

# Council Code of Conduct

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CITY OF BRAMPTON**

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## CODE OF CONDUCT FOR MEMBERS OF COUNCIL

### Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

There has been a general trend at the municipal level of government in Ontario, 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 as leaders of the community, they are held to a higher standard of behavior and conduct.

It is the purpose of this *Code of Conduct for Members of Council* (the “Code”) to establish rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members’ accountability for managing City resources allocated to them.

### Preamble

Whereas the City of Brampton first instituted a Code 2011 and after the election of 2014, the Council has reviewed the same and approved extensive revisions;

And Whereas elected officials of the City of Brampton have and recognize their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that their conduct will bear the closest public scrutiny;

And whereas the private interest of elected officials of the City of Brampton must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

The Council of the City of Brampton will adopt certain rules that further underscore a Councillor’s belief in his/her responsibility as a public trustee;

### Commentary

The operation of democratic municipal government requires that elected officials be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- The City of Brampton decisions and policy be made through the proper processes of municipal government structure.
- Public office not be used for personal gain.
- The public have confidence in the integrity of its municipal government.

A written Code of Conduct protects the public interest and helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate.

The public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and enhance the City of Brampton's reputation and integrity.

### **Framework and Interpretation**

1. This *Code of Conduct* applies to the Mayor and all Members of Council. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary and examples used in this *Code of Conduct* are meant to be illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner, as she or he deems appropriate.
2. As long as all the facts known to the member are disclosed to the Integrity Commissioner and there is no change to these facts, then the member may rely on any written advice provided by the Integrity Commissioner.
3. Members of Council, Members of the public or City staff seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

### **Commentary**

This *Code of Conduct* does not prohibit the activities in which Members of Council normally engage on behalf of constituents in accordance with applicable laws.

The Municipal Act is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are other important documents that regulate the behavior and conduct of Members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office. This *Code of Conduct* operates together with and as a supplement to the following existing statutes, documents and policies governing the conduct of Members.

Legislation:

- The Municipal Act, 2001. S.O. Chapter 25 and amendments;
- The Municipal Conflict of Interest Act;
- The Municipal Elections Act, 1996; and
- The Municipal Freedom of Information and Protection of Privacy Act.
- The Criminal Code of Canada also governs the conduct of Members of Council.

### **Definitions:**

In the *Code of Conduct*:

1. the terms "child", "parent" and "spouse" have the same meanings as in the *Municipal Conflict of Interest Act*.
2. "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

3. "member" means a member of Brampton City Council;
4. "parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
5. "spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
6. "family member" means
  - spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage
  - parent, including step-parent and legal guardian
  - child, including step-child and grandchild
  - siblings and children of siblings
  - aunt/uncle, niece/nephew, first cousins
  - in-laws, including mother/father, sister/brother, daughter/son
  - any person who lives with the Member on a permanent basis
7. "staff" includes the Chief Administrative Officer, Department Chiefs, Directors, Managers, Supervisors, Clerical and Technical Unionized employees, Hourly Unionized staff, Part-time Unionized staff, Temporary/Seasonal staff, Contract staff, students and Volunteers.

#### **Key Principles:**

The key principles that underline the rules in this *Code of Conduct* are as follows:

- a) Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

#### **Commentary**

This underscores that Members' carry out their official City activities in a way that will foster and enhance respect for government and above all, demonstrate respect for members of the public.

- b) Members of Council should be committed to performing their functions with integrity and transparency.**

#### **Commentary**

As public officials, Members of Council recognize the public's right to reasonable access to information in relation to how decisions are made. This right of access includes the right of the public to receive complete and understandable information which must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- c) 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.**

**General**  
**Rule No. 1**

- a) **Members of Council shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members of Council shall not extend, in their discharge of their official duties, preferential treatment to family members, organizations or groups in which they or their family member have a pecuniary interest.**

**Commentary**

As a result, Members of Council will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual;

Members of Council recognize that their actions are governed by the *Municipal Conflict of Interest Act* (MCI), and that, by virtue of the provisions of that statute, the Integrity Commissioner of the City of Brampton has no authority to receive or investigate complaints regarding alleged contraventions under the MCI.

