

A series of thin black lines on a white background, forming a complex, overlapping geometric pattern of triangles and polygons.

INTEGRITY COMMISSIONER

MUNEEZA SHEIKH

CITY OF BRAMPTON WORKSHOP -
2023



OVERVIEW

REVIEW OF THE ROLE OF THE INTEGRITY
COMMISSIONER

THE CITY OF BRAMPTON CODE OF CONDUCT

- *THE COMPLAINTS PROTOCOL*
- *COMMENTS & RECOMMENDATIONS ON THE
“CODE”*

LOBBYIST REGISTRY AND OBLIGATIONS

DISCUSSION

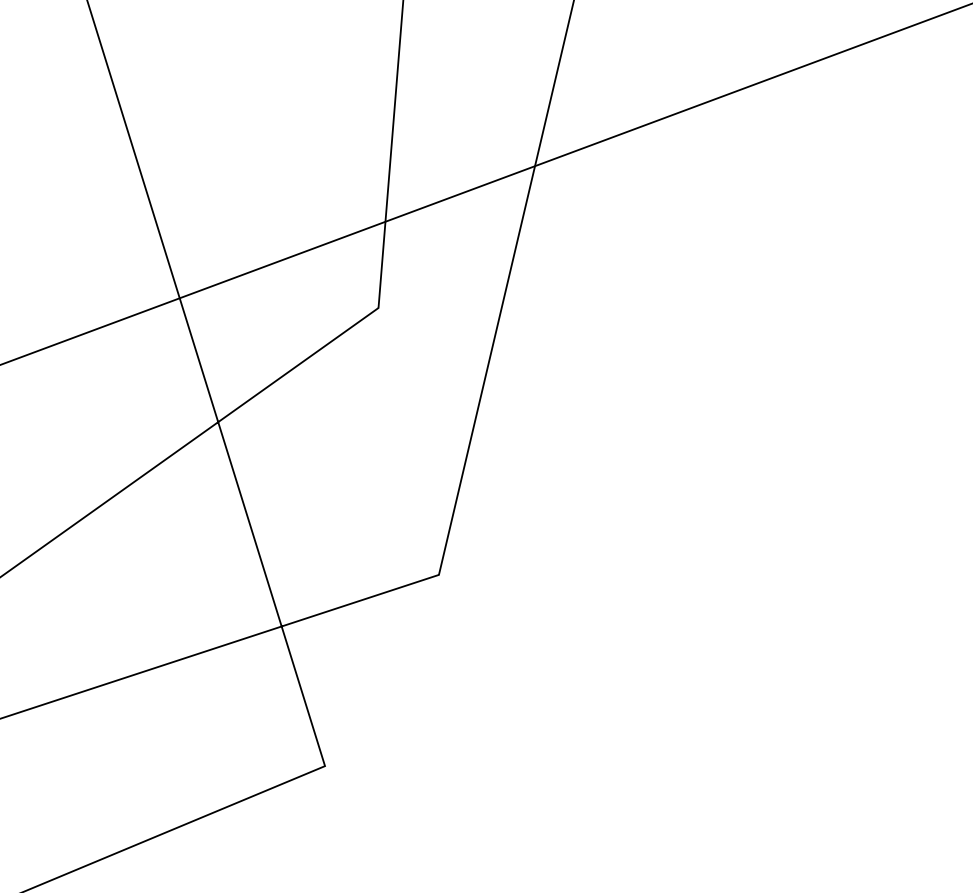


ROLE OF THE I&C COMMISSIONER MUNICIPAL ACT, 2001 S223.3

Apply the code of conduct for council and local board members

Apply any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards

Apply relevant sections (section 5, 5.1, and 5.2) of the Municipal Conflict of Interest Act to members of council and local boards (to be discussed further)

