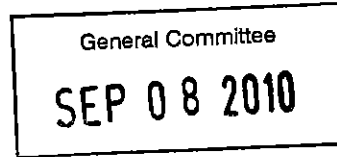




Corporate Report

Clerk's Files

Originator's
Files



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DATE: August 31, 2010

TO: Chair and Members of General Committee
Meeting Date: September 8, 2010

FROM: Mary Ellen Bench, BA, JD, CS
City Solicitor

SUBJECT: **Code of Conduct for Mayor and Members of Council and
Appointment of an Integrity Commissioner**

RECOMMENDATION: 1. That Council consider the public input received and the recommendations contained in the City Solicitor's report dated May 5, 2010 titled "Code of Conduct for Mayor and Members of Council and Appointment of an Integrity Commissioner" and provide appropriate instruction to staff.

BACKGROUND: General Committee at its meeting of May 19, 2010 considered the report of the City Solicitor dated May 5, 2010 titled "Code of Conduct for Mayor and Members of Council and Appointment of an Integrity Commissioner". This report discussed the process that the Council-appointed *ad hoc* committee followed in creating a draft Code of Conduct for Mayor and Members of Council and recommendations respecting the appointment of an Integrity Commissioner, for Council's consideration. The report recommended that once an Integrity Commissioner is appointed, staff and the Commissioner report back to Council on both a formal and informal complaint protocol.

After considering comments made by Members of Council and by the public, General Committee referred the draft Code of Conduct back to the *ad hoc* committee for further review and a report back to General Committee. At that time it was recommended that the City Clerk also assist in providing support to the committee, whose members are Councillors Adams, Carlson and Mahoney. A final review by the committee resulted in some minor changes to the draft Code of Conduct to provide clarification.

The committee recommended that the draft Code of Conduct be circulated for public comment to all ratepayers' groups, BIAs, in addition to being posted on the City's website. In addition, a media release was sent at the same time to advise that the Code of Conduct was posted for public comment. The Committee determined that the window for public comment be open to mid-August so that this report could be considered at the first General Committee meeting in September, thereby allowing time to finalize the Code of Conduct so that it can be effective immediately following the next municipal election.

COMMENTS:

The changes recommended by the committee relate primarily to clarification, bringing definitions closer to their legislative counterparts and adding definitions where appropriate to do so. These clarifications were made prior to the draft Code of Conduct being posted for public commentary to ensure that comments were received on the most accurate draft document. Submissions were received from three individuals and from MIRANET. One of those individuals, Gregory Levine, is not a resident of the City of Mississauga but is a lawyer who has been retained by the City of Kitchener since June 2009 to act as its Integrity Commissioner. Given his expertise and given the thought he has put into reviewing the draft Code of Conduct, his comments have been included in this report. The full submissions made by the public are attached to this report as Appendices 2-5.

The following is a summary of the comments received:

- concern was expressed about circulation of the document over summer months.

- the final report and recommendations of the ongoing Mississauga Judicial Inquiry should be central to the creation of the Code of Conduct.
- the Code of Conduct should not be finalized until there is a new (post-election) Council in place to consider and possibly approve it.
- the need for a Code of Conduct and the cost to the taxpayers of implementing one should be presented to the public in a comprehensive and transparent manner.
- the Ontario Ombudsman's office should fill this role.
- an ethical infrastructure needs to be put in place to support an Integrity Commissioner.
- the Code of Conduct should preclude election contributions from unions, developers or any other group with a potential conflict of interest.
- candidates in a municipal election should be forced to disclose sources of revenue for their campaigns in a document accessible to the general public pre-election.
- while not required to be included in a municipal Code of Conduct, a complaint system and enforcement processes will need to be articulated.
- the Code should include a mechanism for review every few years, and allow for change as necessary on an ongoing basis.
- the framework and interpretation provisions should be clarified to confirm that where an elected official discloses all known facts to the Integrity Commissioner and the circumstances have not changed, not only can the Member rely on the advice given respecting the Code of Conduct, the Integrity Commissioner will be bound by the advice given in the event that he or she is asked to investigate a complaint.
- under *Framework and Interpretation*, elected officials seeking clarification who are provided advice in a general way, should not have the same ability to rely on advice given in respect of specific facts.
- in referencing *municipal conflict of interest*, greater clarity should be given to ensure that the Integrity Commissioner can deal with matters beyond pecuniary interest.

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- it must be clear to Members of Council that while they may rely on advice given to them by the Integrity Commissioner respecting the *Municipal Conflict of Interest Act*, it is still open to electors to challenge them respecting pecuniary conflicts under that legislation.
- in order to properly investigate complaints, the procedural powers of the Integrity Commissioner must be clearly set out, and the process should provide for a hearing opportunity for the Councillor alleged to have violated the Code.
- the commentary under a number of the Rules could be linked together in several places.
- the legitimate release of *confidential information* by an individual where wrongdoing may have occurred and possibly a section on whistleblowing, should be considered, however, it is acknowledged that this is a novel concept for Codes of Conduct in Canada.
- rules respecting the conduct of members of Council towards staff are clear however similar rules do not exist respecting members of the public, and Council may wish to consider this.
- the experience in some municipalities have been that reports of Integrity Commissioners are simply tabled and, requirements respecting compliance should therefore be strengthened so far as possible to require Council to make decisions either for or against Integrity Commissioner recommendations.

The following information is provided in response to the above-noted comments:

- in respect of the cost of implementing an Integrity Commissioner role, a further report will be presented to City Council, as described in the City Solicitor's report dated May 5, 2010, after an Integrity Commissioner is selected. The purpose of proceeding in this way is to allow that individual to provide input on how the role of the Integrity Commissioner should be carried out and therefore ensure a high level of transparency. This will also allow staff to properly assess the costs of performing the duties of the office.

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- the Provincial Ombudsman has no jurisdiction to fill the role of Integrity Commissioner in a municipality and the Ombudsman is expressly prohibited from accepting such employment by virtue of s.5 of the *Ombudsman Act*. Furthermore, the role of an Integrity Commissioner appointed under s.223.3 of the *Municipal Act, 2001* is significantly different than that of the Provincial Ombudsman.
- Council does not have the legal authority to preclude election contributions from identified groups . S.70.1 of the *Municipal Elections Act, 1996* only authorizes the City of Toronto to enact such a by-law. To apply such a rule would require an amendment to the *Municipal Elections Act, 1996*, which would apply to all candidates.
- Council does not have the legal authority to place rules in a Code of Conduct that would force disclosure of campaign contributions prior to the municipal election. An amendment to the *Municipal Elections Act, 1996* is required to do this, and would apply to all candidates for office.

FINANCIAL IMPACT: N/A at this time.

CONCLUSION:

General Committee at its meeting of May 19, 2010 considered the report of the City Solicitor dated May 5, 2010 titled "Code of Conduct for Mayor and Members of Council and Appointment of an Integrity Commissioner". After considering comments made by Members of Council and by the public, General Committee referred the draft Code of Conduct back to the *ad hoc* committee for further review and a report back. The committee recommended that the draft Code of Conduct be circulated for public comment to all ratepayers' groups, BIAs, in addition to being posted on the City's website. This report sets out the results of the public consultation process and asks for direction regarding how to proceed.

ATTACHMENTS:

- Appendix 1: Report of the City Solicitor dated May 5, 2010 titled "Code of Conduct for Mayor and Members of Council and Appointment of an Integrity Commissioner".
- Appendix 2: Submission made by Dorothy Tomiuk on behalf of MIRANET

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- Appendix 3: Submission made by Ursula Bennett (Mississauga Watch)
- Appendix 4: Submission made by Roy Madill
- Appendix 5: Submission made by Greg Levine



Mary Ellen Bench, BA, JD, CS
City Solicitor

Prepared By: Mary Ellen Bench, City Solicitor



Corporate Report

DATE: May 5, 2010

TO: Chair and Members of General Committee
Meeting Date: May 19, 2010

FROM: Mary Ellen Bench, BA, JD, CS
City Solicitor

SUBJECT: **Code of Conduct for Mayor and Members of Council and
Appointment of an Integrity Commissioner**

- RECOMMENDATION:**
1. That Council approve the draft Council Code of Conduct attached to the City Solicitor's report dated May 5, 2010 titled "Code of Conduct for Mayor and Members of Council and Appointment of an Integrity Commissioner";
 2. That Council approve the mandate of the Integrity Commissioner, substantially as detailed in this report;
 3. That appropriate staff be authorized to advertise for the purpose of seeking applicants for the position of Integrity Commissioner;
 4. That three Members of Council be appointed to interview candidates and evaluate the responses received, and make a recommendation to Council on an individual to be appointed Integrity Commissioner and that the posting of Integrity Commissioner be a part-time position;
 5. That the list of qualifications of the Integrity Commissioner detailed in this report be approved and form the basis for the evaluation of candidates;
 6. That City staff, in consultation with the Integrity Commissioner once retained, report back for final approval by Council, on a complaint protocol that allows for the processing of both formal and informal complaints respecting alleged

- breaches of the Council Code of Conduct;
7. That the Council Code of Conduct come into effect immediately following the municipal election to be held on October 25, 2010 and that the Integrity Commissioner and appropriate City staff report back to City Council six months before a regular municipal election, with any recommendations for amendment to the Council Code of Conduct;
 8. That a by-law be authorized to establish the office of Integrity Commissioner, reflecting the substance of this report.

BACKGROUND:

City Council at its meeting of October 28, 2009 passed Resolution 0245-2009 requesting staff to bring a report back to Council providing a range of options to put in place a Code of Conduct that would apply to the Mayor and Members of Council of the Corporation of the City of Mississauga, and to provide a range of options for Council to consider with respect to the retention of an Integrity Commissioner.

City Council at its meeting of November 18, 2009 considered and approved the report of the City Solicitor dated November 9, 2009 titled "Code of Conduct for Mayor and Members of Council and Integrity Commissioner". On November 25, 2009 Council enacted Resolution 0274-2009, establishing a committee of Council made up of Councillors Adams, Mahoney and Carlson ("the Committee"), with staff support from the City Manager and CAO and the City Solicitor, to prepare a Council Code of Conduct for Council's consideration and to determine the mandate of an Integrity Commissioner and the implementation of the Office of Integrity Commissioner.

COMMENTS:

Section 223.2 of the *Municipal Act, 2001* authorizes a municipality to establish a Code of Conduct for Members of Council or local boards of the municipality, and to provide for penalties for a breach of the Code. Section 322.2 of the Act also authorizes a municipality to appoint an Integrity Commissioner to be responsible for applying the Code of Conduct and any other procedures or rules governing the ethical behaviour of Members of Council in an independent manner. The role of an Integrity Commissioner may also include providing advice or assistance respecting certain policy development issues, providing advice to Members of Council, providing ethics education and training to Members of Council, in addition to the investigation of

complaints and complaints adjudication. A Code of Conduct for the Mayor and Members of Council and the appointment of an Integrity Commissioner is mandatory for the City of Toronto only however, several other municipalities including Vaughan, Hamilton, Kitchener, Aurora, Windsor, Woodstock, Port Hope, London and St. Catharines have chosen to implement Codes of Conduct for Mayor and Members of Council. The practices and experiences of these other jurisdictions have been taken into account in drafting the Council Code of Conduct attached to this report and in making recommendations respecting the role of the Integrity Commissioner.

1. Councillor Code of Conduct

It is important to note that the purpose of a Code of Conduct is to establish a common basis of understanding for acceptable conduct that extends beyond the statutory requirements and is intended to ensure that the public confidence in the ethics and integrity of elected officials is maintained, the Code is not a perfect solution and it will therefore be the responsibility of the Integrity Commissioner to interpret the document and provide guidance where necessary or appropriate.

The Committee selected the City of Vaughan Code of Conduct as the primary model to be used in its consideration of a City of Mississauga Code of Conduct for the Mayor and Members of Council. The City of Vaughan Code of Conduct in turn relies heavily upon the City of Toronto Code of Conduct as its base document. As a result, the proposed Code of Conduct attached to this report substantially reflects the provisions of both the Toronto and Vaughan documents in the rules of conduct that are identified. It adopts the Vaughan format of providing explanatory comments under each rule to assist Members of Council, staff and the general public to interpret what the committee intended to capture by each rule. It also reflects relevant statutory and other City policies that relate to the matters covered by the Code of Conduct.

As set out in the proposed Council Code of Conduct, the Code proposes 18 rules respecting conduct by Members of Council that are intended to work together with applicable City policies and with the provisions of the *Municipal Act, 2001*; the *Municipal Conflict of*

Interest Act; the Municipal Elections Act, 1996; the Municipal Freedom of Information and Protection of Privacy Act; and the Criminal Code of Canada. In addition to setting out these rules, the Code contains significant commentary and examples of behaviour that could be captured by each of the rules. The examples and commentary are not exhaustive but represent practical issues addressed or experienced in other jurisdictions. The rules set out in the Council Code of Conduct are as follows:

- Rule 1 – Key Principles that Underlie the Code of Conduct
- Rule 2 – Gifts and Benefits
- Rule 3 – Councillor Expenses
- Rule 4 – Confidential Information
- Rule 5 – Use of City Staff, Property, Services and Other Resources
- Rule 6 – Election Campaigns
- Rule 7 – Improper Use of Influence
- Rule 8 – Business Relations
- Rule 9 – Conduct of Council at Committee Meetings and When Representing the City
- Rule 10 – Media Communications
- Rule 11 – Respect for the City and its By-laws and Policies
- Rule 12 – Respectful Workplace Policy
- Rule 13 – Conduct Respecting Staff
- Rule 14 – Employment of Council Relatives/Family Members
- Rule 15 – Failure to Adhere to Council Policies and Procedures
- Rule 16 – Reprisals and Obstruction
- Rule 17 – Acting on Advice of Integrity Commissioner
- Rule 18 – Compliance with the Code of Conduct

2. The Integrity Commissioner

The function of the Integrity Commissioner is to hold the legislative arm of municipal government accountable. While the Integrity Commissioner must have full independence in carrying out its role, the Integrity Commissioner will be accountable directly to City Council. Given the nature and degree of interface the Integrity Commissioner will have with Members of Council, to ensure independence and accountability it is recommended that the Integrity Commissioner be appointed by by-law to a five-year non-renewable term.

To ensure that the Integrity Commissioner has the necessary security of tenure and cannot be removed from office for what may be viewed as political reasons or because of an unfavourable investigation result, it is recommended that once appointed, the Integrity Commissioner can only be removed by a two-thirds vote of all Members of City Council.

It is recommended that the position be a part-time one, paid at an hourly rate plus a monthly retainer. It is also proposed that a term of the contract with the Integrity Commissioner provide that a resignation from office require at least three months written notice to the Mayor and Members of Council, so that there is sufficient time to find a replacement. It is also recommended that remuneration be determined through an external review benchmarked against similar positions in other municipalities. Budget requests and office staffing authority should be determined directly by City Council in order to ensure the independence of the Integrity Commissioner.

It is recommended that a Council subcommittee be established for the purpose of evaluating and interviewing candidates for the position of Integrity Commissioner and that the committee report back to Council with a recommendation. This process would be similar to the process used by Council to select candidates to sit as directors on the board of Enersource Corporation. It is recommended that the City's usual criteria respecting residency be waived for this position to broaden the field of potential qualified candidates.