- b) **Members of Council shall avoid any interest in any contract made by him/her in his/her official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.**
- c) **Members of Council shall not engage in the management of a business carried on by a corporation nor profit directly or indirectly from a business, including but not limited to a corporation, that does business or has contracted with the City of Brampton, or hold an office or directorship, unless holding the office or directorship is in a social club, religious organization, other charitable organization or corporations with shares directly or indirectly held by the municipality.**
- d) **Approved exceptions**  
**A Member of Council may engage in an activity prohibited by clause 1(c) if the following conditions are met:**
- 1. The Member has disclosed all material facts to the Integrity Commissioner.**
  - 2. The Integrity Commissioner is satisfied that the activity, as carried on in the specified manner, did not create a conflict between the Member's private interest and public duty.**
  - 3. The Integrity Commissioner has given the Member his or her approval and has specified the manner in which the Member of Council may remedy the situation.**
  - 4. The Member remedies the situation in the manner specified by the Integrity Commissioner**

Commentary

Members of Council must adhere to the City's purchasing policies and pay careful attention to the Councillors' expense policies. Examples of exceptions include, hospital boards and other not-for-profit organizations and charities.

Commentary

Members of Council shall not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual member of the public.

- e) Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.**

Commentary

A number of the provisions of this *Code* incorporate policies, procedures and provisions adopted by Council and contained in various statutes. The provisions of this *Code* are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour.

- f) Members of Council shall fulfill their roles as set out in the Municipal Act and respect the role of staff in the administration of the business affairs of the City.**

Commentary

Members of Council recognize that the decision-making authority for the municipality lies with Council, not an individual Councillor and that it is the role of the officers and employees of the municipality to implement council's decisions and establish administrative practices and procedures to carry out council's decisions. Members of Council recognize and respect the role of City staff and affirm that only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information, on a need to know basis, in order to fulfill its decision-making duties and oversight responsibilities. Individual Members also recognize that the information that they receive as members of the decision-making body of Council is subject to the confidentiality and disclosure rules of Provincial and Federal statutes and City of Brampton bylaws. (See Rule No. 3 on Confidential Information and Rule No. 16 on Conduct Respecting Staff).

## Rule No. 2

### Gifts and Benefits:

1. 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.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child, or parent, or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions:

- (a) compensation authorized by law;
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law;
- (d) services provided without compensation by persons volunteering their time to a Member;
- (e) a suitable memento of a function honoring the Member (i.e. a trinket or favour of relatively little monetary value such as pen, notepad, t-shirts);
- (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;  
*(for greater certainty of item f, where Council has authorized or endorsed an initiative or event, this would be considered an official event.)*
- (g) food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:
  1. attendance serves a legitimate public duty purpose; and
  2. the value is reasonable and the invitations infrequent; and
- (h) business meals;
- (i) communication to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office.
- (j) Sponsorships and donations for community events or initiatives organized or run by a member or a third party on behalf of a Member where Council has authorized or endorsed the event or initiative.  
*(for greater certainty of item j, for Member-organized community events or initiatives, Members should be transparent in their dealings with the public and should not handle*

*any funds on behalf of any organizations and should remain at arms length from the financial aspects of these events and initiatives.)*

*Rule #2 Part 1(j) does not affect the entitlement of a Member of Council to:*

- i. Use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy;*
- ii. Urge constituents, businesses and other groups to support community events put on by others in the Member's Ward or elsewhere in the City;*
- iii. Play an advisory or membership role in any organization that holds community events in the Member's Ward; and*
- iv. Collaborate with the City of Brampton and its agencies to hold community events.*

- 2. 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.**

**The member of Council shall specify for each gift, in a Gift Disclosure Statement to be maintained in the Gift Registry:**

- The nature of the gift, benefit or hospitality**
- The donor of the gift, benefit or hospitality and date of receipt**
- The circumstances under which the gift or benefit was given and received**
- The estimated value of the gift, benefit or hospitality, and**
- The intended use of the gift or benefit.**

**The Clerk shall post quarterly, all Gift Disclosure Statements received, beginning with March 31, 2016, on [brampton.ca](http://brampton.ca)**

*Commentary:*

Gifts and benefits are often received by Members in the course of their duties, and attendance at public functions is expected and considered part of their role. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits, where the total value may be perceived as potentially influencing decision making.

Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council is perceived as showing favoritism or bias toward the vendor, contractor or other. Each Member of Council is accountable to the public and should keep a list of all gifts received from individuals, firms or associations (with estimated values) in their constituency offices for review by Integrity Commissioner, as he/she deems appropriate. However, those gifts or benefits that exceed \$50 or the annual limit of \$50 for one source, shall be kept on a form prescribed by the Integrity Commissioner and filed with the office of the City Clerk on a quarterly basis.

Gifts that are subject to listing on the Member of Council information statement can be many types of things, and may include:

- property (i.e. a book, flowers, a gift basket, a painting or sculpture, furniture, wine);
- use of property or facilities (i.e. a vehicle, an office, a cottage) at a reduced rate or at no cost;
- membership in a club or other organization (i.e. a golf club) at a reduced rate or at no cost;
- an invitation to and/or tickets to attend an event (i.e. an athletic commercial event, concert, a play) at a reduced rate or at no cost;
- an invitation to attend a gala or fund-raising event at a reduced rate or at no cost.

An invitation to attend a function where the invitation is connected directly or indirectly with the performance of the Member's duties of Office (i.e. for which the public office holder has a ceremonial, presentational or representational official role) is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty.

There are a range of expenses that support a Councillors' role in community development and engagement activities in their ward.

For MPPs, these expenses are generally paid for by caucus funds. This is not the case for municipal Members of Council. The section of the Councillor Expense Policy that deals with Community Expense-Events will indicate allowable expenses for reimbursement and provide for Members of Council to include certain community expenses related to a Member's role in community development as allowable expenditures from their office expense budget. However, gaming tickets during charitable functions, such as raffle tickets, table prize tickets, etc. should not be eligible for reimbursement

- 3. Expenses incurred by Members of Council working during normal meal periods serve a legitimate public duty purpose, provided that the expenses incurred are reasonable and appropriate in the circumstances. Reasonable and appropriate expenses are those that:**
  - a. Are incurred for an official duty or function;**
  - b. Are modest, representing a prudent use of public funds;**
  - c. Do not involve alcoholic beverages unless in a ticketed event, the cost of such beverages is included in the ticket price.**

**In general, working meals are to be provided in-house.**

#### Commentary

Rule #2 must be considered with and balanced against the principle contained expense policies in all Ontario municipalities, which is that Members are entitled to be reimbursed for expenses that are legitimately and appropriately incurred for an official duty or function and which are reasonable and prudent expenses and use of public funds in the circumstances. In making a determination of what constitutes a modest and prudent use of public funds, Members should consider the dollar amounts set out in the [Council Expense Policy](#), as amended.

Given the heavy demands on Members' schedules in the performance of their duties and functions, there are legitimate circumstances that require business meetings over a meal period and result in the Member working through his or her normal meal periods.

"Official duties" or "functions" has the following meaning:

For Members of Council, it includes those activities that are reasonably related to a Member's office, taking into consideration the different interest, the diverse profiles of their wards and their different roles on Committees, agencies, boards and commissions.

For persons employed in the office of Members, it includes those activities and responsibilities that flow from acting on direction from or taking action on behalf of a member.

As representatives of the municipal government, Members will be expected or required to extend hospitality to external parties as part of their official duties and functions. This Code recognizes that through adherence to the current and proposed rules of the City's Councillor Expense Policy, it is legitimate for Members to incur hospitality expenses for meetings, examples of which include:

- a. Engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;
- b. Providing persons from national, international and charitable organizations with an understanding and appreciation of the City of Brampton or the workings of its municipal government;
- c. Honouring persons from Brampton in recognition of exceptional public service.

This Code recognizes that the current City of Brampton Councillor Expense Policy, holds legitimate that Members of Council will be reimbursed or have their office budgets charged for expenses that are incurred while extending hospitality to an external party, including hospitality that takes place in the course of travelling on a duty or function or a Member of Council provided the expenses are reasonable and appropriate in the circumstances.

Reasonable and appropriate expenses are expenses that strike a balance between economy (the expenses represent a prudent use of public funds) and proportionality (the expenses represent what is customary for such functions).

Wherever possible, Members of Council should utilize City-owned facilities and resources that are appropriate to the function.