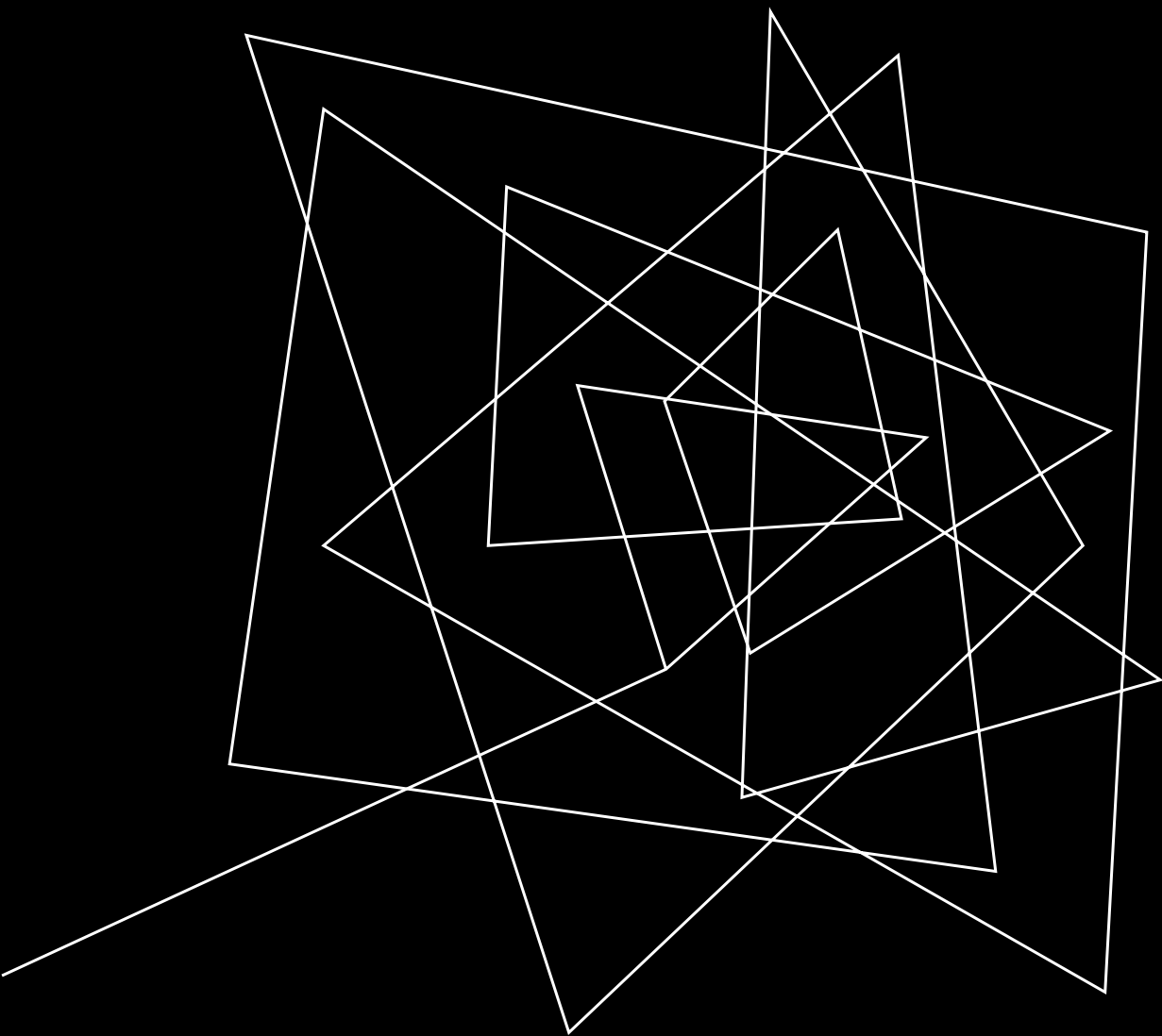


MUNICIPAL ACT, 2001 S223.3 – CONT'D

Advise members of council and of local boards respecting their obligations under the applicable code of conduct

Advise members of council and local boards respecting their obligations under a procedure, rule or policy of the municipality or the local boards, as the case may be, governing the ethical behaviour of members.

Provide educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards about the Municipal Conflict of Interest Act, 2017, c. 10, Sched. 1, s. 19 (1).



THE BRAMPTON CITY COUNCIL CODE OF CONDUCT

“..establish rules that guide Members of Council in performing their diverse roles in respecting their constituents and recognize Members accountability for managing City resources allocated to them.”

BRAMPTON CITY COUNCIL CODE OF CONDUCT (“CODE”)- PURPOSE

Ensure the City of Brampton decisions and policy are made through the proper processes of municipal government structure

Ensure public office is not being used for personal gain

Instill and maintain public confidence in the integrity of its municipal government



THE CODE

Application and Interpretation

The Code applies to the Mayor and all Members of Council and is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out in the Code.