The following are the qualifications that a candidate for the position of Integrity Commissioner should possess:

- proven impartiality and neutrality, comparable to that of a judge;
- ability to provide services on a part-time, flexible and as-needed basis without competing employment demands;
- no other involvement in political campaigning/endorsements, no political party membership and no related conflict of interest;
- no financial interest in the work undertaken by the City;
- an independent person known to have high ethical standards;

- experience managing sensitive inquiries, conducting investigations and making appropriate recommendations;
- excellent communication skills;
- familiarity with investigatory procedures and applicable legal principles, particularly as they relate to evidence, legal interpretation and natural justice;
- general knowledge of and appreciation of municipal government;
- ability to interpret and apply the provisions of various statutes, regulations, policies and other enabling documents;
- impartiality, wisdom, sound judgment combined with the ability to inspire trust and confidence;
- at least 10 years of senior-level management, legal, tribunal or judicial experience with preference given to those with judicial experience

Mandate

It is proposed that the mandate of the Integrity Commissioner be broad and include the following roles:

Advisory: The Integrity Commissioner will provide advice to individual Members of Council and to Council as a whole, where appropriate. It is not intended that the Integrity Commissioner respond to requests for advice from staff or members of the public. The appropriate vehicle for staff and members of the public to seek input from the Integrity Commissioner is to make a complaint, formally or informally, regarding a specific matter or incident. This will be discussed further below.

The Mayor or Members of Council may seek advice from the Integrity Commissioner on any matter relating to the Code of Conduct, which would include issues around staffing, office expenses, conflict of interest issues, the handling of invitations, gifts and benefits, ward-related issues or any other matter that relates to the elected office held. Questions and responses may be oral or in writing. Responses may be confidential or where they could be of broader relevance, it is recommended that the Integrity Commissioner be authorized to establish a registry of questions and responses made as long as this is done in a very generic way so that the confidentiality of the

individuals involved in the issue is at all times protected.

Educational: The Integrity Commissioner may recommend or be called upon by Council to provide training sessions regarding ethics issues and municipal government for Members of Council and staff. Additionally, Integrity Commissioners may serve an educational role by publishing in a generic form, the advice given, and through reports to Council, including an annual report of the Integrity Commissioner's activities.

Complaints Investigation

The Integrity Commissioner will be responsible for assessing and investigating complaints made to him or her by a Member of Council, a member of staff or a member of the public respecting an alleged breach of the Council Code of Conduct. The *Municipal Act* provides that in conducting such an investigation, the Integrity Commissioner, within the parameters of the delegated authority provided, is responsible for determining how investigations will be conducted however it is appropriate for Council to place timelines on when the Commissioner is required to report back. An Integrity Commissioner cannot go backwards in time and investigate matters prior to the adoption of a Code of Conduct and the appointment of a Commissioner.

In conducting an inquiry, the Integrity Commissioner would be entitled to access all records, accounts, books and documents belonging to or used by the municipality that the Commissioner feels are relevant to the investigation, save and except constituency records of Members of Council.

In investigating alleged breaches of the Council Code of Conduct, the Integrity Commissioner may choose to conduct an inquiry using the powers under Parts I and II of the *Public Inquiries Act*. If the Commissioner chooses to conduct such a hearing, the hearing shall be held in public unless the Commissioner finds the matters involve public security or intimate financial or personal matters that the Commissioner determines should not be disclosed. In such a situation, the Integrity Commissioner would have the right to summon witnesses to testify under oath or to furnish evidence. To date, no Integrity Commissioner appointed by a municipality has exercised the authority

granted under the *Public Enquiries Act*.

Complaints Adjudication

It is the responsibility of the Integrity Commissioner, once the necessary investigation has been conducted, to determine whether a Member of Council has violated the Council Code of Conduct or any other relevant City protocol, by-law or policy governing the Member's ethical behaviour. The Integrity Commissioner may be requested to recommend appropriate sanctions against a Member of Council found in breach however, the imposition of a penalty is generally left to Council's discretion.

Duty of Confidentiality

Regardless of whether the Integrity Commissioner is conducting an investigation or providing advice, the *Municipal Act, 2001* requires the Commissioner and every person acting under his or her instructions, to keep confidential all information that is gained in the course of carrying out these duties. This confidentiality requirement prevails over the requirements of disclosure under the *Municipal Freedom of Information and Protection of Privacy Act*. As well, it extends to reports that the Commissioner may provide to Council from time to time. As such, if the Integrity Commissioner provides reports to Council respecting the Commissioner's activities, he or she may summarize advice given but not disclose confidential information that could identify the individuals concerned. An exception to the strict provisions respecting confidentiality exists where the Commissioner determines there has been a contravention of other legislation, including the *Criminal Code*. In the circumstances, the matter must be referred to the appropriate authorities for police investigation and the investigation by the Integrity Commissioner will be suspended until that matter is completed.

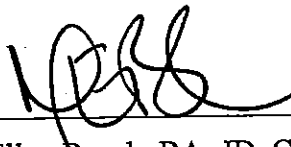
FINANCIAL IMPACT: The cost associated with retaining an Integrity Commissioner and establishing the necessary office for this position are yet to be determined and will be presented to Council for its consideration as part of the 2011 budget submissions.

CONCLUSION:

Pursuant to Council Resolution 0274-2009 a Committee of Council made up of Councillors Adams, Mahoney and Carlson, supported by the City Manager and CAO and the City Solicitor, have submitted recommendations for City Council's consideration respecting a Council Code of Conduct and the appointment of an Integrity Commissioner. It is recommended that the Council Code of Conduct be enacted immediately following the municipal election to be held on October 25, 2010 and that an Integrity Commissioner be selected in accordance with this report prior to that time.

ATTACHMENTS:

Appendix 1: Draft Council Code of Conduct



Mary Ellen Bench, BA, JD, CS
City Solicitor

Prepared By: Mary Ellen Bench, City Solicitor

**Draft Council Code of Conduct
May, 2010**

Whereas the *Municipal Act, 2001* authorizes municipalities to establish a *Code of Conduct* for Members of Council or local boards of the municipality;

And whereas the establishment of a *Code of Conduct* for Members of Council is consistent with the principles of transparent and accountable government;

And whereas the establishment of a *Code of Conduct* for Members of Council is also reflective of the City's core values of Trust, Quality and Excellence in public service;

And whereas the elected officials of the City of Mississauga have and continue to recognize their obligation to serve their constituents in a conscientious and diligent manner recognizing that as leaders of the community, they are held to a higher standard of behaviour and conduct;

And whereas ethics and integrity are at the core of public confidence in government and in the political process, and elected officials are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence, avoids the improper use of influence of their office and conflicts of interests, both apparent and real and the need to uphold both the letter and the spirit of the law including policies adopted by Council;

And whereas a *Code of Conduct* ensures that Members of Council share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Members of Council as set out in the *Municipal Act, 2001*; *Municipal Conflict of Interest Act*; *Municipal Elections Act, 1996*; and the *Municipal Freedom of Information and Protection of Privacy Act*.

Now therefore the Council of the City of Mississauga adopts certain rules in the form of a *Council Code of Conduct* that further underscore the requirement that elected officials be independent, impartial, and duly responsible in serving their constituents.

Application

This *Code of Conduct* applies to the Mayor and all Members of Council ("Members")

Framework and Interpretation

1. The *Code of Conduct* is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein.
2. Commentary and examples used in this *Code of Conduct* are illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document and supplementary materials may also be produced by the Integrity Commissioner as deemed appropriate.

3. Where an elected official discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice provided by the Integrity Commissioner.
4. Elected Officials seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.
5. The *Municipal Act, 2001* is the primary piece of legislation governing municipalities however there are other statutes that govern the conduct of elected municipal officials. It is intended that the *Code of Conduct* operate together with and as a supplement to the following legislation:
 - *Municipal Act, 2001*;
 - *Municipal Conflict of Interest Act*;
 - *Municipal Elections Act, 1996*;
 - *Municipal Freedom of Information and Protection of Privacy Act*;
 - *Criminal Code of Canada*.

Definitions

- a. In the *Code of Conduct* the terms “child”, “parent” and “spouse” have the same meanings as in the *Municipal Conflict of Interest Act*:

“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;

“parent” means a parent 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;

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage;

- b. “Family Member” means a spouse, common-law partner, or any other person with whom the person is living as a spouse outside of marriage;
 - parent, includes step-parent and legal guardian;
 - child, includes step-child and grand-child;
 - 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.
- c. “Member” means a member of the Mississauga City Council, including the Mayor.
- d. “staff” includes the City Manager and Chief Administrative Officer, Commissioners, Directors, Managers, Supervisors and all non-union and union staff whether full-time, part-time, contract, seasonal or volunteers.

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- e. "Nomination Day" means the last day for filing or withdrawing a nomination as provided for by the *Municipal Elections Act, 1996*.

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Rule No. 1

Key Principles that Underlie the Code of Conduct:

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

Commentary

Members of Council recognize the public's right to reasonable access to information in relation to how decisions are made. The public's right to access however must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- b. Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members of Council shall not extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.**

Commentary

Members of Council have a common understanding that in carrying out their duties as a Member of Council, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.

Members of Council are governed by the *Municipal Conflict of Interest Act* and the provisions of that statute take precedence over any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the *Municipal Conflict of Interest Act*.

- c. Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.**

Commentary

Members of Council may seek conflict of interest advice, including a written opinion, from the Integrity Commissioner however, where members choose to seek external legal advice on conflict of interest issues, these fees will not be reimbursed by the City of Mississauga and cannot be charged to any office account.

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- d. **Members of Council shall avoid any interest in any contract made by him/her in an 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.**
 - e. **Members of Council, while holding public office, shall not engage in the management of a business carried on by a corporation and shall not profit directly or indirectly from a business carried on by a corporation, that does or has contracted with the City of Mississauga.**
 - f. **Despite subsection e., a Member of Council may hold office or directorship in an agency, board, commission or corporation where the Member has been appointed by City Council or by the Council of the Regional Municipality of Peel or by the Federal or Provincial government.**
 - g. **Despite subsection e., a Member of Council may hold office or directorship in a charitable, service or other not-for-profit corporation subject to the Member disclosing all material facts to the Integrity Commissioner and obtaining a written opinion from the Integrity Commissioner approving the activity, as carried out in the specified manner, which concludes that the Member does not have a conflict between his/her private interest and public duty. In circumstances where the Integrity Commissioner has given the Member a qualified opinion, the Member of Council may remedy the situation in the manner specified by the Integrity Commissioner.**

Commentary

Examples of exceptions include hospital boards, charitable boards, police services boards, community foundations, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, service clubs such as the Rotary Club, Lions Club and other not-for-profit organizations. Members should exercise caution if accepting such positions if the organization could be seeking a benefit or preferential treatment from the City at any time.

- h. **Members of Council shall perform official duties and arrange their private affairs in a manner that promotes public confidence and respect and will bear close public scrutiny.**

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. For example, Members shall remain at arm's length when City staff or Council is asked to consider a matter involving a Family Member or a prominent supporter of the Member of Council.

- i. Members of Council shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and by City Council.**

Commentary

The provisions of this *Code* are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour set out in current federal and provincial statutes.

To ensure the *Code* remains a living document that will remain current and continue to be a beneficial guide, the *Code* shall be brought forward for review at the end of each term of Council, with any changes to be implemented at the start of the following Council session.

- j. In fulfilling their roles as elected officials, Members of Council shall respect the role of staff in the administration of the business affairs of the City and in so doing will comply with the City's *Respectful Workplace* policy.**

Commentary

Decision-making authority lies with Council, and not with an individual Member. Members of Council recognize that it is the role of the officers and employees of the City to implement Council's decisions and to establish administrative practices and procedures to carry out Council's decisions. Council is the source of all legislative authority and will make decisions on whether and to what extent to delegate this authority to others, including the Mayor, committees and to staff. Only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information in order to fulfill its decision-making duties and oversight responsibilities however, individual Members of Council must also recognize that the information they receive in their capacity as elected officials, is subject to confidentiality and disclosure rules contained in federal and provincial legislation and City policies.

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Rule No. 2

Gifts and Benefits:

1. No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his/her duties of office unless permitted by the exceptions listed below. No Member shall accept the use of property or facilities, such as a vehicle, office or vacation property at less than reasonable market value or at no cost.

For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to a Family Member 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, in the case of Members running for office;
- d. services provided without compensation by persons volunteering their time;
- e. a suitable memento of a function honouring the Member;
- 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;
- g. food and beverages consumed at banquets, receptions or similar events, if:
 - i. attendance serves a legitimate business purpose;
 - ii. the person extending the invitation or a representative of the organization is in attendance; and
 - iii. the value is reasonable and the invitations infrequent;
- h. communication to the offices of a Member, including subscriptions to newspapers, and periodicals; and
- i. sponsorships and donations for community events organized or run by a Member or by a third party on behalf of a Member and subject to the limitations set out in the *Code of Conduct* respecting Council Member-organized community events, where all costs are incurred and where all such events occur on or before Nomination Day.

Commentary

Members should be transparent in their dealings with the public, and neither a Member of Council or the City should handle funds on behalf of any organizations. Members should remain at arm's length from the financial aspects of these events and initiatives.

- a) Members may use their office expense budget to run or support local charities and community events subject to the terms of the *Elected Officials' Expenses* policy;
- b) Members may urge constituents, businesses and other groups to support community events put on by others in the Member's ward or elsewhere in the City;
- c) Members may work with community groups to assist them in finding sponsors and participants to support community events put on by the community group in the Member's ward or elsewhere in the City.
- d) Members may play an advisory or membership role in any organization that holds community events in the Member's ward; and
- e) Members may collaborate with the City and its agencies to hold community events and may participate in the City's Festival Funding Review Committee and other events approved by City Council.

2. In the case of exceptions claimed under categories 1. b, e, f, g, h and i,

- a) where the value of the gift or benefit exceeds \$500, or if the total value received from any one source during the course of a calendar year exceeds \$500, the Members shall within 30 days of receipt of the gift or reaching the annual limit, list the gift or benefit on a Councillor Information Statement in a form prescribed by the Integrity Commissioner, and file it with the Integrity Commissioner.
- b) Subsection a) does not apply to the receipt of up to two tickets to a dinner or fundraising event held in support of a charity or not-for-profit agency, as long as the Member is attending only one such event with the same individual or corporation within any calendar year.

3. On receiving a Councillor Information Statement, the Integrity Commissioner shall examine it to determine whether the receipt of the gift or benefit might, in the opinion of the Integrity Commissioner, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, he/she shall call upon the Member to justify receipt of the gift or benefit.

4. Should the Integrity Commissioner determine the receipt was inappropriate, the Integrity Commissioner may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or the Integrity Commissioner may order the

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Member to forfeit the gift or remit the value of any gift or benefit already consumed to the City, or a City agency, board or commission. Any such direction ordered by the Integrity Commissioner shall be a matter of public record.

- 5. Beginning April 30, 2011 and quarterly thereafter, each Member shall file a Councillor Information Statement with Integrity Commissioner and all such statements shall be a matter of public record.

Commentary

Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and is considered part of their role. Business-related entertainment and gift-giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.

The practical problems that nominal gifts and benefits create require a *Code of Conduct* that provides clarity and transparency. Personal integrity and sound business practices require that relationships with developers, vendors, contractors or others doing business with the City be such that no Member of Council is perceived as showing favouritism or bias toward the giver. There will never be a perfect solution.

Each Member of Council is individually accountable to the public and is encouraged to keep a list of all gifts and benefits received from individuals, firms or associations, with estimated values, in their offices for review by the Integrity Commissioner in the event of a complaint.

Those gifts or benefits that exceed \$500 or the annual limit of \$500 for one source, need to be kept on a form prescribed by the Integrity Commissioner and filed with the Integrity Commissioner on a quarterly basis to ensure transparency.

Examples of gifts that are required to be listed on the Councillor Information Statement may include:

- i) property (i.e. a book, flowers, gift basket, painting or sculpture, furniture, wine);
- ii) membership in a club or other organization (i.e. a golf club) at a reduced rate or at no cost;
- iii) an invitation to and/or tickets to attend an event (i.e. a sports event, concert, play) at a reduced rate or no cost;
- iv) or an invitation to attend a gala or fundraising event at a reduced rate or at no cost.

Use of real estate or significant assets or facilities (i.e. a vehicle, office, vacation property) at a reduced rate or at no cost is not an acceptable gift or benefit. Having said that, it has to be recognized that Members of Council will have friends and will develop friendships with individuals who may from time to time have business relationships that will involve the City in some way. The purpose of the *Code* is not to prohibit Members from accepting all invitations to socialize at a vacation property of personal friends.

