

Appendix 1

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

Housekeeping Amendment	Current Code Wording	Recommended Code Wording
Code of Conduct Rule No. 1 – General The second paragraph under Commentary relating to paragraph a) indicates that the Integrity Commissioner has no role with respect to alleged contraventions of the <i>Municipal Conflict of Interest Act</i> , which is no longer the case	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.	<i>The paragraph should be deleted.</i>
Housekeeping Amendment	Current Protocol Wording	Recommended Protocol Wording
Part B: Formal Complaint Procedure, Section 1 Clause 1 The section does not currently address complaints processed under the <i>Municipal Conflict of Interest Act, 1990</i> . Clause 1 should be updated as per Section 223.4.1 of the Municipal Act.	Clause 1 currently states: (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”.	Clause 1 to be updated as follows: (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct or Sections 5, 5.1 or 5.2 of the <i>Municipal Conflict of Interest Act, R.S.O, 1990</i> (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”. (a) Regarding the Code of Conduct, a request may be made by Council, a Member

		<p>of Council or a member of the public.</p> <p>(b) For complaints processed under the <i>Municipal Conflict of Interest Act</i>, a request may be made by an elector (a person entitled to vote at a municipal election in the municipality), or a person demonstrably acting in the public interest.</p>
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<p>Clause 4</p> <p>The timeframe for filing a request for inquiry related to the Municipal Conflict of Interest Act is different as per Section 223.4.1(4) of the Municipal Act, 2001. Clause 4 should be updated to include subsection (a). Where the Integrity Commissioner processes an allegation of conflict of interest under the Code of Conduct, Section 223.4.1(4) does not apply.</p>	<p>Clause 4 currently states:</p> <p>(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.</p>	<p>Clause 4 to updated as follows:</p> <p>(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, more than six (6) months prior to receipt of such complaint by the Integrity Commissioner.</p> <p>(a) For a complaint processed under the <i>Municipal Conflict of Interest Act</i>, the Integrity Commissioner shall not accept any complaint more than six (6) weeks after the applicant became aware of the alleged contravention (see 5(a) for exceptions).</p>
<p>Clause 5</p> <p>The timeframe and terminology should be updated in this clause, as per Section 223.4 (9) and Section 223.4.1(5) of the Municipal Act.</p>	<p>Clause 5 currently states:</p> <p>(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.</p>	<p>Clause 5 to be replaced with:</p> <p>(5) The Integrity Commissioner shall not accept any request for inquiry between Nomination Day (the third Friday in August) and Voting Day (the fourth Monday in October) in any municipal election year.</p> <p>(a) Regarding a request processed under the</p>

		<p><i>Municipal Conflict of Interest Act</i>, if an applicant learned of an apparent contravention between a period of time starting six (6) weeks before Nomination Day and ending on Voting Day, an applicant may submit a request for inquiry to the Integrity Commissioner within six (6) weeks after the day after Voting Day.</p>
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<p>Clause 6 An additional clause should be added to Section 1 as per Section 223.4 (7), (8) of the Municipal Act, 2001. Clause 6 to be added:</p>	<p>-</p>	<p>(6) If the Integrity Commissioner has not completed an existing inquiry before Nomination Day in any municipal election year, the Commissioner shall terminate the inquiry on that day.</p> <p>(a) If an inquiry is terminated, the Integrity Commissioner shall not commence another inquiry in respect of that matter, unless the person or entity who made the request, or the member or former member whose conduct is concerned, makes a written request within six weeks after Voting Day, to commence the inquiry.</p>
<p>Clause 7 An additional clause should be added to Section 1 as per Section 223.4.1(13) of the Municipal Act, where the timeline for completing an inquiry relating to the Municipal Conflict of Interest Act is stated. Clause 7 to be added:</p>		<p>(7) The Integrity Commissioner shall complete an inquiry processed under the <i>Municipal Conflict of Interest Act</i> within 180 days after receiving the completed action, unless the inquiry is terminated under clause (6).</p>