It operates together with and as a supplement to the following existing statutes, documents and policies:

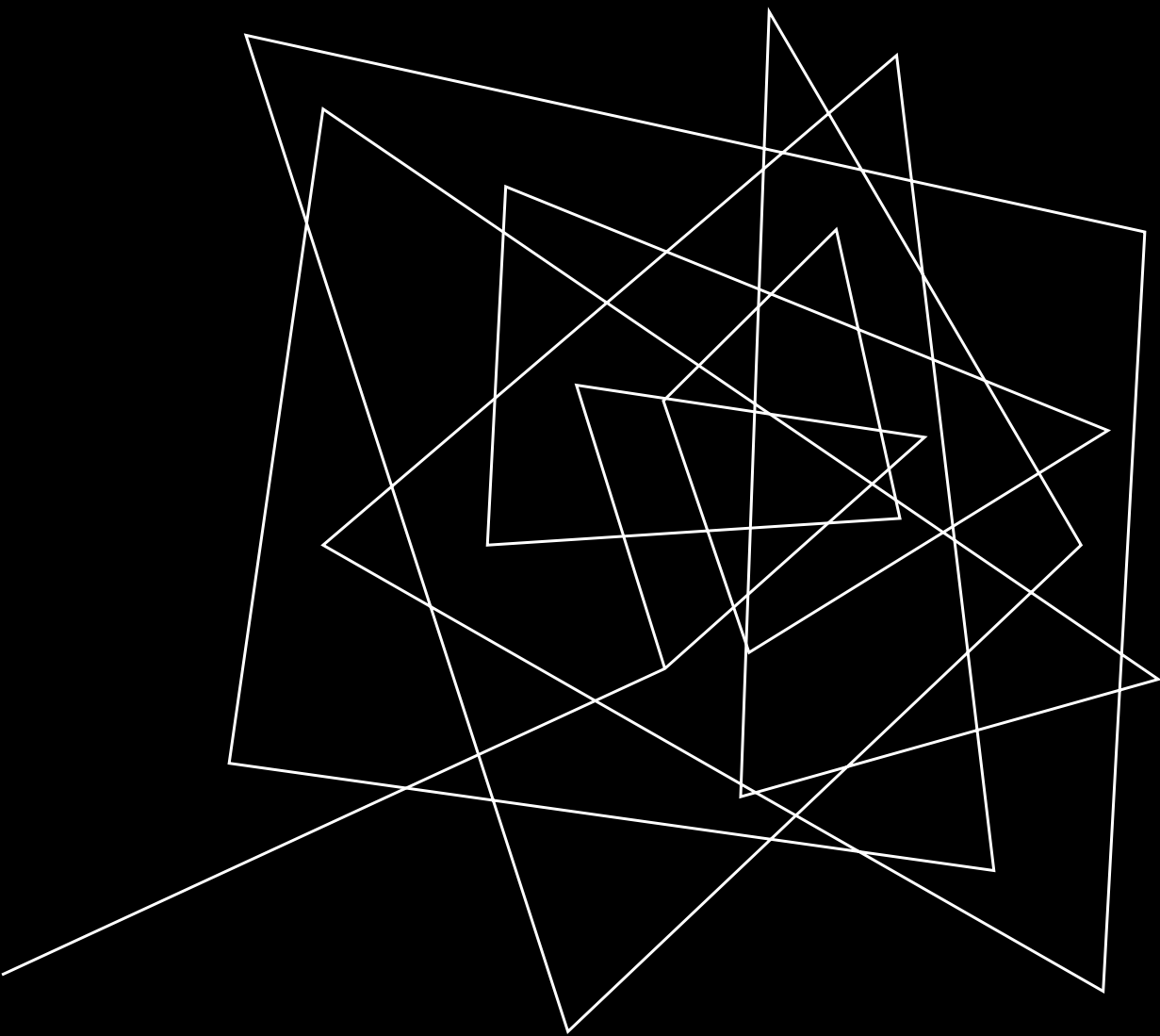
- The Municipal Act, 2001. S.O. Chapter 25 and amendments;
- The Municipal Conflict of Interest Act;
- The Municipal Elections Act, 1996; and
- The Municipal Freedom of Information and Protection of Privacy Act.
- The Criminal Code of Canada also governs the conduct of Members of Council

KEY GOVERNING PRINCIPLES

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

Members of Council should be committed to performing their functions with integrity and transparency.