Proper caution and diligence must however be exercised when a social function occurs within close proximity to the individual having an issue before City Council or staff for approval. It is always prudent to consult with the Integrity Commissioner before accepting or attending at any such engagements.

Any doubts about the propriety of a gift should be resolved in favour of not accepting it or not keeping it. It may be helpful to consult with the Integrity Commissioner when a Member chooses to decline a gift as well as when a recipient may opt to keep a gift.

An invitation to attend a function where the invitation is directly or indirectly with the Member's duties of office is not considered to be a gift but is the fulfillment of an official function or duty. An invitation to attend a function with a developer or supplier, however, could be seen as allowing the giver an opportunity to influence the elected official. Such invitations should only be accepted if the invitation is within the scope of permissible gifts and benefits, meaning that Members should not consistently accept invitations from the same individual or corporation and should avoid any appearance of favouritism.

For clarification, an invitation to an event celebrating the successful completion of a development or project or the opening of a new business within the Member's ward on the other hand could serve a legitimate business purpose and be seen as part of the responsibilities of office provided the person extending the invitation or that person's representative is in attendance.

An invitation to attend a charity golf tournament or fund-raising gala, provided the Member of Council is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Likewise, accepting invitations to professional sports events, concerts or dinners may serve a legitimate business purpose. Where a Member is uncertain in regards to whether an invitation is or is not appropriate, it may be prudent to consult with the Integrity Commissioner before attending any such event.

Regular invitations to lunch or dinner with persons who are considered friends of Members of Council is acceptable in situations where the Member pays their portion of the meal expense and treats it as a personal expense, meaning a claim is not made under the *Elected Officials' Expenses* policy. Proper caution and diligence not to discuss matters before the City for a decision must be exercised at all times. Again, when in doubt it is prudent to consult with the Integrity Commissioner.

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Rule No. 3

Councillor Expenses:

There are a range of expenses that support a Member's role in community development and engagement activities within their ward. For federal and provincial elected officials, these expenses are often paid for by Riding Association funds. Municipal elected officials do not have this benefit. Subject to the *Elected Officials' Expenses* policy, this section of the Council *Code of Conduct* deals with community expense-events, will indicate allowable expenses for reimbursement and provide guidelines for Members of Council respecting community expenses related to a Member's role in community development, and reflecting which expenses are eligible for reimbursement from a Member's office expense budget.

1. Raffle tickets, table prize tickets and other gaming tickets are not eligible for reimbursement.
2. Sponsorship of teams or individuals, such as the provision of uniforms or equipment, are not eligible for reimbursement.
3. Expenses incurred by Members 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 are incurred for an official duty or function; are modest and represent the prudent use of public funds; and do not involve the purchase of alcoholic beverages.
4. Official duties or functions include those activities that are reasonably related to a Member's office, and must take into consideration the different interests, the diverse profiles of their wards, their different roles on committees, agencies, boards and commissions. Municipal elected officials will be expected or required to extend hospitality to external parties as part of their official duties and functions, and it is legitimate for expenses to be incurred for this purpose. It is legitimate for Members to incur hospitality expenses for meetings that 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 Mississauga or the workings of its municipal government;
 - c. honouring persons from the City of Mississauga in recognition of exceptional public service;
 - d. recognition events for various agencies, boards and commissions of the City;

- e. ratepayers associations, minor league sports associations and other community groups.
- 5. Hospitality expenses may be incurred while extending hospitality in the course of travelling on a duty or function or as a Member of Council, provided the expenses are reasonable and appropriate in the circumstances.
- 6. As community leaders, Members may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups monies raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group and Members of Council should not handle any funds on behalf of such organizations.

Members of Council routinely perform important work in supporting charitable causes and in so doing, there is a need for transparency respecting the Member's involvement. The following guidelines shall apply:

- a. Members of Council should not directly or indirectly manage or control any monies received relating to community or charitable organizations fundraising;
 - b. Members of Council or persons acting on behalf of a Member shall not solicit or accept support in any form from an individual, group or corporation, with any pending planning, conversion or demolition variance application or procurement proposal before City Council.
 - c. With reference to member-organized community events, Members of Council must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event.
 - d. Where a Member of Council sponsors and/or lends support to a community or charitable event, this Code recognizes that all donations are subject to the *Elected Officials' Expenses* policy.
 - e. No donation cheques should be made payable to a Member of Council or to the City of Mississauga. Members of Council may only accept donation cheques made payable to a Business Improvement Association, charity or community group and only for the purpose of passing the cheques on to such group.
 - f. Members of Council should not handle any cash on behalf of any charitable organization, not-for-profit or community group, and should always remain at arm's length from the financial aspects of these community and external events. If a Member of Council agrees to fundraise on behalf of a charity or community group, the Member should ensure that payment is received by a means that does not involve cash, including bank draft, money order, credit card or cheque made payable to the applicable group or organization.
7. Nothing included herein affects the entitlement of a Member of Council to:

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- i) use the Member's office expense budget to run or support community events subject to the terms of the *Elected Officials' Expenses* policy section relating to Community Expense events;
- ii) urge constituents, businesses or 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 ex officio, honorary or membership role in any charitable or non-profit organization that holds community events in the Members' ward; and
- iv) collaborate with the City of Mississauga and its agencies, boards or commissions to hold community events.

Commentary

By virtue of the office, Members of Council will be called upon to assist various charities, service clubs and other non-profits as well as community associations, by accepting an honorary role in the organization, lending their name or support to it or assisting in fundraising. Transparency and accountability are best achieved in today's era by encouraging contributors to make donations to such organizations on-line through a website or where that is not possible through a cheque made payable directly to the organization. Cash should never be accepted.

Rule No. 4

Confidential Information:

Confidential Information includes information in the possession of, or received in confidence by, the City of Mississauga that the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"), or any other legislation.

MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The *Municipal Act, 2001* allows information that concerns personnel, labour relations, litigation, property acquisitions and security of the property of the City or a local board, and matters authorized in other legislation including MFIPPA, to remain confidential. For the purposes of the *Code of Conduct*, "confidential information" includes this type of information.

1. As elected officials, Members of Council will receive highly sensitive and confidential information concerning residents who need their assistance. This is consistent with the nature of the Members' duties. In accordance with the City's *Elected Officials' Records* policy, Councillor constituency records are at all times under the control of the Member and are not subject to any municipal disclosure requirements.
2. The following are examples of the types of information that a Member of Council must keep confidential:
 - items under litigation, negotiation, or personnel matters;
 - information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
 - price schedules in contract tender or request for proposal submissions if so specified;
 - information deemed to be "personal information" under the *Municipal Conflict of Interest Act*; and
 - statistical data required by law not to be released (e.g. certain census or assessment data)
3. Where it is clear that a communication was not made in a confidential manner (i.e. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labelling it "Confidential", such communication will not be given any higher level of confidentiality than any other communication. The words "Privilege", "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.

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4. Under the *Council Procedure By-law*, a matter that has been discussed at an *in-camera* (closed) meeting remains confidential, until such time as a condition renders the matter public.
 - a. 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.
 - b. 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 where required by law or authorized by Council to do so.
 - c. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. For example, no Member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.
 - d. Members of Council should not 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 is not prohibited by Council policy.

Rule No. 5

Use of City Staff, Property, Services and Other Resources:

1. No Member shall use for personal purposes any City staff services, property, equipment, services, supplies, websites, webboards, or other City-owned materials, other than for purposes connected with the discharge of City duties.
2. No Member shall obtain personal financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations or any other item capable of being patented. Members acknowledge and do not dispute that all such property remains exclusively that of the City of Mississauga.
3. 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. While most of this property is provided within the confines of their office, much of it is transportable or may be provided for home use, given the nature of the demands placed on Members in carrying out their duties and in recognition of the fact that the City does not provide constituency offices to Members of Council. Members are held to a higher standard of behaviour and conduct and therefore should not use such property for any purpose other than for carrying out their official duties. For clarity, this Rule is intended to prohibit the use of City resources for purposes such as running a home business. It is not intended to prohibit occasional personal use, but it should be subject to practical limitations.

Careful attention should be given to the provisions of the City's *Elected Officials' Expenses* policy which identifies approvable allowable expenses. During election campaigns, the provisions of rules 6 and 7 will apply.

4. No Member shall use the services of City staff, or make requests for document or information from City staff, unless such information is required for the purpose of carrying out their duties as public officials.

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Rule No. 6

Election Campaigns:

- 1. Members are required to follow the provisions of the *Municipal Elections Act, 1996* and Members are accountable under the provisions of that statute.

Commentary

Staff should not interpret or provide advice to Members regarding the requirements placed on candidates for municipal office.

- 2. No Member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and individual websites linked through the City's website) for any election campaign or campaign-related activities.
 - a) Despite the foregoing, Members may choose to use their cell phone or other such equipment and may do so by advising the Integrity Commissioner in writing in advance and by reimbursing the City for all related expenses associated with such use.
 - b) Despite the foregoing, Members are allowed to place materials on the City's election website, <http://www2.mississauga.ca/vote2010/>, that is available and authorized for use by all candidates for municipal and school board office.
- 3. In a municipal election year, commencing on June 30th until the date of the election, Members may not publish Councillor newsletters or distribute them in municipal facilities. All newsletters distributed through the mail must be post-marked by no later than June 30th in an election year.
- 4. In a municipal election year, commencing on Nomination Day until the date of the election, no Member or other candidate for elected office, may book directly or indirectly, any facility for any purpose that might be perceived as an election campaign purpose if that facility is being used as a polling station.

Commentary

The restriction on booking facilities ensures election-related functions, or those that could appear to be election-related, will not occur at any time there is an advance or regular poll at the facility. The need to set up in advance means that election night parties cannot be held in the same facilities that polling stations are located in. Members should not authorize any event that could be perceived as the City providing them with an advantage over other candidates.

It is the personal responsibility of Members to ensure that any use of facilities or the services of municipal staff are carried out in accordance with applicable legislation. Staff are not responsible for monitoring and advising Members or any other candidates, in this regard.

5. Members shall be respectful of the role of the City Clerk in managing the municipal election process and meeting all statutory requirements in respect thereof. The Clerk must ensure all candidates are treated equally and no candidate for elected office should interfere with how the Clerk carries out these duties.

Commentary

The *Municipal Elections Act, 1996* clearly states that it is the responsibility of the City Clerk to conduct the election and take all necessary actions to ensure municipal elections meet all statutory requirements.

6. No Members shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.

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Rule No. 7

Improper Use of Influence:

1. No member shall use the influence of his or her office for any purpose other than for the exercise of his/her official duties.

Commentary

Examples of prohibited conduct are the use of one's status as a Member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's Family Member, or friends. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of a future advantage through a Member's supposed influence within Council in return for present actions or inaction.

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

Rule No. 8

Business Relations:

1. No Member shall allow the prospect of his/her future employment by a person or entity to affect the performance of his/her duties to the City, detrimentally or otherwise.
2. 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 publically traded and who is regularly in the business of lending money, such as a credit union.
3. No Member shall act as a paid agent before Council or a committee of Council or any agency, board or committee of the City.
4. No Member shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

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Rule No. 9

Conduct of Council at Committee Meetings and When Representing the City:

1. Members shall conduct themselves at Council and committee meetings with decorum in accordance with the provisions of the *Council Procedure By-law*.

Commentary

A Member 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 points of view and using respectful language and behaviour in relation to all of those in attendance.

2. 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, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

Commentary

Various statutes, the *Council Procedure By-law* and decisions by courts and quasi-judicial tribunals including the Information and Privacy Commission, establish when City Council can discuss issues in closed session. Transparency requires that Council apply these rules narrowly so as to best ensure that decisions are held in public session as often as possible. Unless prohibited by law, Members should clearly identify to the public how a decision was reached and the rationale for so doing.

3. 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 by the City or by virtue of being an elected official.

Commentary

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

4. Given that Council and committee meetings are scheduled far in advance to accommodate the many activities of elected office of a Member, to participate diligently means that a Member shall not be absent from Council or committee meetings, or from those of agencies, boards and commissions to which they are appointed by virtue of their status as a Member, without reasonable justification (for example, illness of the Member, family circumstance, Regional business) for more than three consecutive scheduled meetings or on a regular basis.

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Rule No. 10

Media Communications:

1. Members of Council will accurately communicate the decisions of Mississauga City Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
2. Members of Council will keep confidential information confidential, until such time as the matter can properly be made public.

Commentary

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

When communicating with the media, a Member should at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions as a Member of Council.

While openness in government is critical, governments also must respect confidentiality when a matter must remain, at least for a period of time, confidential. Breaches of confidentiality by Members erodes public confidence.

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Rule No. 11

Respect for the City and its By-laws and Policies:

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 member of the public, as this undermines confidence in the City and in the Rule of Law.

2. Members shall conduct themselves with appropriate decorum at all times.

Commentary

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

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Rule No. 12

Respectful Workplace Policy:

1. Members are governed by the City's *Respectful Workplace* policy. All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
2. Upon receipt of a complaint that relates to the City's *Respectful Workplace* policy and involves a Member, the Integrity Commissioner shall forward the information subject to the complaint to Human Resources who will refer it for an independent investigation.

Commentary

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

The City of Mississauga's *Respectful Workplace* policy ensures a safe and respectful workplace environment and provides for the appropriate management of any occurrences of harassment and discrimination as those terms are defined in the policy.

The City of Mississauga's *Respectful Workplace* policy applies equally to members of staff and Members of Council. It will provide guidance to an independent investigator when a complaint is received involving a Member.

3. Upon receipt of the findings of the independent investigator, the Integrity Commissioner shall make a determination on the application of this *Code of Conduct* and the merits of the investigation respecting the conduct of the Member subject to the complaint. The findings of the Integrity Commissioner shall be reported to City Council as per the normal procedure respecting such matters.
4. The *Ontario Human Rights Code* applies in addition to the City's *Respectful Workplace* policy.

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Rule No. 13

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

Under the direction of the City Manager, staff serve the Council as a whole, and the combined interests of all Members as evidenced through the decisions of Council. Only Council as a whole has the authority to approve budget, policy, committee processes and other matters. Accordingly, Members shall direct requests outside of Council-approved budget, process or policy, to the Budget Committee or directly to Council.

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles include dealing with constituents and the general public, participating as standing committee members and as chairs of standing committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff in both the carrying out of their responsibilities and in dealing with the Council. Staff are expected to provide information to Members that they are entitled to. City staff are accountable to the City Manager who is accountable to City Council. Sometimes the line between staff duties and activities that are political in nature is not clear. Members of Council must respect the difference between the two in making requests of staff.

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

The City's *Respectful Workplace* policy applies to Members of Council. Staff and Members of Council are all entitled to be treated with respect and dignity in the workplace.

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5. 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 City Manager. Any such attempts should be reported to the Integrity Commissioner.

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Rule No. 14

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 Family Member.
2. No Members shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any Family Member.
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 *Candidate Selection Process* policy.

Commentary

If a Family Member of a Councillor is an applicant for employment with the City or is a 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.

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Rule No. 15

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

Members of Council are required to observe the policies and procedures established by City Council at all times, and are directed to pay special attention to, and comply strictly with, the *Council Procedure By-law* and the *Elected Officials' Expenses* policy. In exceptional circumstances, a Member may request Council grant an exemption from any policy.

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Rule No. 16

Reprisals and Obstruction:

1. It is a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.
2. No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the *Code of Conduct*, or against a person who provides information to the Integrity Commissioner in any investigation.
3. It is also a violation of the *Code of Conduct* to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the *Code of Conduct*.

Commentary

Members of Council should respect the integrity of the *Code of Conduct* and investigations conducted under it.