- 4. This Code recognizes that as community leaders, Members of Council may lend their support to and encourage, community donations to registered charitable and Not for profit groups. Monies raised through fundraising efforts shall go directly to the groups or volunteers and chapters acting as local organizers of the group. This Code recognizes the important work of Members of Council in supporting charitable causes and the need for transparency in Members' involvement.**

**This Code sets the following guiding principles for Members of Council:**

- (a) Members of Council should not directly or indirectly manage or control any monies received relating to charitable organization's fundraising.**
- (b) Where a Member of Council sponsors and/or lends support to a charitable organization's event, this Code recognizes that all donations are subject to the Code of Conduct.**
- (c) No donation cheques should be made out to a Member of Council.**

**Nothing included herein affects the entitlement of a Member of Council to:**

- i. Use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy section relating to Community Expense Events;**
  - ii. urge constituents, businesses and other groups to support community events and advance the needs of a charitable organization put on by others in the Member's Ward or elsewhere in the City;**
  - iii. play an advisory or membership role in any organization that holds community events in the Member's Ward; and**
  - iv. collaborate with the City of Brampton and its agencies to hold community events.**
- (d) Members of Council should not handle any funds on behalf of any charitable organization or Community group and should remain at arms length from the financial aspects of these community and external events.**

### Rule No. 3

#### **Confidential Information:**

- 1. No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.**
- 2. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.**
- 3. No Member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.**
- 4. 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.**
- 5. No Member shall permit any persons other than those who are entitled thereto to have access to information that is confidential.**
- 6. No Member shall access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.**

#### **Commentary:**

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. Such legislation imposes mandatory or discretionary restrictions on disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, personal information about an individual disclosure of which would constitute an unjustified invasion of privacy, and information that is subject to solicitor-client privilege. Where it is clear that a communication was not made in a confidential manner (ie. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labeling it 'confidential', such communication will not be given any higher level of confidentiality than any other communication. The words 'privileged', 'confidential', or 'private' will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication.

For the purposes of the *Code of Conduct*, "confidential information" may also include information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential.

Under the Procedural By-law, a matter that has been legitimately discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public.

Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- the security of the property of the municipality or local board;
- personal information about an identifiable individual, including municipal or local body employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations and personnel matters.
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under contract negotiation
- price schedules in contract tender or Request For Proposal submissions
- statistical data required by law not to be released (e.g. certain census or assessment data)

## **Rule No. 4**

### **Use of City Property, Services and Other Resources**

**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.**

**No Member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Brampton.**

**No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.**

#### **Commentary:**

Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their City duties as public officials. This privilege should not be seen to be abused. In recognizing that members are held to a higher standard of behavior and conduct, members should not use such property for any purpose other than for carrying out their official duties. Careful attention should be given to the provisions of the City's Councillor expense policy which identifies approved allowable expenses.

During election campaigns, refer to Rule No. 5 and 7.

## Rule No. 5

### **Election Campaign Work:**

- 1. Members are required to follow the provisions of the *Municipal Elections Act, 1996*.**

#### **Commentary**

Although the Integrity Commissioner of the City of Brampton does not have jurisdiction to receive or investigate complaints regarding alleged contraventions of the *Municipal Elections Act*, (MEA) the Integrity Commissioner shall forward any information regarding a potential breach of the MEA by a Member of Council, directly to City Clerk.

- 2. No member shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities.**
- 3. No member shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.**

#### **Commentary**

Members shall refer to and comply with the approved [Municipal Election - Use of Corporate Resources Protocol](#), as established by the Office of the City Clerk.

## **Rule No. 6**

### **Business Relations**

- 1. No Member shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.**
- 2. No Member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the City.**
- 3. No Member shall refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.**

### **Commentary**

Members of Council are mindful to avoid any activity that may give rise to consideration of personal gain as a result of holding public office.

**Rule No. 7**

**Improper Use of Influence:**

- 1. 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.**

**Commentary**

Pursuant to corporate policy, the Chief Administrative Officer directs City Department Chiefs, who in turn, direct City staff. City Council and not individual Members of Council, appropriately give direction to the City administration.