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.



THE COMPLAINT PROTOCOL

INFORMAL COMPLAINT PROCEDURE

Encouraged to use this avenue first

- However, it is not required that the informal procedure be exhausted prior to using the Formal Procedure (to be discussed next)
- Integrity Commissioner may be part of this process with the consent of the complainant and Council Member

Any person or...organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in Contravention of the Code may address same as follows:

1. advising the Council member that the behaviour or activity contravenes the Code;
2. encouraging the member to stop the prohibited behaviour or activity;
3. keeping a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
4. if applicable, confirming to the member you are satisfied with his/her response; or, if applicable, advising the member of your dissatisfaction with the response; and
5. considering 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.



FORMAL COMPLAINT PROCEDURE: STEPS

1. INTEGRITY COMMISSIONER REQUESTS FOR INQUIRIES
2. INITIAL CLASSIFICATION BY INTEGRITY COMMISSIONER
3. INTEGRITY COMMISSIONER INVESTIGATION
4. COUNCIL REVIEW
5. CONFIDENTIALITY

1. INTEGRITY COMMISSIONER REQUESTS FOR INQUIRIES

Request for an investigation of a complaint that a breach of the Code or sections 5, 5.1, or 5.2 shall be sent directly to the Integrity Commissioner by mail, email, fax or courier in the form found [here](#)

The complaint must set out reasonable and probable grounds for the allegation that a member has breached the Code – should include:

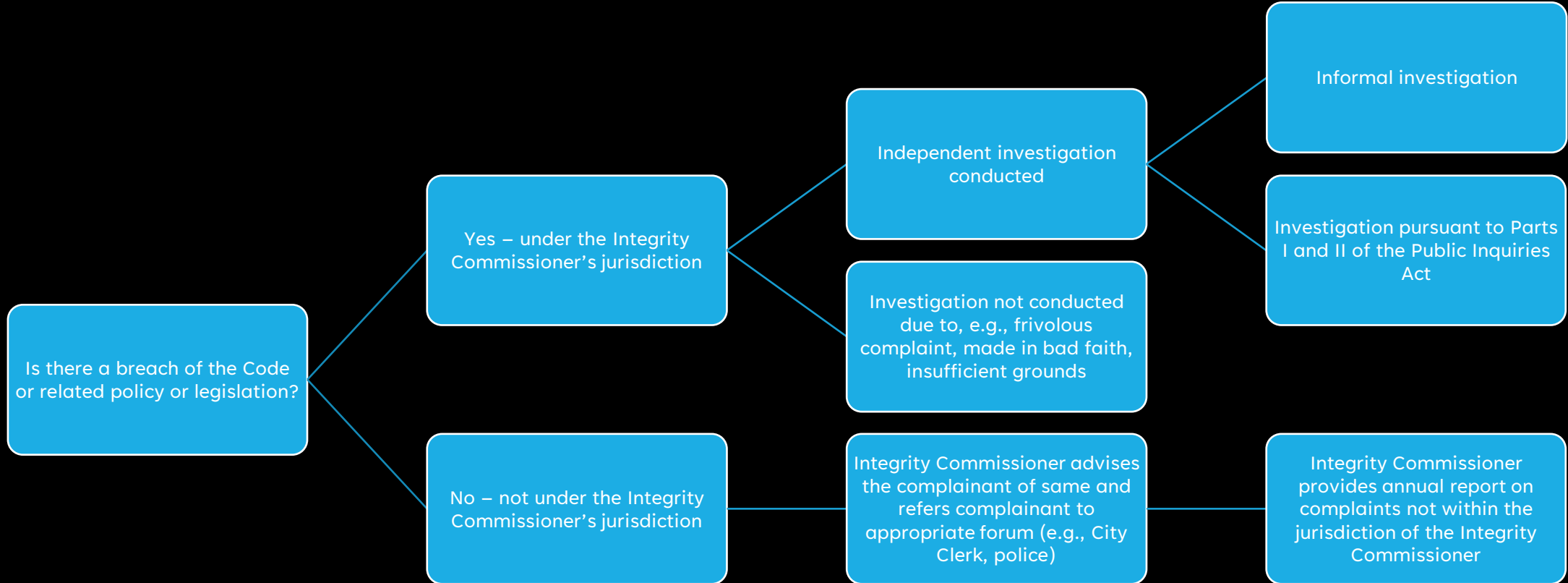
- name of alleged violator
- Provision of the Code breached
- Relevant facts
- Names and contact info for all relevant parties