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Rule No. 17

Acting on Advice of Integrity Commissioner:

1. Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter, as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

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Rule No. 18

Compliance with the Code of Conduct:

1. 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:
 - i) a reprimand; or
 - ii) 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

2. The Integrity Commissioner may also recommend that Council take the following actions:
 - i) removal from membership of a committee;
 - ii) removal as chair of a committee;
 - iii) repayment or reimbursement of monies received;
 - iv) return of property or reimbursement of its value;
 - v) a written and/or verbal request for an apology to Council, the complainant, or both.

Commentary

Members are accountable to the public through the election process. Between elections they may become disqualified and lose their seat if convicted of an offence under the *Criminal Code of Canada* or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*, or for certain violations of the *Municipal Elections Act, 1996*.

In addition, the *Municipal Act, 2001* authorizes Council to impose either of the two penalties on a Member following a report by the Integrity Commissioner that, in his/her opinion, there has been a violation of the *Code of Conduct*.

Crystal Greer

From: Dorothy Tomiuk (MIRANET) [MIRANET@miranet.ca]
Sent: 2010/08/20 11:40 AM
To: Crystal Greer
Cc: Hazel McCallion; Carmen Corbasson; Pat Mullin; Maja Prentice; Frank Dale; Eve Adams; Carolyn Parrish; Nando Iannicca; Katie Mahoney; Pat Saito; Sue McFadden; George Carlson; Janice Baker; Brenda Breault; Paul Mitcham; Martin Powell; Ed Sajecki; Mary Ellen Bench; Mississauga Residents' Associations Network (MIRANET)
Subject: MIRANET Response: City of Mississauga Draft Code of Conduct (circulated July 9, 2010)
Categories: Printed

August 20, 2010

Crystal Greer, City Clerk
 City of Mississauga

Dear Crystal:

MIRANET has received the City of Mississauga **Draft Code of Conduct**, as circulated on July 9, 2010 (*per below*). Public comment has been requested by August 18, 2010. We would offer the following response:

- 1) Circulation of such a document over the summer months, while residents' associations are less active, and while Council and Committees are not sitting regularly, is not in the best interest of citizen engagement on this issue ;
- 2) The final report and recommendations of the current Mississauga Judicial Inquiry, which has the express purpose of ascertaining what best needs to be done, will be germane to the future conduct of all individuals who represent our City and should be central to the creation of any Code of Conduct for both Council and Staff ;
- 3) Given that the proposed Code of Conduct does not apply to the present Council nor to the existing rules for the municipal election on October 25, 2010, and with this election campaign underway, it is not appropriate to finalize the document until there is a new (post-election) Council in place to consider and possibly approve it ;
- 4) The necessity for the creation of such a Code of Conduct, rather than adjustments to the existing options for oversight and accountability of municipal conduct, should be reviewed and, along with the resultant cost to the taxpayers for any implementation, needs to be presented to the public in a comprehensive and transparent manner.

This matter will be on the Agenda for the next MIRANET meeting in the Fall, and we will be pleased to provide our thoughts on the possible content of such a document at a future time when there is the fullness of shared knowledge.

RELATED BACKGROUND:

MIRANET has addressed issues of municipal election campaign finance reform, further to the 2009 Provincial Review of the *Ontario Municipal Elections Act*.

Ref: http://www.miranet.ca/docs/MIRANET_Response_re_OMEA_August_31_2009.pdf

MIRANET has commented on the City's revised policies regarding electronic monitoring of City communications:

Ref: http://www.miranet.ca/docs/MIRANET_Deputation_April_14_2010_re_IT_Monitoring_Policy.pdf

MIRANET has commented on format changes to the official Minutes of Council and Council Committees:

Ref: http://miranet.ca/docs/MIRANET_Deputation_May_26_2010_re_Council_Minutes.pdf

744
Sincerely, Dorothy

Mississauga Residents' Associations Network (MIRANET)

Dorothy Tomiuk
MIRANET Spokesperson
(905) 278-6437
E-mail: MIRANET@miranet.ca
Website: www.miranet.ca

Copied: Member RAs; Associates

----- Original Message -----

From: Maria Torresan
Sent: Friday, July 09, 2010 4:03 PM
Subject: City of Mississauga Draft Code of Conduct

The City of Mississauga is posting a Draft Code of Conduct for public review to collect feedback and comments before a final code is approved by Council.

Please find attached a letter to your group inviting members to review the draft code and provide comment.

Draft Code and Contact Information:

The code is posted on the City's website at www.mississauga.ca.

The deadline for public input is August 18, 2010. Comments and questions on the code are to be sent to the Office of the City Clerk by:

- Telephone:**
3-1-1 (or 905-615-4311 if calling outside City limits)
- TTY:**
905-896-5151 (teletypewriter)
- Fax:**
905-615-4081
- Email:**
city.clerk@mississauga.ca
- Mail:**
City of Mississauga
300 City Centre Drive
Mississauga, ON
L5B 3C1



Crystal Greer

From: MISSISSAUGA WATCH [mississauga_watch@yahoo.com]
Sent: 2010/08/18 9:48 PM
To: City Clerk
Cc: mississauga_watch@yahoo.com
Subject: SUBMISSIONS FOR INTEGRITY COMMISSIONER. WHAT HAPPENED TO THE ONTARIO OMBUDSMAN? PLEASE INVITE MR. MARIN AS WAS PROMISED!
Attachments: INTEGRITY_COMMISSIONER_SUBMISSION_001.docx;
 INTEGRITY_COMMISSIONER_SUBMISSION_002.docx;
 INTEGRITY_COMMISSIONER_SUBMISSION_003.docx;
 INTEGRITY_COMMISSIONER_SUBMISSION_004.docx;
 INTEGRITY_COMMISSIONER_SUBMISSION_005.docx

Hi there,

Please see the five (5) attachments relating to the appointment of an integrity commissioner.

I want to remind Council of a discussion we had as part of my deputation on the appointment of an integrity commissioner. I even presented a video to Council where I made it clear that the Ontario Ombudsman was the only way to go.

That it made zero sense to trust the 400-plus municipalities in this province to appoint one of their own "arm's-length" employee. And that it made even less sense to trust CORRUPT or negligent municipalities to oversee/investigate themselves. (B'in there. Done that.)

A reminder: Councillor Pat Saito said that the City would explore use of the Ontario Ombudsman's office (I have that on video) after my deputation. I urged Council to invite Mr. Marin to speak to the citizens of Mississauga and I'm STILL insisting on that. I've approached Mr. Marin's office and was told he'd be happy to show up.

Call a evening Special Council public input meeting.

Another reminder. The quality of public input depends entirely on what the public knows about a situation. The public does not know the degree to which City of Mississauga staff fail to comply to policy, openly flaunt/dismiss violations, and just as often look the other way at employee misconduct.

Given what's transpired over the last few years, **especially** what Freedom of Information has revealed since January 2007 (ie: about the fraudulent City Security complaints system rubber-stamped by Council back in April 2008) and the ever-mounting crud that the Mississauga Judicial Inquiry has dredged up, it's preposterous-beyond-vocabulary for this City to expect citizens to Trust -- **period.**

Please see attachments that include links to YouTube videos **opposing** the hiring of an integrity commissioner. Now that I've been negative it's time to provide a solution. Only the Ontario Ombudsman will do at this point. Give us the Ontario Ombudsman!

Perhaps that might be the start of other Ontarians being protected from the other 400-plus municipalities.

7ww

Signed,
Ursula Bennett
MISSISSAUGAWATCH
August 18, 2010 (9:48 pm)

QUIS CUSTODIET IPSOS CUSTODES?

7xx

CITY OF MISSISSAUGA “INTEGRITY COMMISSIONER”? What happened to the ONTARIO OMBUDSMAN?

May 20th, 2010

You'll (almost) read about what happened with the City of Mississauga hiring its own integrity commissioner in the Toronto Star's article, “Mississauga puts off vote on new ethics measures Solicitor's report recommends code of ethics and, to police it, integrity commissioner”.

Imagine the “integrity” direction over the next few years —to improve municipal governance in Ontario, every town, village and city, over 440 of them, is free to hire their own “integrity commissioner”.

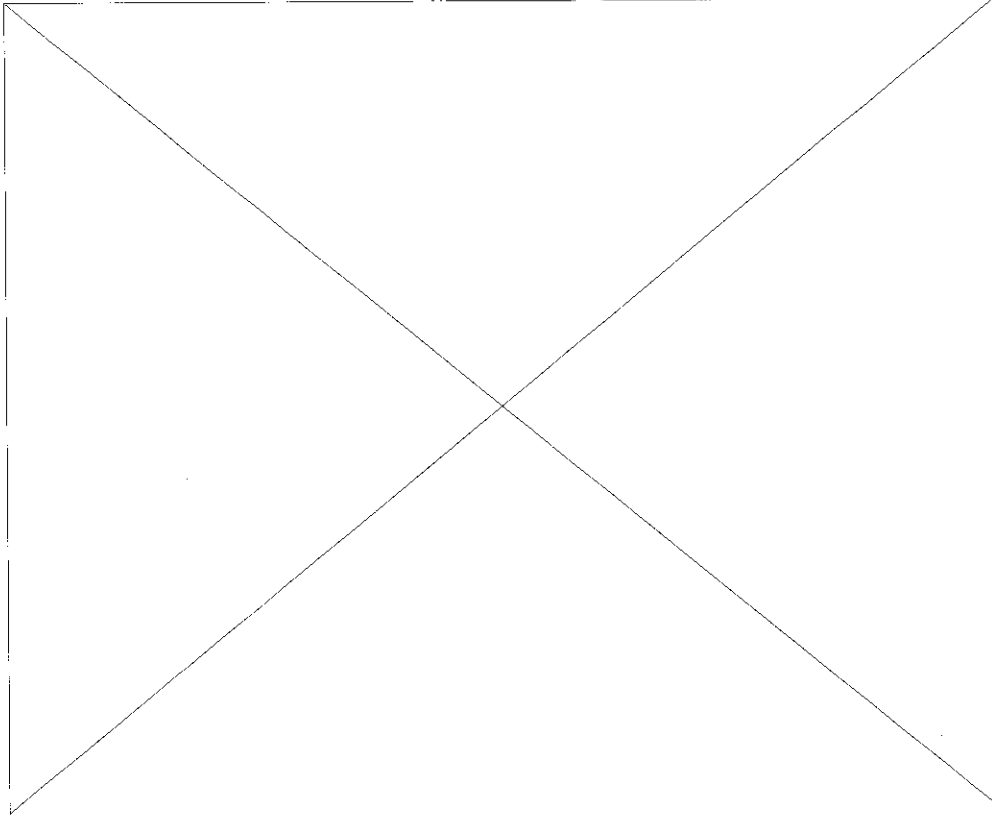
Look how Dalton McGuinty and the Liberals dealt with the Ontario Ombudsman, when Andre Marin became too effective in advocating for improvements to public service! Watchdog with too much bite?... McGuinty gets rid of him! Expect municipalities to do the same. (Pssst. Town of Aurora.)

I'm a liberal but **may the entire Liberal party go down** next election for the dirt they've worked against Marin and his SORT Team! (I'll be videotaping myself in a booth voting Conservative next provincial election!)

Next. As always, here's the video of yesterday's “Please put off the vote on the integrity commissioner” plea complete with transcript. Dedicated to our finestkind Ontario Ombudsman and his finestkind SORT Team.

Video: CITY OF MISSISSAUGA “INTEGRITY COMMISSIONER”? **What happened to the ONTARIO OMBUDSMAN? (4:34 min)**

744



(Click here to go directly to the clip on YouTube)

[VIDEO TRANSCRIPT BEGINS]

MISSISSAUGAWATCH (May 19, 2010 General Committee Deputation):

Good morning, Councillor Adams and Council.

I came here to discuss the minutes of meetings and then walked in and saw this one here —can I have this on?

The Code of Conduct for Mayor and Members of Council for integrity commissioner. And I consider that way more important than anything that I've got to say about minutes. So I kind of regret that I didn't know about this.

But you can't just switch, can you?

MISSISSAUGA COUNCILLOR EVE ADAMS CHAIR (May 19, 2010 General Committee):

It actually is on the agenda so you can speak to it.

MISSISSAUGAWATCH (May 19, 2010 General Committee Deputation):

Yeah but I'm not good on my feet, I need to prepare ahead of time, I'm not swift.

But I was hoping that —this is really important. If people remember, it was Councillor Mullin who had said that there were issues that were chronically coming up regarding —and she was mentioning Donald Barber, as an example.

And she had recommended that, you know, once and for all to, to, to deal with it. And this is how, I think the idea of the integrity commissioner came up. And I also recall, I had urged Councillor —I think Councillor Saito was going to lead the charge on this. And I'd asked her to say "Invite the Ontario Ombudsman in" to address Council to give them some idea as to how to set up an integrity commissioner.

This is —you know I've been observing Council since June 14, 2006. And I'm talking about audiotape, videotape and stuff like that. This has got to be the most important Corporate Report and direction, certainly from the view of treatment of citizens and Ethical Infrastructure.

And yet this thing did not go through Audit Committee, for example. It just kind of showed up here. And Staff is recommending that you accept it.

There's not any possibility even for public input. I don't even know if it's been run through (the) public.

And you know, I would think that first you'd check to see the validity of the public complaints system that you already have in place. The one for Corporate Security and the generic ones. And whether those are being handled properly.

Because if they're not —and I'm saying they're not, and I've got Freedom of Information saying it.

So you know the fact that, the fact that —well, okay, it's not a "fact" because it's based on evidence but it's sort of ultimately my conclusion. And someone else may look at the evidence and see it differently.

But for me, I question any integrity commissioner that may —or a process here, because I just don't see the Ethical Infrastructure in place to support something like that.

So I have concerns and I'd love to see Council perhaps not endorse it yet and really get —run it through MIRANET, run it through some of your ratepayers' associations.

Haz-Mayor McCallion was giving an address at UTM last week and I was there and she was talking about public input and the importance of it.

[CROSS ZOOM]

MISSISSAUGA MAYOR HAZEL MCCALLION (University of Toronto/Mississauga May 13, 2010):

Taaa

The sky is the limit with the involvement of the people. Any decisions that politicians make, can be controlled. Believe it or not.

MISSISSAUGAWATCH (May 19, 2010 General Committee Deputation):

And this just came up—it can be rubber-stamped today. And that's it. So I would hope that Council might look at this and say, you know this is really important, let's put some—let the public look at this and talk about it.

Anyway I'm hoping that—I'll be, I'll be preparing for this at Council. Because I'm better—I'm very scattered now—sometimes, I'm sorry.

MISSISSAUGA COUNCILLOR EVE ADAMS CHAIR (May 19, 2010 General Committee):

[inaudible] I think I might have some things to help you out here. If I can turn to the Councillors now who are listed, who I think may want to address some of their concerns.

