Member 1**

### Date Range
- **From:**
- **To:**

### Affected Ward

### Lobbyist Registry
- **Back to Brampton.ca**
- **Sign In**

---

**Showing 1 to 4 of 4 entries**
### Search – Expanded Results

<table>
<thead>
<tr>
<th>Lobbyist Name - Type</th>
<th>Subject Matter Category - Topic</th>
<th>Lobbied Person(s)</th>
<th>Lobbyist Start Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jennifer Tester3 Voluntary Unpaid Lobbyist</td>
<td>By-laws/Regulations Second Test Nov 27</td>
<td>Council Member 3 Joe’s Title</td>
<td>November 27, 2015</td>
</tr>
</tbody>
</table>

#### Subject Matter Detail

- **Topic:** Second Test Nov 27
- **Description:** Adding a description
- **Wards:** Ward 4
- **Undertaking Start - End:** November 27, 2015 - July 01, 2016

#### Lobbyist Profile Detail

- **Employed By City of Brampton in the last year:** No
- **Affiliated with local boards of the City of Brampton in the last year:** No
- **Employer:** City of Brampton
Part 2 – Gift Registry
Part 2 – Items for Discussion

- What is the Gift Registry?
- How Does this Affect Me?
- What Are my Responsibilities?
- How do I Complete a Gift Disclosure Statement?
What is the Gift Registry?

• The Gift Registry is a public record of gifts, benefits and hospitality received by Council and staff members.
• All gifts, benefits or hospitality with a value of $50 or more must be recorded.
• Council and staff members are required to complete Gift Disclosure Statements.
• Summaries of gifts and/or Gift Disclosure Statements will be posted to the public website on a quarterly basis.
1. All of the following are examples of gifts, benefits or hospitality:
   a. Free lunch with a developer
   b. Tickets to a sporting event
   c. Christmas gift basket from a vendor
   d. Tickets to a charity golf tournament
How Does this Affect Me?

- The Gift Registry applies to all Council members and staff members.
- Starting Jan 1, 2016, you will be required to keep track of any gifts, benefits or hospitality received, that have an individual value of $50 CAD or more.

Council and staff Codes of Conduct will be updated to include the new guidelines for disclosing gifts in the Gift Registry.
What Are My Responsibilities?

- While disclosure of all gifts, benefits and hospitality is encouraged, anything with an individual value of $50 or more must be disclosed.
- The Council member is responsible for completing a Gift Disclosure Statement.
- Once completed, the Lobbyist Registrar will review the Gift Disclosure Statement – the Lobbyist Registrar enforces the Gift Registry, as well as the Lobbyist Registry.
- Summaries of gifts and/or Gift Disclosure Statements are uploaded to the public website on a quarterly basis. All information entered into the Gift Disclosure Statement will be visible to the public.
How do I Complete a Gift Disclosure Statement?

• The Gift Disclosure Statement will include the following:
  o Name of recipient (you)
  o Description of gift/benefit received (the type of gift/benefit)
  o Source of gift/benefit (who gave it to you)
  o Date you received the gift/benefit
  o Circumstances under which the gift/benefit was given and received
  o Estimated value of gift/benefit
  o Intended use of gift/benefit (e.g. donated elsewhere or you used it)
Portal – Registries Information

Lobbyist & Gift Registries

The Lobbyist Registry and Gift Registry are key components of the City’s accountability and transparency framework, and were approved by Council on July 8, 2013. The registries will become effective on January 1, 2010 and will be available at www.brampton.ca.

Lobbyist Registry

The purpose of the Lobbyist Registry is to provide accountability and transparency when Council or City staff is lobbied by an individual or group with a business or financial interest. It is important to remember that lobbying is a legitimate activity within our governmental structure and is a method by which a variety of viewpoints can be brought forward and considered within the municipal decision-making process. Communicating with those who are lobbying is not considered misconduct.

More information about the Lobbyist Registry can be found here.

Gift Registry

The purpose of the Gift Registry is to provide accountability and transparency around the giving and receiving of gifts, benefits and hospitality.

For more information about the Gift Registry, and to complete a Gift Disclosure Statement, click here.

Questions?

Contact the Lobbyist Registrar at Registry@brampton.ca. You can also contact:

Peter Fay, City Clerk and Executive Director of Council & Administrative Services
Peter.fay@brampton.ca
905.874.2172

Wendy Hunter, Manager, Administrative Services & Elections

www.brampton.ca
The Gift Registry becomes effective on January 1, 2016. All staff and Council members will be required to complete a Gift Disclosure Statement for any gift, benefit or hospitality received with an individual value of $50 CAD or more. For more information, please refer to your respective Code of Conduct.

FAQs

- What is the Gift Registry?
- Who does the Gift Registry apply to?
- How does it work?
- If the value of a gift is under $50 do I need to disclose it?
- What is a Gift Disclosure Statement?
- Should I refuse all gifts or is it ok to accept them?
Submitting a Statement

- Complete all fields in the Gift Disclosure Statement and click OK.
Viewing Your Submitted Statements

• Once you submit the statement, the Registrar will be alerted and will review the statement
• You can review all of your submitted statements on the portal
Gift Registry Demo

- [http://ourbrampton.brampton.ca/sites/125/125/Pages/default.aspx](http://ourbrampton.brampton.ca/sites/125/125/Pages/default.aspx)
Questions?
Contact Information

www.brampton.ca/registry
http://ourbrampton.brampton.ca/sites/125/125/Pages/default.aspx

Lobbyist Registrar
Registry@brampton.ca

Peter Fay
City Clerk and Executive Director of Council & Administrative Services
Peter.Fay@brampton.ca
905.874.2172

Wendi Hunter
Manager, Administrative Services & Elections
Wendi.Hunter@brampton.ca
905.874.2139

Jordyn Lavecchia
Coordinator, Elections & Special Projects
Jordyn.Lavecchia@brampton.ca
905.874.3481
Thank you for attending!