Limitations period on complaints under the Code expires 6 months after the behaviour is first learned of by complainant

- 6-week limitation period for complaints made under the Municipal Conflict of Interest Act

<h2 style="margin: 0;">Schedule "A" - Formal Complaint Form - Council Code of Conduct</h2>													
<p>I _____ hereby request the Integrity Commissioner for the City of Brampton to conduct an inquiry pursuant to Part V.1 of the <i>Municipal Act, 2001</i> about whether or not the following member(s) of the City Council has (have) contravened the Council Code of Conduct applicable to the member(s):</p> <div style="border: 1px solid black; height: 100px; margin-top: 10px;"></div>	<p>I hereby request the Integrity Commissioner to conduct an inquiry pursuant to the provisions of section 223.4 of the <i>Municipal Act, 2001</i> with respect to the above conduct.</p> <p>Attached are copies of documents and records relevant to the requested inquiry. Please mail, fax mail, fax, e-mail, or otherwise deliver this request to:</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> <p>Muneeza Sheikh Integrity Commissioner City of Brampton</p> </div> <div> <p>Phone: 416.597-6482 E-mail: integrity.commissioner@brampton.ca</p> </div> </div>												
<p>I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the Council Code of Conduct by reason of the following (please insert date, time and location of conduct, including the Rules contravened, together with particulars and names of all persons involved, and of all witnesses, and information as to how they can be reached; if more space is required, please attach additional pages as needed):</p> <div style="border: 1px solid black; height: 300px; margin-top: 10px;"></div>	<p>Date: _____</p> <div style="border: 1px solid black; height: 40px; margin-top: 10px;"></div> <p style="text-align: right;">(Signature of Complainant)</p>												
<p>Contact Information (Please Print)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; padding: 5px;">Name:</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Address:</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Telephone:</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Mobile:</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Fax:</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">E-mail:</td> <td style="padding: 5px;"></td> </tr> </table>		Name:		Address:		Telephone:		Mobile:		Fax:		E-mail:	
Name:													
Address:													
Telephone:													
Mobile:													
Fax:													
E-mail:													
<p>Personal information on this form is collected under authority of the Municipal Act, SO 2001, c.25 and will be used for the purpose of and any investigation by the City of Brampton Integrity Commissioner. Questions about the collection of this personal information should be directed to the City of Brampton Integrity Commissioner, integrity.commissioner@brampton.ca or through the City Clerk's Office at 905.874.2101 or cityclerksoffice@brampton.ca.</p>													

2. INITIAL CLASSIFICATION BY INTEGRITY COMMISSIONER



PUBLIC INQUIRIES ACT INVESTIGATION



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.



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.



INVESTIGATION PROCEDURE

1. Serve the complaint and supporting material on the member whose conduct is in question and request a response by way of affidavit or otherwise within ten days (may request a reply to response from complainant within ten days)
2. Speak to anyone relevant to the complaint, access and examine any of the information described in subsection 223.4(3) and (4) of the Municipal Act, and enter any City work location relevant to the complaint for the purposes of investigation and settlement (if necessary)
3. Based on findings, complaint is either sustained or dismissed

REPORTING OBLIGATIONS DURING INVESTIGATION

- Integrity Commissioner shall not issue report finding violation of the Code of Conduct unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity in person/in writing to comment on proposed finding and recommended sanction.
- Integrity Commissioner may make interim reports to Council where necessary to address instances of interference, obstruction or retaliation encountered during the investigation.
- Integrity Commissioner shall report to complainant and the member generally no later than 90 days after making of the complaint.
- If complaint is sustained → Integrity Commissioner shall report to Council outlining the findings, terms of any settlement, or recommended corrective action.
- If complaint is dismissed, other than in exceptional circumstances → Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.

REPORTING OBLIGATIONS DURING INVESTIGATION – CONT'D

- Any recommended corrective action by Integrity Commissioner must be permitted in law and shall be designed to ensure that inappropriate behaviour/activity does not continue.
- If Integrity Commissioner determines that:
 - No contravention of Code occurred; or
 - Member took all reasonable measures to prevent contravention; or
 - Contravention was trivial/committed through inadvertence or error of judgement made in good faith; then
- the IEC shall state as such in report and recommend that no penalty be imposed.
- City Clerk shall process the report for the next meeting of Council.