[CROSS ZOOM]

MISSISSAUGA MAYOR HAZEL MCCALLION (University of Toronto/Mississauga May 13, 2010):

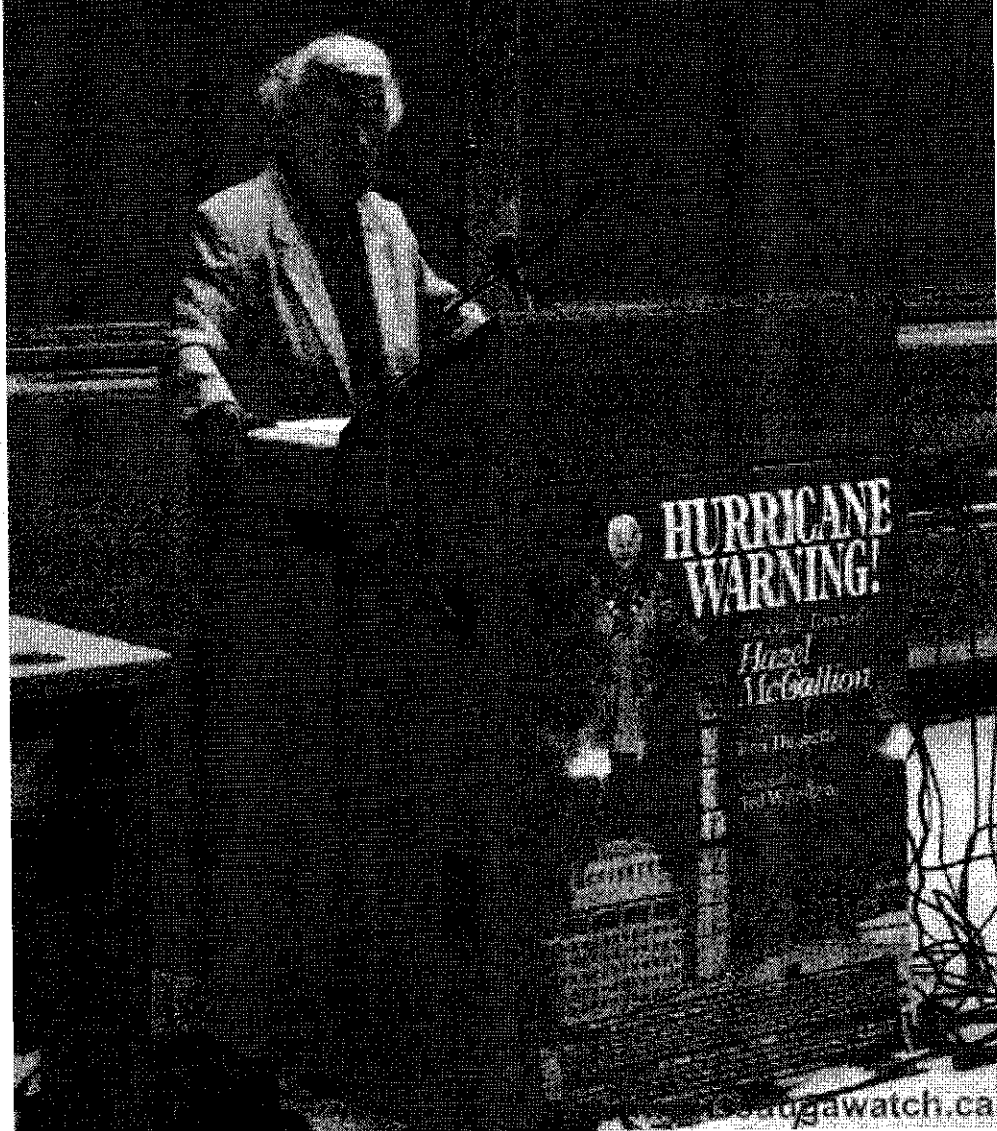
The sky is the limit with the involvement of the people. Any decisions that politicians make, can be controlled. Believe it or not.

[VIDEO TRANSCRIPT ENDS]

Tbbb

The sky is the limit with the involvement of the people.
Any decisions that politicians make, can be controlled.
Believe it or not.

--Hazel McCallion, May 13, 2010
University of Toronto/Mississauga (UTM)



7ccc

Wednesday, May 19, 2010 Toronto Edition

thestar.com

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Mississauga puts off vote on new ethics measures

Solicitor's report recommends code of ethics and, to police it, integrity commissioner

Article

Published On Wed May 19 2010 [Email](#) [Print](#) [Republish](#) [Add to Favourites](#) [Report a](#)

Mike Funston
Urban Affairs Reporter

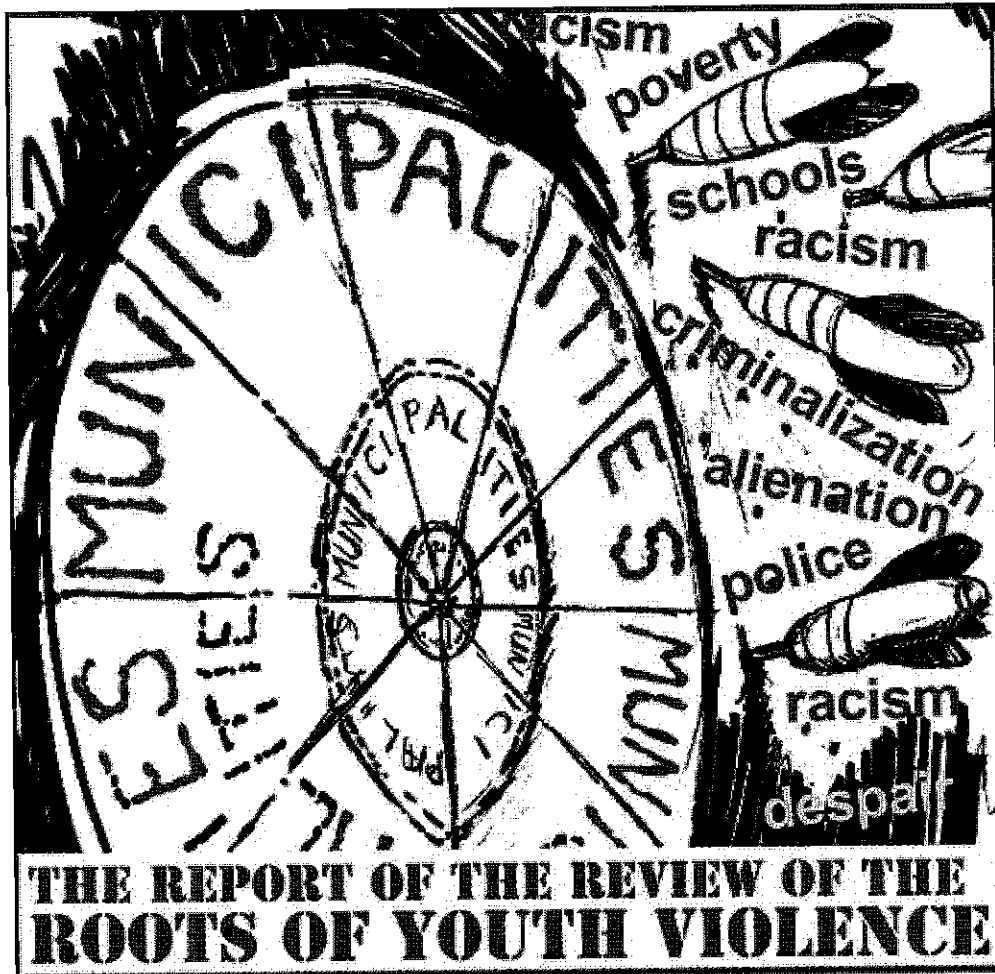
As Mississauga faces a judicial inquiry into business dealings at city hall, councillors are considering adopting a code of ethics and hiring an integrity commissioner to oversee it.

A report by city solicitor Mary Ellen Bench recommending both measures was released at general committee Wednesday but deferred to a future, unspecified date for consideration.

Signed,

MISSISSAUGAWATCH

7ddd



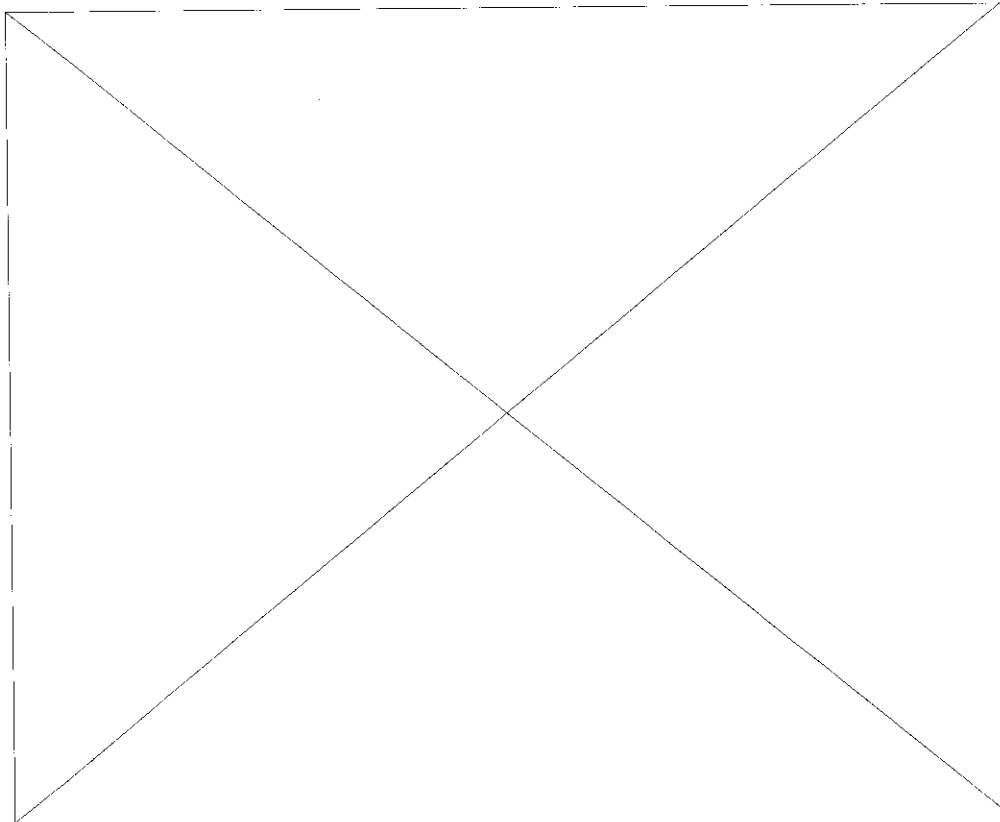
Teel

“Incestuous” MISSISSAUGA INC prefers to keep its MYTHissauga Corruption “vewy vewy qwiet”

August 7th, 2010

Yes, just the video and transcript today.

Video: MISSISSAUGA INC prefers its MYTHissauga corruption “vewy vewy qwiet” (4:05 min)



(Click here to go directly to the clip on [YouTube](#))

VIDEO TRANSCRIPT BEGINS:

MISSISSAUGAWATCH (reporting inside Mississauga Council Chambers August 4, 2010):

7fff

Given the revelations of the Mississauga Judicial Inquiry and how various players can exist on several different levels. They can be a former city manager who turns out to be the trustee of the McCallion family trust, a CEO of Toronto Hydro and also a Big Shot at OMERS.

And it's like incestuous.

And the only thing (laughs) that I can compare it to is that there are these little slimy sea creatures underwater. They're called Stylocheilus and they're really lovely cute little sea hares. That big! They're tiny inoffensive things.

And what they are is hermaphroditic, meaning that they're both sexes. And sometimes you'll see them in this vast orgy of one atop the other in these huge masses underwater, in Hawaii.



And that's what municipal government reminds me of!

You know, it's like you can't separate them! They're part of OMERS. They're part of some land deal. They're part of some trustee underneath some other trust fund. Like multi-layers of companies. Operating here in Mississauga with the same player up atop!

It's —it's incredible!

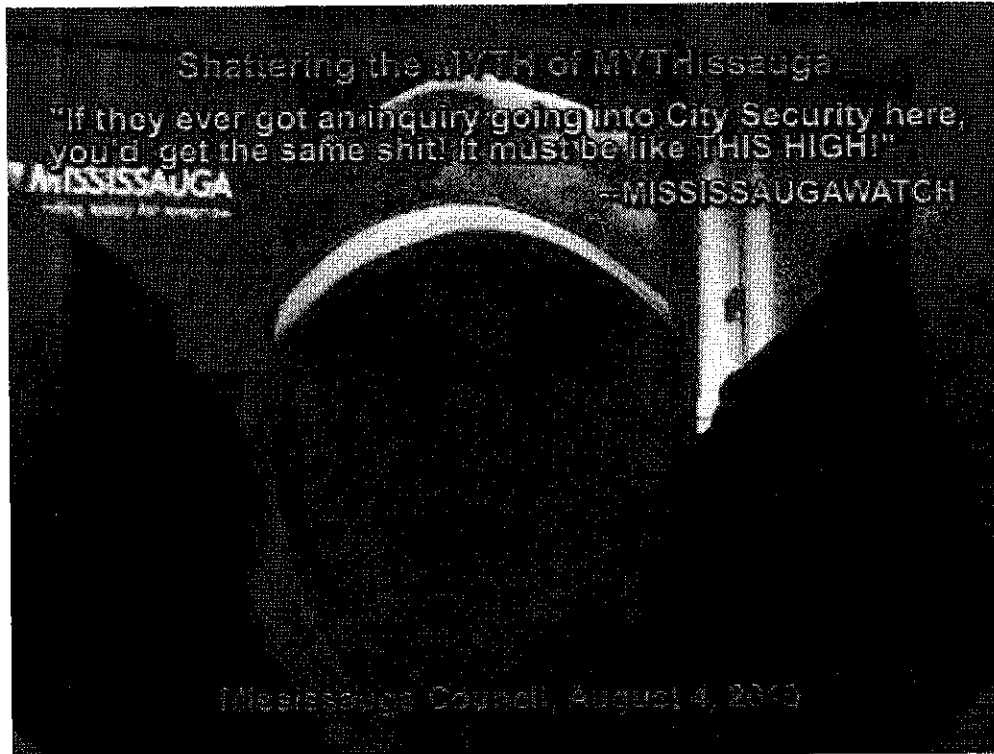
You know, I know (laughs) when I was writing stuff about Mississauga Corporate Security and the things that I'd learned through Freedom of Information on that. And how I'd warned people saying, you know, there's fraud and corruption and lying and falsification and fabrication going on!

1999

Well it ain't got nothin' on what's happening back there!

And the other thing is. I swear by all that's Holy. If they ever got an inquiry going into City Security here, you'd get the same shit!

It must be like THIS HIGH!



So, uh, where are the Watchdogs? Who the HELL has been watching all of this? For how long?

And there's a song that goes, How Long Has This Been Going On?

Well it sounds like this has been going on for fucking-ever! Like. What the HELL?

Admittedly there are Seven Councillors who are saying stop, let's take a look at what's wrong. And hopefully have a look at this and see how government can be improved throughout Ontario. And the implications.

There's a saying that says, "The price of liberty is eternal vigilance". And I suspect that the price of having a municipal government that you can trust, that when they say something, you can take that as fact—the price of that is also eternal vigilance.

And it can't be people like me. It can't be the vigilance of citizens. It sucks your entire life out of you. And the other thing is, it makes you **hate** government. **Hate** it! **Hate** the walls. **Hate** the roof. **Hate** it! And that's not good for anybody.

Thhh

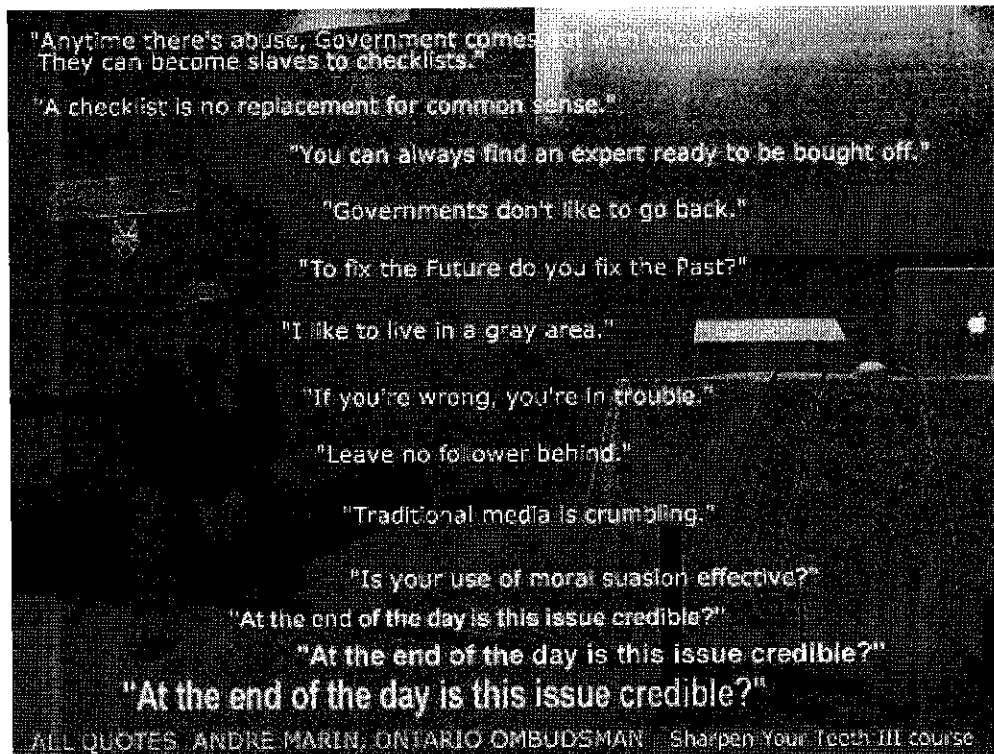
And I would think that the one thing that I hope comes out of this is, you can't trust these people to hire their own integrity commissioners.