## **Rule No. 8**

### **Conduct At Council**

- 1. 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.**

### **Commentary**

A Member of Council recognizes the importance of cooperation and strives to create an atmosphere during Council and Committee meetings that is conducive to solving the issues before Council, listening to various point of view and using respectful language and behavior in relation to all those in attendance.

## Rule No. 9

### **Transparency & Openness in Decision Making and Member's Duties**

- 1. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.**

#### **Commentary**

Various statutes, City by-laws, policies and procedures, as well as, decisions of courts and quasi-judicial tribunals form the basis of decisions made by City Council. Unless prohibited by legislation of by-law, Members of Council should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

## **Rule No. 10**

### **Media Communications**

- 1. Members of Council will accurately communicate the decisions of Brampton's Council, even if they disagree with a majority decision of Council so that there is respect for and integrity in the decision making processes of Council.**

#### **Commentary**

A Member of Council may state that he or she did not support a decision, or voted against the decision. A member should refrain from making disparaging comments about Members of Council and Council's processes and decisions.

## **Rule No. 11**

### **Representing the City**

- 1. 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.**

#### **Commentary**

Individual Members of Council are appointed to committees, agencies, boards and commissions based on their various backgrounds and ability to contribute diligently to matters before them bringing their expertise and experience.

Given that Council and Committee meetings are scheduled far in advance to accommodate the many activities of elected office of a Member of Council, to participate diligently means that a Member shall not be absent from Council, agencies, boards and commissions meetings without reasonable justification (i.e. illness of member, family circumstance,) for more than three consecutive scheduled meetings or on a regular basis.

**Rule No. 12**

**Conduct Respecting Current and Prospective Employment:**

- 1. No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.**

**Rule No. 13**

**Encouragement of Respect for the City and Its By-Laws**

- 1. Members shall encourage public respect for the City and its by-laws.**

**Commentary**

A Councillor must not denigrate a City by-law in responding to a citizen, as this undermines confidence in the City and the rule of law.

## **Rule No. 14**

### **Harassment**

- 1. 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.**
- 2. Harassment by a member of another member, staff or any member of the public is misconduct.**
- 3. Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner may investigate it under the terms of the Complaint Protocol**

### **Commentary**

It is the policy of the City of Brampton that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The City of Brampton's is developing a [Respectful Workplace Policy](#) (Harassment and Discrimination) to ensure a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policy.

*Note:* Rule 14(2) has been amended as per [Integrity Commissioner Report File 2017-02](#) (July 2018).

## **Rule No. 15**

### **Discreditable Conduct**

- 1. Members shall conduct themselves with appropriate decorum at all times.**

#### **Commentary**

As leaders in the community, members are held to a higher standard of behavior and conduct, and accordingly their behavior should be exemplary.

## Rule No. 16

### **Conduct Respecting Staff:**

- 1. No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.**
- 2. 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.**
- 3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.**
- 4. No member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff and all members shall show respect for the professional capacities of the staff of the City.**

### **Commentary**

Members of Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

Members of Council must recognize that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions as provided in the Municipal Act. The Administration, under the direction of the Chief Administrative Officer, serves the Council as a whole, and the combined interests of all members as expressed through the resolutions of Council. An individual member should not request staff to undertake extensive work or prepare lengthy reports, other than pursuant to a Council direction.

It is inappropriate for a member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer. Any such attempts should be reported to the Integrity Commissioner.

## **Rule No. 17**

### **Employment of Council Relatives/Family Members**

- 1. No member shall attempt to influence the outcome, or to influence any City employee to hire or promote a member of a Councillor's family.**
- 2. No member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any member of his or her family.**
- 3. No member shall supervise a family member, or be placed in a position of influence over a family member.**
- 4. No member shall attempt to use a family relationship for his or her personal benefit or gain.**
- 5. Every member shall adhere to the City's nepotism policy.**

#### **Commentary:**

If a family member of a Councillor is an applicant for employment with the City or candidate for promotion or transfer, the family member will proceed through the usual selection process pursuant to the City's hiring policies, with no special consideration.

## **Rule No. 18**

### **Failure to Adhere To Council Policies and Procedures:**

- 1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.**

#### **Commentary**

A number of the provisions of this *Code of Conduct* incorporate policies and procedures adopted by Council. More generally, Members of Council are required to observe the terms of all policies and procedures established by City Council.