3. COUNCIL REVIEW

- Council shall consider and respond to report within 90 days after the day the report is laid before it.
- In responding to report, Council may vary recommendation that imposes penalty, but shall not refer the recommendation other than back to Integrity Commissioner.
- Council can terminate Integrity Commissioner by a majority vote of all members (Resolution C066-2022)
- Upon receipt of recommendations from Integrity Commissioner, where Integrity Commissioner determined that Code has been violated, Council may impose either:
 - a reprimand; or
 - suspension of the remuneration paid to Member for up to 90 days

3. COUNCIL REVIEW

The Integrity Commissioner may also recommend:

- removal from membership of a committee;
- removal as chair of a committee;
- repayment/reimbursement of monies received;
- return of property/reimbursement of its value;
- a written and/or verbal request for an apology to Council, the complainant, or both.



IMPORTANCE OF CONFIDENTIALITY & TRANSPARENCY

- 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.
- 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
- All reports from the Integrity Commissioner to Council will be made available to the public.
- 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.
- 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.



COMMENTS & RECOMMENDATIONS ON THE CODE

INTRODUCE REQUIREMENT FOR PERIODIC REVIEW OF CODE FOR PURPOSES OF UPDATING WHERE NECESSARY

- *last significant updates took place in 2016*
- *for frequent reviews are necessary to ensure the code stays relevant and is in accordance with associated legislation*

INTRODUCE CODE OF CONDUCT “LITE” FOR COUNCIL-APPOINTED CITIZEN ADVISORY COMMITTEES AND INDEPENDENT ADMINISTRATIVE TRIBUNALS

- *currently, the code applies to local boards and advisory committees – undoubtedly a need for their own specific code, or code of conduct “lite”*

BOLSTER CONFLICT OF INTEREST PROVISIONS CONTAINED IN THE CODE TO BETTER CLARIFY MEMBERS’ OBLIGATIONS

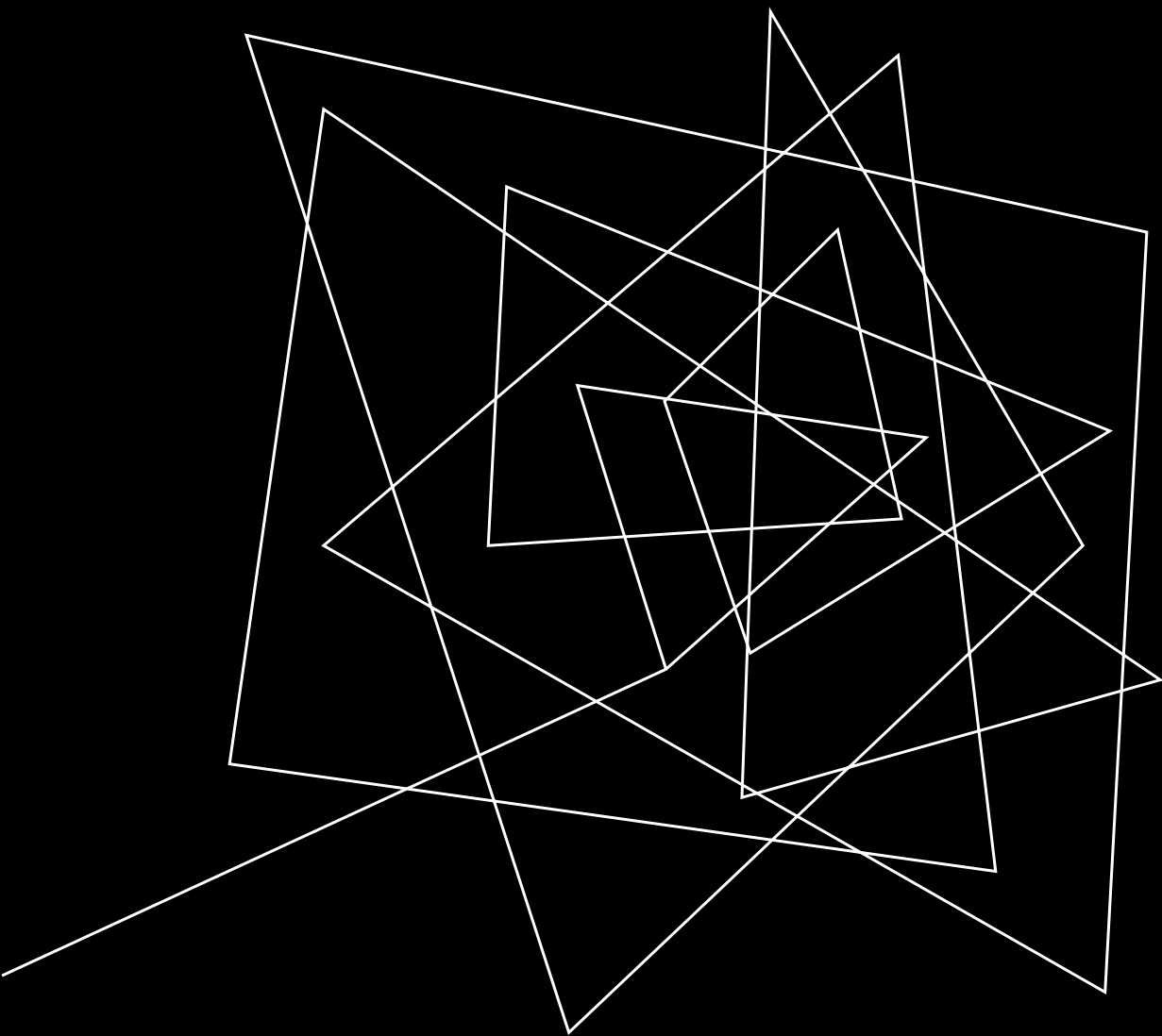
- *Conflicts are not limited to legislated pecuniary interests*