It's the same thing as allowing criminals to hire their own wardens. Can't be done. Can **not** be trusted. It's insane.

But I hope that as a result of this that Commissioner Cunningham understand [sic] the need for an independent **way**-out-of-the-way oversight mechanism into —those guys.

Because there's not going to be —there's likely a push right now to get rid of the Seven Councillors and restore —"restore" things to the way they were. In other words, things being kept very very quiet. And **corrupt**.

VIDEO TRANSCRIPT ENDS:



7iii

City of Mississauga DENIES its citizens the Ontario Ombudsman (by hiring its own Integrity Commissioner)

November 19th, 2009

UPDATE. NOVEMBER 19 2009 8:40 PM. Today's video has been replaced because I noticed a huge error and had to edit it right out as well as remove it from the transcript.

I'd stated that quote: *"I emailed the Ontario Ombudsman's Office and they estimated anywhere between \$3,000 and \$3,500 a day to investigate a municipality if a municipality invited them to it."* True I emailed. True the Ontario Ombudsman would have to be invited. But where I got the *"\$3,000 and \$3,500 a day"* I have absolutely no idea. And yet I was so certain.

Something must've not felt right because just now I went back and checked that email. I couldn't have been more wrong! The Ombudsman's Office wrote: *"It would not be possible for us to attempt to estimate or speculate on the cost of such a hypothetical investigation, nor would it be fair, as we would not want to intentionally mislead anyone."*

Huge apologies for my error—it was mine alone ...and especially to the Ontario Ombudsman's Office.

Now back to this morning's Blog.



Ho boy, things just keep getting worse.

Yesterday, Mississauga Council approved the hiring of an Integrity Commissioner
hahahahahahaHAHAHAHAH*snork*

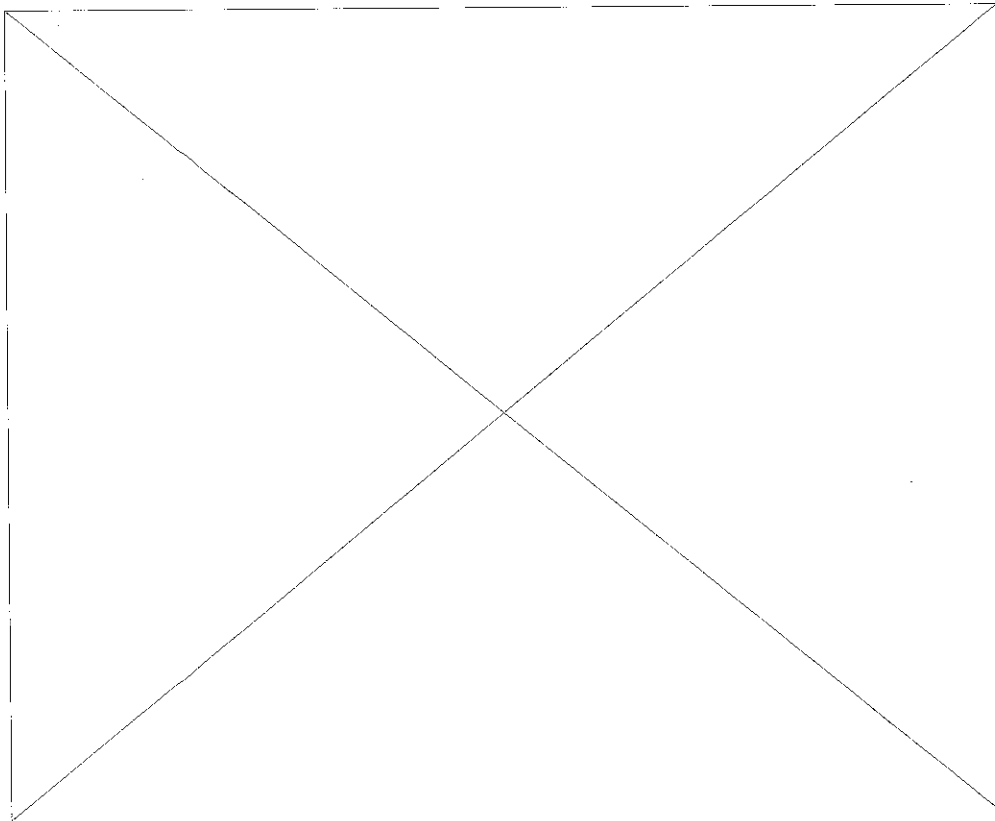
How contemptuous of the public is that?

Well I'll tell you —YouTube video on the lunacy of MYTHissauga hiring its Own.

And the video transcript.

7/11

Video: “Integrity Commissioner for Mississauga? No thanks! Give Mississaugans the Ontario Ombudsman!” (3:43 min)



(Click here to go directly to the clip on [YouTube](#))

VIDEO TRANSCRIPT BEGINS

“The Mississauga Muse” MISSISSAUGAWATCH:

Integrity Commissioner?! You have to have Integrity before you have one!

And in the meantime the Integrity Commissioner Report is really interesting in that it mentions how many other Ontario municipalities within the recent year or so, have been looking into Integrity Commissioners. And that’s because there are so many municipalities right now that when people look into them, are showing a kind of a lack of Integrity

BUBBLE POP-UP: “OK, maybe not “kind of” a lack of integrity”

Whether it’s Vaughan, whether it’s Aurora and (gestures directly behind...) as well.

And I figure the public is starting to be wise to such things as Freedom of Information, the Ontario Ombudsman

TKKK

BUBBLE POP-UP: "...the Privacy Commissioner..."

Think of how many public institutions and agencies, once the Ontario Ombudsman goes in the takes a look —CAO's start resigning and Board of Directors start resigning because anywhere he looks (whispers) there's this real pile of s*** that's been piled up for *years!*

BUBBLE POP-UP: "not to mention DECADES"

Because nobody's looking. Nobody's accepting Accountability. And above all, most people are shovelling it.

BUBBLE POP-UP: "in fact, it's part of their job description!"

It's clear to me that the City of Mississauga report here again [sic] and you don't hear, oh, another alternative that we looked into was the Ontario Ombudsman.

I really would like to think that most citizens aren't *stupid* enough to accept an Integrity Commissioner that a municipality itself decides to hire. I mean there are 440 municipalities in Ontario. *Some* of them have to be corrupt!

BUBBLE POP-UP: "Quel Shock!"

And you're going to somehow say, well, we're going to deal with this corruption by hiring our own Integrity Commissioner? What?!

BUBBLE POP-UP: "Well DUHHHHhhhh..!"

That's why there's Seven Councillors right here who want a Judicial Inquiry. They want some *other*, external, *independent* system!

And here's something else. (gestures to Council) If these people had done a minimum amount of homework as far as checking the Code of Conduct

BUBBLE POP-UP: "HAHAHAHahhh..!"

and complaints system that they had passed in April 2008 —that is, the City of Mississauga's Conduct —Code of Conduct, if they had looked into that and sort of examined what's been happening since that one was implemented, *they wouldn't be suggesting an Integrity Commissioner!*

They'd realize how important it is to get —substantial complaints *away* from municipalities and into the Provincial realm. Because there's no Accountability. There's no Transparency. And there's no reassuring the public when you get a municipality being able to hire its own Integrity Commissioner, deciding on the scope of that Integrity Commissioner, even how long that Integrity Commissioner is able to deal with the problem.

7/11

And then the other thing about this Report —it doesn't deal with *prior* problems and any complaint, you're only allowed six months. Most people don't know how badly they've been **screwed over —FOR YEARS!**

BUBBLE POP-UP: “Do YOU know what personal records Mississauga City Hall has on you? Or on your child?”

It took *me* about two years to figure out about Freedom of Information!

Most people are walking ducks and a lot don't have the resources that I have here or the time that it's taken me to *really understand WHY!*

BUBBLE POP-UP: “WAKE UP ONTARIO!”

You can't *have* an Integrity Commissioner! You need!... Ontarians NEED the Ontario Ombudsman looking into municipalities. **FULL** investigative powers. And it's not just Mississauga. **This is for all Ontario municipalities.**

They need help. You need something else 'cuz everything else is just ...Pretense. Absolute Pretense. The Pretending.

BUBBLE POP-UP: “not to mention the contemptuous to the public BULL**”**

VIDEO TRANSCRIPT ENDS

Signed,

The (“Trust Quality Excellence” UP YOURS MYTHissauga!) Mississauga Muse

7mmm

Motion/By-laws
MG. 16

This Policy was in effect between September 13, 2000 and December 12, 2006

R-2 Vandalism and Violence In City Facilities

Report dated September 13, 2000, from the Commissioner of Community Services regarding a policy on vandalism and violence in City facilities.

RECOMMENDATION:

That the policy entitled "Vandalism and Violence in City Facilities" attached as Appendix I to the report dated September 13, 2000, from the Community Services be approved and that the Commissioner of Community Services be authorized to designate the appropriate level of discipline and financial penalty when incidents of vandalism and violence occur in City facilities in accordance with this policy.

Motion CA.24 Who is responsible for the abandonment of the City's "Guidelines to Working with the Trespass Act" and the denial of support and advocacy for Youth and especially minors?

Who is responsible for "appropriate level of discipline such as ban duration at City Facilities?"

September 13, 2000 Mississauga Council meeting
www.mississaugawatch.ca

Post Linx

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Comments

4 Responses to "City of Mississauga DENIES its citizens the Ontario Ombudsman (by hiring its own Integrity Commissioner)"

1. Karl LaFong on November 20th, 2009 7:12 pm [edit](#)

The ontario Ombudsman has no jurisdiction under the Ombudsman Act to investigate Ontario municipalities. the ombudsman's jurisdiction over municipalities is limited to being the default closed meetings investigator under the Municipal Act if a municipality doesn't appoint one. Mississauga's decision to look into appointing an integrity commissioner had nothing to do with denying access to the ombudsman.

2. [The Mississauga Muse](#) on November 20th, 2009 9:23 pm [edit](#)

Hi Mr. LaFong, you wrote:

Yes, I know that the Ontario Ombudsman has no jurisdiction under the Ombudsman Act to investigate Ontario municipalities.

7mm

The Ontario Ombudsman has no jurisdiction under the Ombudsman Act to investigate Ontario municipalities. The ombudsman's jurisdiction over municipalities is limited to being the default closed meetings investigator under the Municipal Act if a municipality doesn't appoint one. Mississauga's decision to look into appointing an integrity commissioner had nothing to do with denying access to the ombudsman.

Yes, I know that the Ombudsman's jurisdiction over municipalities is limited to being the default closed meetings investigator under the Municipal Act if a municipality doesn't appoint one. I not only sat in on the Bill 130 Standing Committee deliberations, I have them on audiotape and video.

The Province caved in to the mighty lobbying of AMO (Association of Municipalities of Ontario) and allowed municipalities to BLOCK the Ontario Ombudsman's closed meeting investigation simply by hiring its own "Investigator". Many municipalities waited until December 2007 (Christmas season) to hire LAS (Local Authority Services) a subsidiary corporation of none other than AMO. Some municipalities charge as much as \$250 for a resident who would file a complaint under Bill 130.

As for you writing that "Mississauga's decision to look into appointing an integrity commissioner had nothing to do with denying access to the ombudsman." Wrong wrong and then some. Mississauga's Corporate Report mentioned how many other municipalities are looking into hiring their own Integrity Commissioners in the past year. The writing's on the wall. They're seeing the province expand that Ontario Ombudsman's authority into nursing homes and hospitals and now more into children's services....

There are plenty of people and newspaper editorials calling for the Province to extend the Ombudsman's authority into municipalities.

So how do these corrupt municipalities BLOCK the Ombudsman? Why get in there first with an Integrity Commissioner. THEIR "Integrity Commissioner".

Won't surprise me if that hotbed of white collar crime, AMO, doesn't set up subsidiary corporation with a stable of municipality-friendly "Integrity Commissioners". Just based on my Freedom of Information results (since January 2007) if Mississauga is anything to go by... the crap and malfeasance is piled so high!.. no wonder they're terrified of external scrutiny.

'cuz this the Picture. If Hazel McCallion really did believe Mississauga led Canada in management —that her Staff really are about Trust, Quality, Excellence, she'd not only invite the Ontario Ombudsman as Mississauga's "Integrity Commissioner" she'd lobby for that legislative change at Queen's Park for all Ontario.

The Mississauga News editorial has MYTHissauga's interest in an Integrity Commissioner pegged almost-perfectly. "All Show No Go".

7000

“All Show No Go” is confirmed through Freedom of Information. “Perfect” would’ve been if MissyNews peered in that immoral Corporate landscape and realized the real motivation behind an Integrity Commissioner. 2nd, Mississauga can brag about that for their Success in the City 2009 brochure. And 1st, posture about not needing the Ontario Ombudsman because their “Integrity Commissioner” is doin’ the job jes’ fine thank you very much.

3. Karl LaFong on November 21st, 2009 4:18 pm [edit](#)

Interesting hypothesis, but it’s no more than that. I would think that if a municipality wanted to argue that having the Ontario Ombudsman investigate municipalities was unnecessary, the municipality would appoint a local ombudsman rather than an integrity commissioner.

Your remarks concerning AMO do nothing to enhance your credibility with those in a position to address some of the legitimate issues you have raised.

Let me guess: your favourite movie is Conspiracy Theory.

4. [The Mississauga Muse](#) on November 21st, 2009 8:17 pm [edit](#)

Hi again doll,

You wrote:

“Interesting hypothesis, but it’s no more than that.”

Yep nothing more, but it’s an *educated* hypothesis based on \$2,100 worth of Freedom of Information documents going all the way back to January 2007 plus primary research sitting in (and videotaping) all manner of meetings from Council through to Audit Committees. And I’ve surfed several municipalities not just MYTHissauga. More than happy to show you the data.

You wrote:

“I would think that if a municipality wanted to argue that having the Ontario Ombudsman investigate municipalities was unnecessary, the municipality would appoint a local ombudsman rather than an integrity commissioner.”

Yes, and it’d be a rare municipality in Ontario that would argue FOR authentic oversight. But there are a few—you can find them at the Ontario Ombudsman’s website. They’re the ones who have given their citizens access to the Ontario Ombudsman as a response to Bill 130. But that’s no guarantee they’d stay committed to serving their residents.

Neither is the Ontario Ombudsman for that matter. He’s no guarantee either.

After all the Province could grant Mr. Marin full investigate authority into the MUSH sector and then replace him with Elmer Fudd and we’d be worse off than we are now.

7ppp

You wrote:

“Your remarks concerning AMO do nothing to enhance your credibility with those in a position to address some of the legitimate issues you have raised.”

And your remarks about AMO confirm that you know zip about AMO.

Or that you base your opinions on irrefutable data as secured through Freedom of Information.

And frankly, I'm just so beyond caring what people think of me including those with influence. I've concluded The System is so corrupt that it can't be fixed. Simply morally beyond redemption.

My place/role is to research and bear witness is all.

You wrote:

Let me guess: your favourite movie is Conspriacy Theory.”