Members must pay special attention to, and comply strictly with the [Councillors Expense Policy](#).

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

## Rule No. 19

### Reprisals and Obstruction:

1. **No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.**
2. **No member shall threaten or undertake any act of reprisal against a person initiating an *inquiry or complaint* under the Code of Conduct or who provides information to the Integrity Commissioner in any investigation.**

### Commentary

Members of Council should respect the intent of the *Code of Conduct* and investigations conducted under it. It is also a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.

## Rule No. 20

### Implementation

1. **Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.**
2. **At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct.**
3. **At the beginning of each term, each Member of Council shall meet with the Integrity Commissioner.**
4. **Councillors and members of the public should not assume that any unethical activities not covered by or not specifically prohibited by this Code or by any legislation, are therefore condoned.**

### Commentary

At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it.

A Code of Conduct component will be included as part of the orientation workshop for each new Council.

## **COUNCIL CODE OF CONDUCT COMPLAINT PROTOCOL**

### **PART A: INFORMAL COMPLAINT PROCEDURE**

Any person or a representative of an organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in contravention of the *Council Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that the behaviour or activity contravenes the Code;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

### **PART B: FORMAL COMPLAINT PROCEDURE:**

#### **Integrity Commissioner Requests for Inquiries**

1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the “complaint”) shall be sent directly to the Integrity Commissioner by mail, E-mail, fax or courier in the form attached to this Protocol as Schedule “A”.
- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code. For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact

information of witnesses, and contact information for the complainant during normal business hours.

- (4) The integrity Commissioner shall not accept any complaint from any person which arises from the conduct of a member(s) that occurred, or such conduct was first learned of by the complainant, six (6) months prior to receipt of such complaint by the Integrity Commissioner.
- (5) For any Complaint received from and after August 1 in any municipal election year, the Integrity Commissioner shall stay any investigation required by such complaint until the day after the inaugural meeting of the new Council and until then, shall keep such complaint confidential.

### **Initial Classification by Integrity Commissioner**

2. (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 complaint is not, on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:
  - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
  - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the City Clerk;
  - (c) if the complaint on its face, is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
  - (d) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

- (3) The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (4) The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

### **Integrity Commissioner Investigation**

3. (1) The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently, and shall report directly to Council in respect of all such matters. The Integrity Commissioner shall file an annual report to City Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner.
- (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, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- (3) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (2) except as part of an annual or other periodic report.
4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
- (2) Upon receipt of a formal complaint pursuant to the Code, and where the Integrity Commissioner determines that the complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation or alternatively to exercise the powers of a Commission under Parts I and II of the Public Inquiries Act, as contemplated by Subsection 223.4(2) of the Act.
- (3) If the Integrity Commissioner elects to conduct an inquiry under the Public Inquiries Act, he/she shall report to Council and seek instructions before proceeding, setting out the reasons for the investigation and providing an estimate of the expected cost and time that the investigation will require.
- (4) When the Public Inquiries Act applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the Public Inquiries Act, the provision of the Public Inquiries Act prevails.

5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
    - (a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten days; and
    - (b) the Integrity Commissioner may serve a copy of the response provided upon the complainant with a request for a written reply within ten days.
  - (2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.
  - (3) 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.
  - (4) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
6. (1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.
  - (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
  - (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
  - (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the

Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

8. The City Clerk shall process the report for the next meeting of Council.

### **Council Review**

9. (1) Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- (2) In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the Municipal Act, but shall not refer the recommendation other than back to the Integrity Commissioner.
- (3) Council can terminate the Integrity Commissioner by a majority vote of Council. **(Resolution C066-2022)**
- (4) Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:
  - (a) a reprimand; or
  - (b) suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days
- (4) The Integrity Commissioner may also recommend that Council take the following actions:
  - (a) removal from membership of a committee;
  - (b) removal as chair of a committee;
  - (c) repayment or reimbursement of monies received;
  - (d) return of property or reimbursement of its value;
  - (e) a written and/or verbal request for an apology to Council, the complainant, or both.

### **Confidentiality**

10. (1) A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.
- (2) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.

- (3) All reports from the Integrity Commissioner to Council will be made available to the public.
- (4) Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
- (5) The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.