REGULARLY SCHEDULED PERIODIC TRAINING FOR ALL COUNCIL AND LOCAL BOARD MEMBERS ON THE CODE

- *This training should include review of consequences of breach of Code*

INCORPORATE REFERENCE TO ONTARIO HUMAN RIGHTS CODE, OCCUPATIONAL HEALTH AND SAFETY ACT, OCCUPATIONAL HEALTH AND SAFETY AMENDMENT ACT (2009), AS WELL AS THE CITY’S INTERNAL POLICIES

INCORPORATE PROGRESSIVE DISCIPLINE PROCEDURE FOR STANDARD BREACHES



LOBBYIST REGISTRY & OBLIGATIONS

LOBBYIST REGISTRY



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?



A large blue geometric shape, resembling a stylized 'L' or a corner, occupies the left side of the slide. It is composed of two main rectangular areas meeting at a diagonal line that runs from the top-left towards the bottom-right.

LOBBYING

WHAT IS IT?

Any communication with a public office holder by a person who represents a business or financial interest – the goal being to try and influence any legislative action

THREE MAIN TYPES OF LOBBYIST

Consultant lobbyist

In-house lobbyist

Voluntary unpaid lobbyist

EXAMPLES OF LOBBYING

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

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

A local business meets with a Council member to request funding for a new film studio being built in Brampton.



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:

Step 1:Registration as a Lobbyist –registration may remain valid for the term of Council

Step 2:Registration of subject matter –a registration item must be created for each issue or topic being lobbied

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

WHO IS EXEMPT FROM THE REGISTRY?

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)
- Members, directors, officers, employees or consultants retained by the following publicly-funded healthcare institutions: Brampton Civic Hospital; Peel Memorial Centre for Integrated Health and Wellness
- Members, directors, officers, employees or consultants retained by the following municipal associations: Association of Municipalities of Ontario and Federation of Canadian Municipalities

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

WHY DO I NEED TO KNOW?

- Depending on your position, you may find that you are lobbied from time to time
- 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
- There is no negative impact on staff. This initiative is about transparency and accountability to the public

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 (or your position) as being lobbied
- Search the Registry at: [Registry](#)
- If you have concerns, that lobbying activity has not been registered, speak to your immediate supervisor and/or the Lobbyist Registrar
- If a lobbyist has been prohibited from lobbying, you must stop lobbying-related communication with them, and inform the Lobbyist Registrar