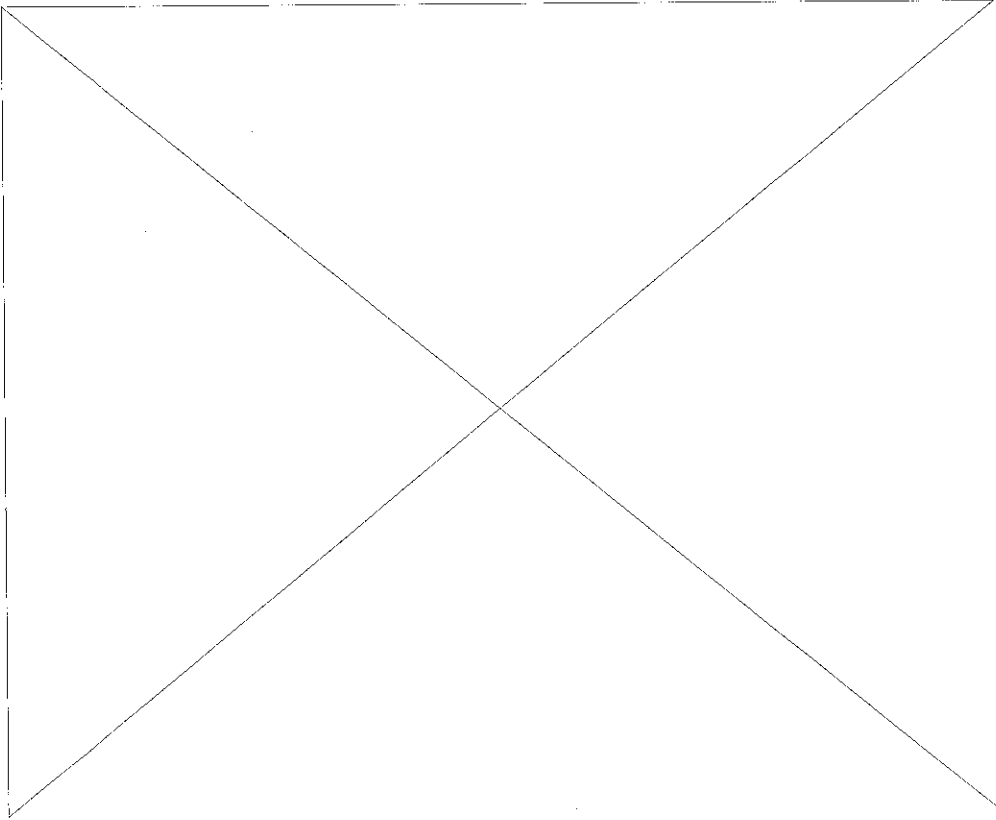
Not even close buttercup.

It's *Good Night and Good Luck*. The story of Edward R. Murrow who takes on Senator Joe McCarthy by rigorous investigative reporting and compiling film, film and more film.

And them more film.

Here! CATCH! My own video called “**EDWARD R. MURROW –MY HERO**” (3:04 min)

7999



(Click here to go directly to the clip on YouTube)

7rrr

“Ontarians need the Ontario Ombudsman looking into municipalities. Full investigative powers. And it’s not just Mississauga. This is for all Ontario municipalities.”

MISSISSAUGAWATCH deputation to MISSISSAUGA COUNCIL

November 26th, 2009

We’re up for air and back online.

Only purpose for this Blog is to document, for the record, a video that MISSISSAUGAWATCH showed at yesterday’s Mississauga Council meeting to oppose Mississauga Council hiring an Integrity Commissioner. MISSISSAUGAWATCH made it clear to Mississauga Council that “Ontarians need the Ontario Ombudsman looking into municipalities. Full investigative powers.”



Our good friend (and sometimes colleague), citizen-activist Donald Barber also called for Mississauga Council to determine how the Ontario Ombudsman might play the (invited) role of

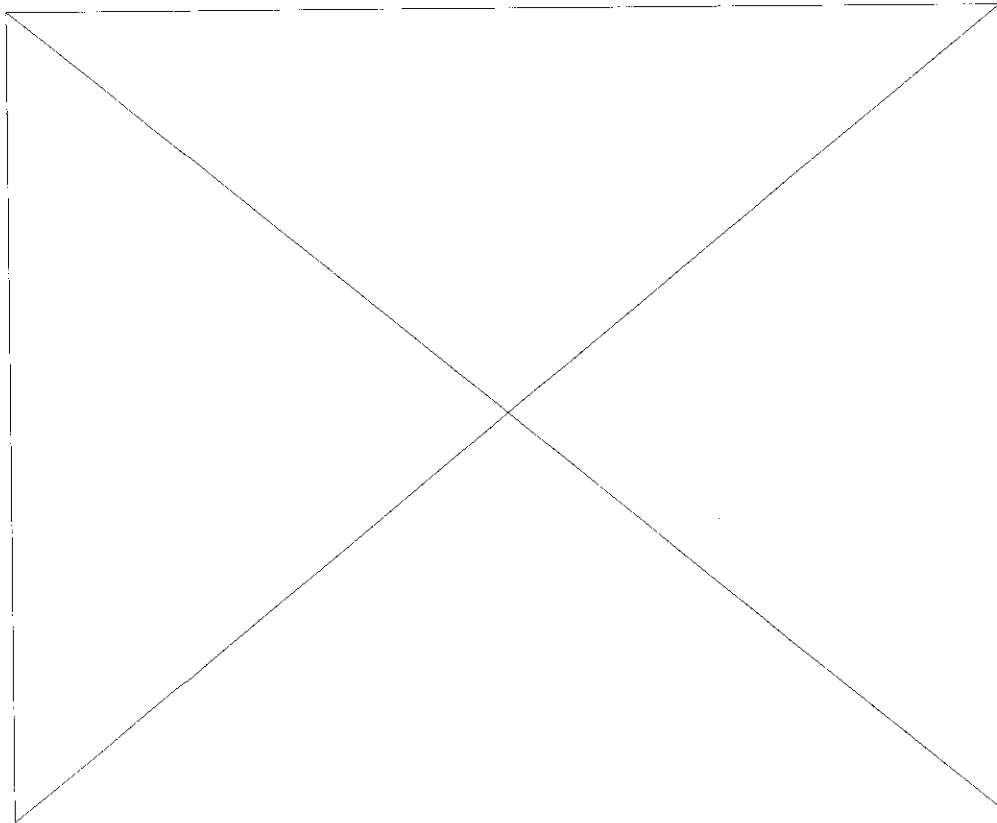
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Integrity Commissioner for the City until such time as the Province Gets Real and expands the Ombudsman's Office jurisdiction into the MUSH sector ([M] of MUSH is "Municipalities).

So here is the video we showed —video weaving clips of the December 6, 2006 Bill 130 Standing Committee Queen's Park deliberations with "The Mississauga Muse" inside Council Chambers, four years later —on November 11, 2009.

Followed by the transcript.

Video: "INVITE THE ONTARIO OMBUDSMAN IN AS YOUR INTEGRITY COMMISSIONER" MISSISSAUGA COUNCIL URGED" (5:51 min)



(Click here to go directly to the clip on [YouTube](#))

VIDEO TRANSCRIPT

Video taped at Queen's Park regarding Bill 130 Municipal Statute Law Amendment Act Standing Deliberations, December 6, 2006.

It includes debate between Brad Duguid, (Liberal) MPP, Scarborough Centre, Parliamentary Assistant to the Minister of Municipal Affairs and Ernie Hardeman (PC) MPP Oxford.

7/11

TRANSCRIPT BEGINS

Mr. Duguid: —this is in keeping with some of the recommendations that came forward from the Ombudsman in discussing the need that these duties be carried out in an independent manner. And that's what this particular motion is designed to do. It clarifies that the ombudsman is to function in an independent manner.

The Chair: Very good. Any speakers to this? Mr. Hardeman?

Mr. Hardeman: I guess I say it in a kind of negative way but, it seems to me from the government's side —saying it doesn't make it so. And from having an amendment that says we're changing nothing about how it's done but the Ombudsman says we should have an independent ombudsman or investigator —to just put that in and say they should be independent — unless it gives some direction of what independence means, I don't know how anyone would take comfort from this being sure it's going to be independent.

If it still allows that independent person, that's doing it now independently, to be an employee of council, I don't know how the public could see that as independence.

MISSISSAUGAWATCH: I really would like to think that most citizens aren't *stupid* enough to accept an Integrity Commissioner that a municipality itself decides to hire. I mean there are 440 municipalities in Ontario. Some of them have to be corrupt!

And you're gonna somehow say that we're going to deal with this corruption by hiring our own Integrity Commissioner? What?!

Mr. Hardeman: Of course because of the whole nature of the bill, there will be no avenue for the public to be involved in whether it's independent or not, because the very fact that the individual is appointed prohibits that person from going to the Ontario Ombudsman to ask for an independent review.

So, [inaudible] just saying it, to me, just doesn't cut it.

There needs to be more direction as to how independent they must be, that they must be appointed separately from council, that it can't be, as was suggested on a very negative note by the Ombudsman, it can't be just hiring a lawyer who's — no disrespect to lawyers — who is in fact, obligated to work for the people who hire them.

So obviously, an independent investigation by a lawyer hired is not going to suffice for the public—

MISSISSAUGAWATCH: And here's something else. If these people had done a minimum amount of homework, as far as checking the Code of Conduct and complaints system that they have passed in April 2008—if they have looked into that, and had examined what's been happening since that one was implemented, they'd realize how important it is to get substantial complaints *away* from municipalities and into the Provincial realm.

7uuu

Mr. Duguid: —There are a variety of interpretations to the wording in this motion that could provide some degree of difficulty for municipalities down the road, and we'd rather not complicate that. We have confidence that municipalities will — in fact, when we had AMO before us during the hearings, Mr. Reycraft made it very, very clear municipalities are not going to appoint somebody as an ombudsman who is not independent, and would not get an employee of the company, or of the corporation or the city or town or village or region to do that.

But there are issues in terms of definitions of “employee” that I think we'd rather not get into.

Mr. Hardeman: I recognize that the president of AMO, on behalf of all the member municipalities of AMO, was making a presentation and suggested that he would never, nor would any municipality, do anything that would be contrary to the best interests of the people who were being impacted by their decisions.

MISSISSAUGAWATCH: And then the other thing about this report, it doesn't deal with *prior* problems *and* any complaint —you're only allowed six months.

Most people don't know how badly they've been screwed over —*for years!* It took *me* about two years to figure out about Freedom of Information!

Mr. Hardeman: At the same time, I think, if you're going to have a third party review for decisions that they make, I think the public would expect that third party review to be by an impartial third party. I think if we don't do something like this, we're going to have the old adage about “You can't fight city hall” is going to be true, because the judge is going to be somebody at city hall, and I don't think that's an appropriate way.

So I think this is one that should be passed, and I do request a recorded vote on it.

MISSISSAUGAWATCH: Most people don't have the resources that I have here or the time that it's taken me to really understand *why* you can't have an Integrity Commissioner. You need —Ontarians need the Ontario Ombudsman looking into municipalities. Full investigative powers. And it's *not* just Mississauga. This is for *all* Ontario municipalities.

They need help. You need something else, because everything else is just —pretense. Absolute *pretense*.

End slide: “saying it doesn't make it so” Ernie Hardeman (PC) MPP Oxford, December 6, 2006.

NOTE: This video transcript differs from the official Hansard records and I have no idea why.

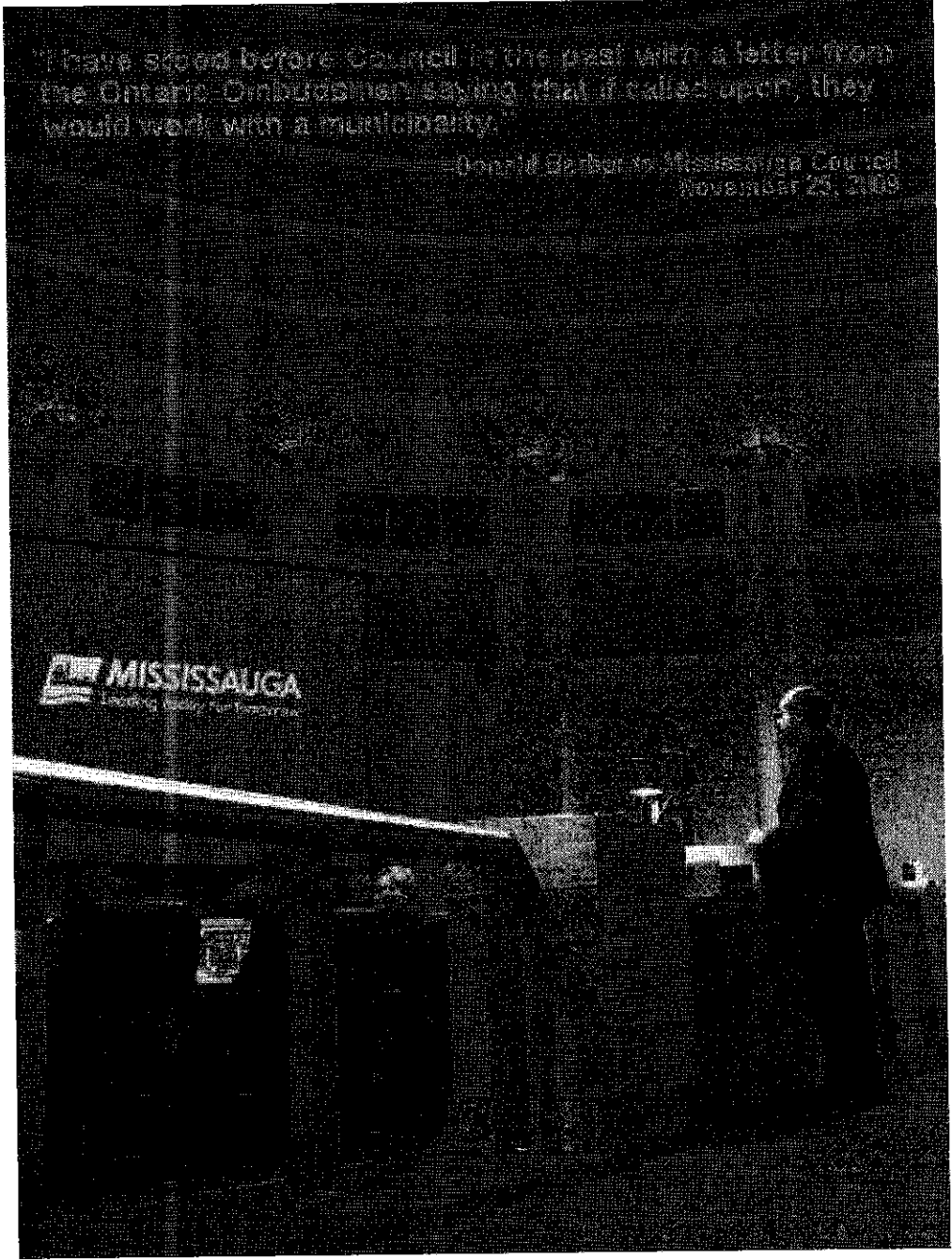
Signed,

The (Ontarians need the Ontario Ombudsman looking into municipalities. Full investigative powers. And it's *not* just Mississauga. This is for *all* Ontario municipalities.) Mississauga Muse

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I have stood before Council in the past with a letter from the Ontario Ombudsmen saying that if called upon, they would work with a municipality.

Donald Barber to Mississauga Council
November 23, 2009



7www

“STONEWALLED” SUB-CONTRACTORS FALL VICTIM TO CITY OF MISSISSAUGA FACILITIES AND PROPERTY MANAGEMENT’S “DUE DILIGENCE” OF CONTRACTS

February 27th, 2010

This video has been prepared for the sub-contractors who appeared before the Wednesday, February 24, 2010 Mississauga Council meeting. Unpaid for their work, stonewalled and given the runaround, they too fell victim to City of Mississauga’s Staff’s chronic non-compliance to Corporate policies.

