

Date: 2022-05-03

Subject: **Housekeeping Amendments to the Council Code of Conduct**

Contact: Peter Fay, City Clerk, Legislative Services

Report Number: Legislative Services-2022-321

Recommendations:

1. That the report titled: **Housekeeping Amendments to the Council Code of Conduct**, to the Committee of Council Meeting of May 25, 2022, be received; and
2. That the housekeeping amendments to the Council Code of Conduct and the Code of Conduct Complaint Protocol, as set out in Appendix 1 to this report, be adopted.

Overview:

- **The *Municipal Act, 2001*, was amended in 2017:**
 - **to clarify provisions regarding complaints filed with the Integrity Commissioner during a municipal election year; and**
 - **to clarify provisions regarding the role of the Integrity Commissioner in addressing complaints filed under the *Municipal Conflict of Interest Act*.**
- **This report recommends housekeeping amendments to the Council Code of Conduct Complaint Protocol to comply with the provisions of the *Municipal Act, 2001*.**

Background:

Amendments to the *Municipal Act, 2001*, effective in 2017, set out provisions to address complaints regarding Member of Council behavior, filed with the Integrity Commissioner in a municipal election year. Previous provisions of the Act were silent on how municipalities treat complaints in an election year, providing discretion to councils to determine how complaints may be addressed.

In addition, prior to 2017, Integrity Commissioners had no role with respect to complaints filed under the *Municipal Conflict of Interest Act*. With changes to that legislation and the *Municipal Act*, Integrity Commissioners now have a role in

administering conflict of interest complaints both under the Code of Conduct and under the *Municipal Conflict of Interest Act*.

Code of Conduct Complaints in an Election Year:

Brampton's Council Code of Conduct currently includes provisions specifying 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.

The current provisions of the Act provide that no complaints shall be received by the Integrity Commissioner between Nomination Day (the final day nominations may be filed, which is August 19 in 2022) and Voting Day (October 24 in 2022). Complaints not completed by Nomination Day (August 19 in 2022) are to be terminated, and shall not commence another inquiry of the same matter unless a written request is submitted within six (6) weeks after Voting Day.

This report recommends updates to the Code of Conduct and the Code Complaint Protocol to comply with the prevailing legislation.

Current Situation:

Housekeeping amendments to the Council Code of Conduct Complaint Protocol are proposed to align the Code with the current provisions of the *Municipal Act, 2001*. Appendix 1 sets out the recommended amendments to the Code for Council approval.

Municipal Conflict of Interest Complaint Provisions:

The Complaint Protocol of Brampton's Code of Conduct is currently silent on matters related to the *Municipal Conflict of Interest Act* and requests for inquiry with the exception of one paragraph of Commentary under paragraph a) of Rule No. 1:

“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 of the MCI.”

It is recommended that the paragraph be deleted. Revisions to the *Municipal Act* and the *Municipal Conflict of Interest Act* have clarified that the Integrity Commissioner has a role with respect to conflict complaints, including those commenced under the *Municipal Conflict of Interest Act*.

The current provisions of the *Municipal Act* set out provisions for inquiries (complaints) that are processed under the *Municipal Conflict of Interest Act*, including provisions for dealing with such inquiries during an election year. Inquiries are to be completed within

180 days unless terminated for non-completion between Nomination Day (August 19 in 2022) and Voting Day (October 24 in 2022).

Corporate Implications:

Financial Implications:

There are no direct financial implications from this report.

Other Implications:

The recommended housekeeping amendments were provided to the City's temporary Integrity Commissioner, Principles *Integrity*, for review and guidance. Principles *Integrity* has provided comments which are incorporated into this report.

Principles *Integrity* is also reviewing the Council Code of Conduct and the Complaint Protocol to identify more comprehensive updates for Council's consideration at a later date.

Term of Council Priorities:

This report achieves the priority of a Well-Run City by enabling a Council Code of Conduct and Complaint Protocol aligned with prevailing legislation to facilitate public accountability.

Conclusion:

The Council Code of Conduct and the Complaint Protocol are in need of housekeeping updates to comply with the prevailing provisions of the *Municipal Act, 2001*, to address complaints filed within an election year, as well as to incorporate provisions regarding requests for inquiry processed under the *Municipal Conflict of Interest Act*. This report provides recommendations to Council to meet legislative requirements.

Authored by:

Reviewed and Approved by:

Peter Fay, City Clerk
Legislative Services

Diana Soos, Commissioner
Legislative Services

Attachment:

Appendix 1

Recommended Housekeeping Amendments to Council Code of Conduct and the Code Complaint Protocol