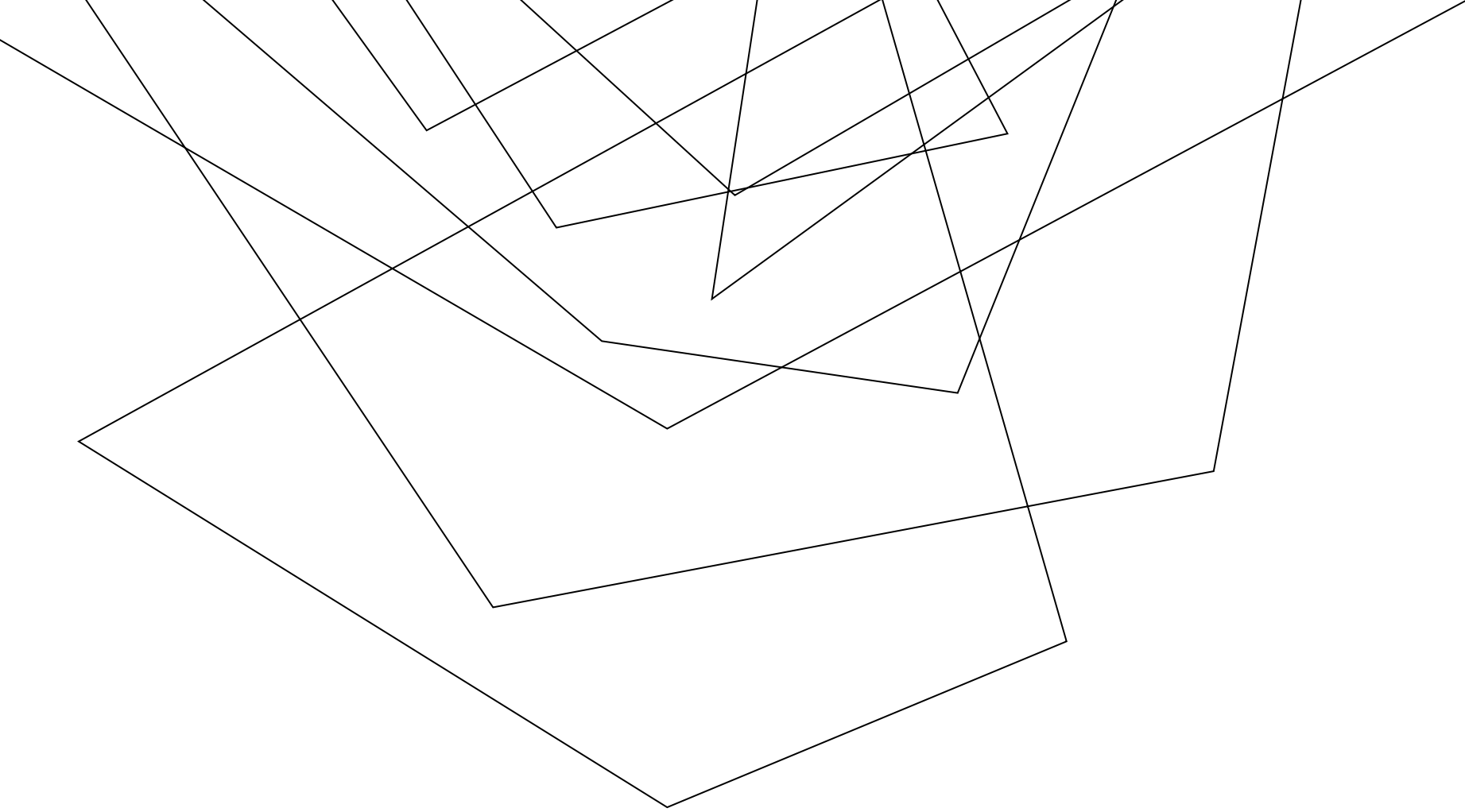
WHO ENFORCES THE REGISTRY?

- 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:

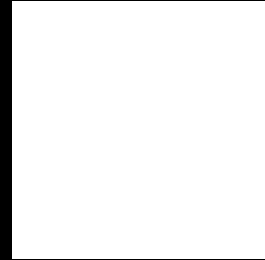
First contravention –a lobbyist may be prohibited from lobbying public office holders for 30 days;

Second contravention –a lobbyist may be prohibited from lobbying public office holders for a period of 90 days; and

Third or subsequent contravention –the Lobbyist Registrar will determine an appropriate penalty that is greater than a penalty for a second contravention.



DISCUSSION/QUESTIONS



MUNEEZA SHEIKH

*Integrity and Ethics
Commissioner*

THANK YOU

MUNEEZA SHEIKH
416-594-3900
msheikh@levittllp.com