Truth be told, in the case of these sub-contractors, they fell victim to yet another policy believed to be “in place”, just that Mississauga’s Internal Audit **did not find** any trace of it!

And who was responsible for this contract? Why, none other than City of Mississauga Facilities and Property Management! The same fine folks who honed City of Mississauga Corporate Security into the unaccountable, no oversight, unethical knobs who also profess to be a “dedicated team of security professionals”.

Have to say I felt so sorry for the sub-contractors. In the words of the deputant, “blue collar” workers comprised of “single parents with kids on disability that are being —that are losing a lot of money”.

Sure they’ve been stonewalled, screwed-over and eventually forced to file Freedom of Information to peer at the truth. But in some ways they’re lucky —it’s still just money.

This **same** City of Mississauga Facilities and Property Management and their Corporate Security Guards **arrest** people/youth/minors.

By far the most offensive thing in the video I’ve prepared is Councillor Pat Saito looking the deputant in the eyes and saying, “I was assured by Staff at that time that when they did due diligence” and “Mayor McCallion and I did discuss that with Staff yesterday and we have been assured by Staff that they...”

Considering the number of times that I’ve advised Councillors that Staff’s word cannot be trusted, I’m just so offended she’d fling that “I was assured by Staff” turd at these people.

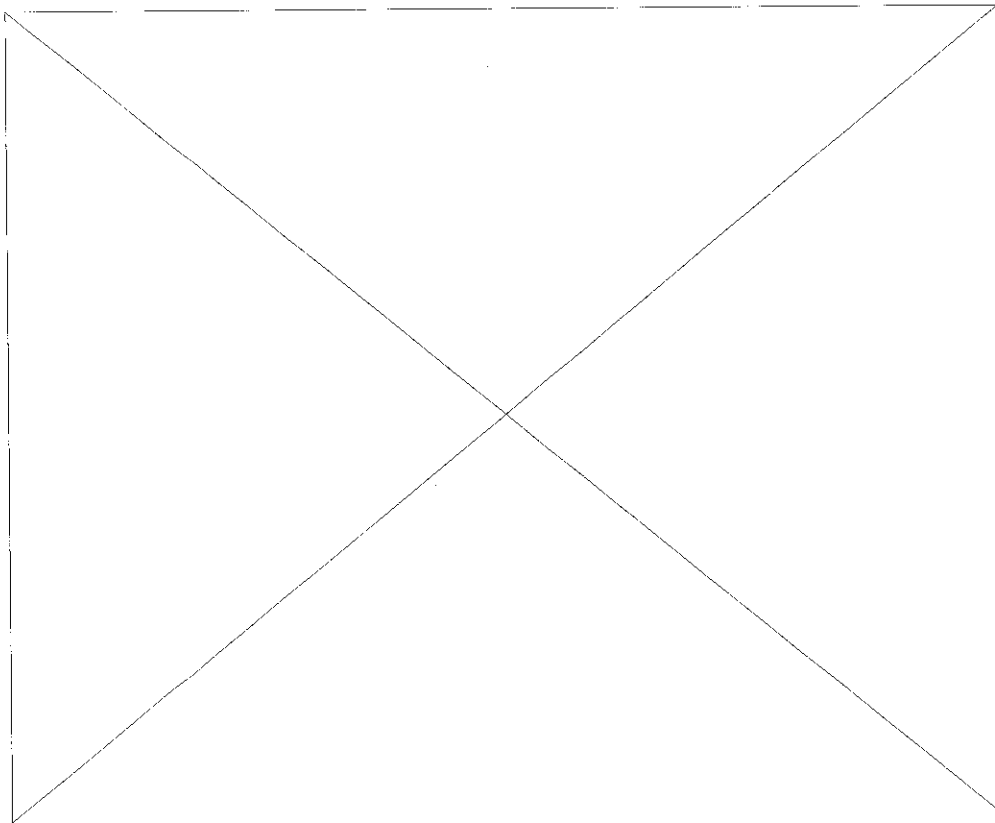
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Saito's "I was assured by Staff" comment alone is Perfect Testimony as to why the City of Mississauga can't be trusted to hire its own Integrity Commissioner. There's NONE THERE NOW!

This video is dedicated to the sub-contractors and their families who fell victim to the City of Mississauga Facilities and Property Management's **chronic** non-compliance to policy and procedure.

So. As always, the video —followed by the transcript.

Video: HAZEL MCCALLION/MISSISSAUGA COUNCIL DECEIVE SUB-CONTRACTORS AND PUBLIC -WITHHOLD VITAL INFORMATION (10:22 min)



[\(Click here to go directly to the clip on YouTube\)](#)

VIDEO TRANSCRIPT

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

Okay, it is Thursday, February the 25th, 2010 and I'm here, underground, near 130 Adelaide Street and I'm to meet with the Judicial Inquiry investigators at 2 o'clock.

1444
You know, I've been mentioning the non-compliance of City of Mississauga Staff to **numerous** policies. And you know, as recently as February 3rd I detailed quite a number of them in a deputation.

[cross zoom]

MISSISSAUGAWATCH (Mississauga General Committee Deputation, February 3, 2010):
** sequence edited for brevity and audio begins after Policies 1 through 6.*

Now these are non-compliance.

1. Video Surveillance Policy (The Corporation's first SNOOP policy)
2. Violence and Vandalism Policy (2000 to 2006)
3. Violence, Vandalism and Bullying Policy (the existing current one)
4. Corporate Security Code of Conduct
5. Corporate Security Public Complaints Policy (if you can believe that)
6. Conflict of Interest Policy
7. Vendor (and this comes from Audit) Performance Policy (Assumed abandoned, Internal Audit could no trace of it.)
8. Charging Interest to non-government organization Policy
9. Infoplace Cash Collection Policy (cost the City over, what? —\$700,000 plus)

And then By-laws —the Records Retention By-law. That's confirmed through Freedom of Information, and even Accessibility for Ontarians with Disabilities Act.

[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

And the City Manager, Janice Baker responded with that she would simply not accept what I had said.

CITY MANAGER, JANICE BAKER (Mississauga General Committee Deputation, February 3, 2010):

The accusations that she's made about the behaviour of Staff at the City are **extremely** serious and, you know, I am actually quite taken aback by them.

[dip to white]

But to suggest that there is a callous disregard at —by the Staff at the City of Mississauga for both the responsibilities that we have for the care, custody and control of records, written and electronic, is something that I simply cannot accept. I'm sorry.

[cross zoom]

7222

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

So, what happened at yesterday's Council meeting was quite remarkable.

It was the 2009 Corporate Awards for Excellence that had been —were being handed out. And you would hear "Leading Canada in management".

[cross zoom]

CITY MANAGER, JANICE BAKER (Mississauga Council Corporate Awards of Excellence Meeting , February 24, 2010):

Mississauga is continually looked upon as a municipal leader.

[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

Our excellent Staff, our excellent commitment to the taxpayer.

[cross zoom]

CITY MANAGER, JANICE BAKER (Mississauga Council Corporate Awards of Excellence Meeting , February 24, 2010):

—to address the needs of all sectors and members of our community.

[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

They are Trust, Quality and Excellence.

[cross zoom]

CITY MANAGER, JANICE BAKER (Mississauga Council Corporate Awards of Excellence Meeting , February 24, 2010):

They have exemplified our values of Trust, Quality and Excellence.

[cross zoom]

7aaaa

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

And Excellence and Excellence and more Excellence.

[cross zoom]

MAYOR HAZEL MCCALLION (Mississauga Council Corporate Awards of Excellence Meeting , February 24, 2010):

Just outstanding. Solves all problems. Brings Peace and Harmony on all issues that he faces.

[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

And you know, it's a **killer** when I know what Freedom of Information and the Audit Committee has revealed.

[dip to white]

And then, more to the point, there was a group of about six sub-contractors who went before Council* and detailed their frustration with being paid, or in this case, not paid, for work they'd done by [sic] a contractor that was hired by the City of Mississauga.

[cross zoom]

BRIAN MCMAHON, HALTON BMAC MECHANICAL INC (Mississauga Council Corporate Awards of Excellence Meeting February 24, 2010):

Very early in the project, we expressed our concerns to the City Staff that the sub-trades weren't being paid.

[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

His frustration that there were people really counting on the money and feeling hardship at this point.

[cross zoom]

BRIAN MCMAHON, HALTON BMAC MECHANICAL INC (Mississauga Council Corporate Awards of Excellence Meeting February 24, 2010):

7 bbbb

—to maybe do something, [inaudible] single parents with kids on disability that are being—that are losing a lot of money

[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

Things wouldn't happen —then there was, he used the word “stonewalled” on occasion.

[cross zoom]

BRIAN MCMAHON, HALTON BMAC MECHANICAL INC (Mississauga Council Corporate Awards of Excellence Meeting February 24, 2010):

Through the Freedom of Information Act —because I was being stonewalled by so many people—

[cross zoom]

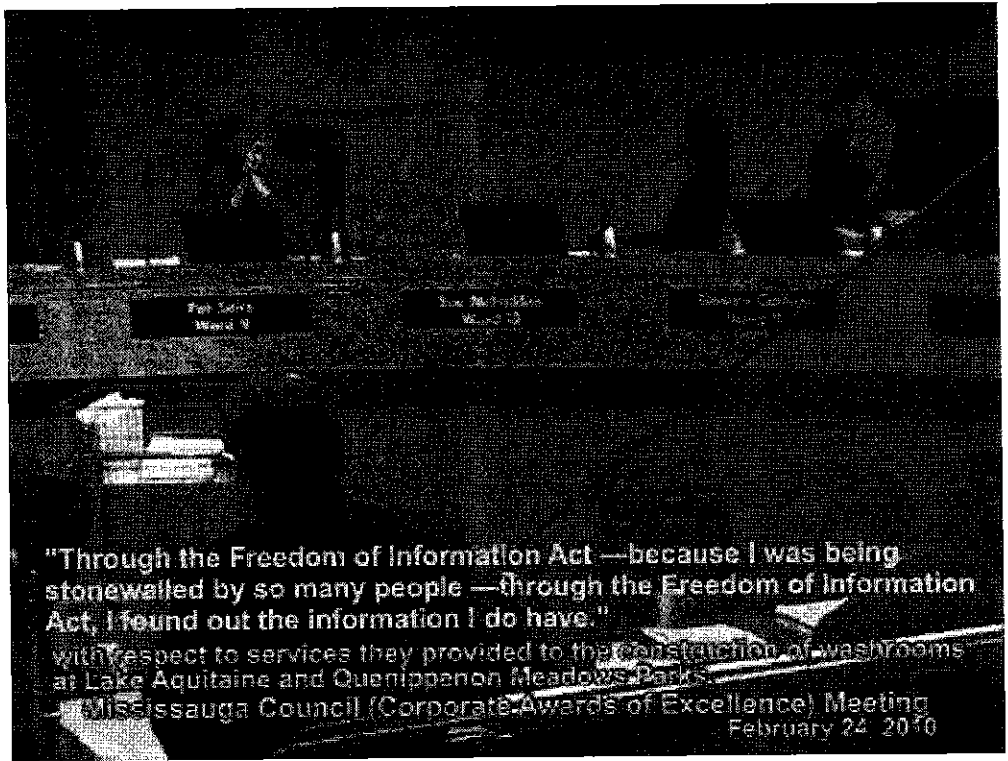
MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

And then what was really interesting was, he asked, “Did the City do due diligence before hiring the contractor?”

[cross zoom]

BRIAN MCMAHON, HALTON BMAC MECHANICAL INC (Mississauga Council Corporate Awards of Excellence Meeting February 24, 2010):

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Through the Freedom of Information Act —because I was being stonewalled by so many people —through the Freedom of Information Act, I found out the information I do have. I have access to the contract and to his —to the contract, to the statutory declarations that he was signing.

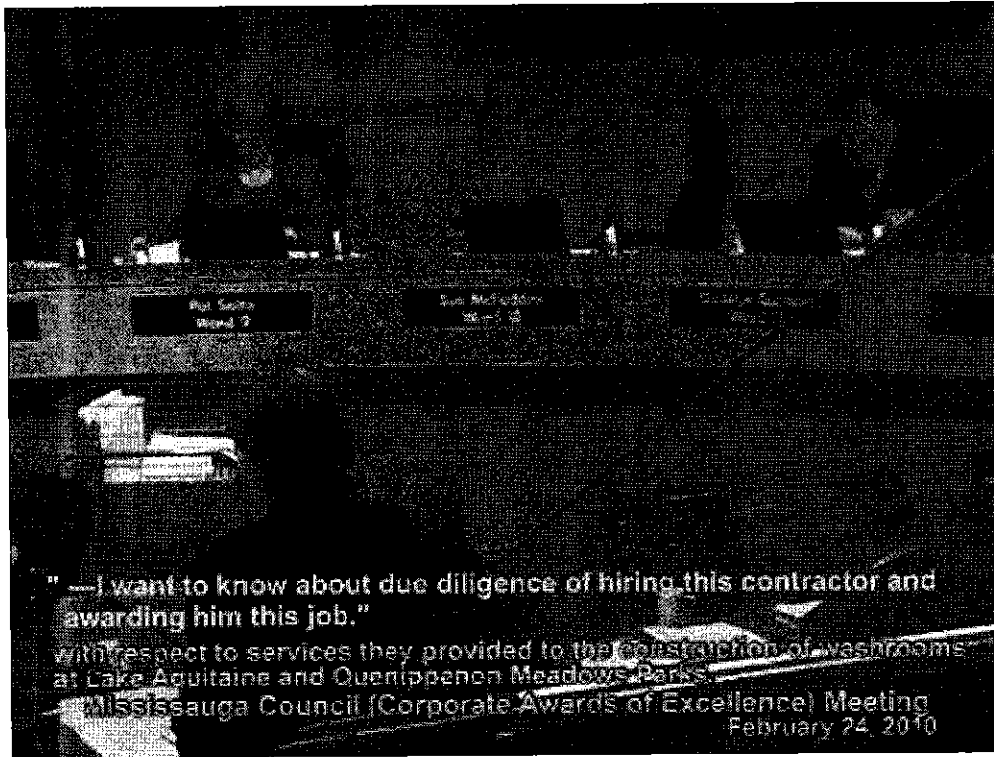
I also have, I also have his references and his resume, which at the least leaves much to be desired.

[dip to white]

Now there's projects that he had that he put down as a reference, these are projects that he's been, basically, kicked off for non-performance —this contractor, he's done projects where there's been liens to put on it and he's been asked to leave.

And these are the —I want to know about due diligence of hiring this contractor and awarding him this job.

7 dddd



[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

And as soon as I heard the “due diligence” I said (laughs) I knew about an Audit Committee just recently, where again, there was issue with contracts. And the Audit Committee had investigated just how contracts were being handled in the City and Hazel McCallion brought up some issues where there had been problems with contractors in the past.

[cross zoom]

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

We sit down with management as we go through the Audit and say exactly what our concerns are so that they have time to address them. And as you can see, by the end of June of this year, five out of seven of the recommendations will be completed.

And also that formal Vendor Evaluation Criteria will be developed by mid-2010.

[cross zoom]

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

Teeee
But on that point—

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

[inaudible]

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

On that point—

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

Yeah.

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

There was a procedure set up years ago on Vendor [requisitions? inaudible]. Did you find any trace of it?

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

It's just an informal vendor performance review right now [inaudible] it's not being —there's no formal process in there. The first thing—

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

There was —there was a policy established. Every vendor, and especially on major contracts, that when we had bad experiences —and we have had some bad experiences—

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

Yes.

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

There was a policy established years ago that the vendor would be categorized. And in fact some would be cut off for future contracts.

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

That's not—

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MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

Did you find no trace of it?

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

No, it's not in there.

COUNCILLOR PAT MULLIN (Chair, Mississauga Audit Committee, May 11, 2009):

No, the answer's no. So I guess [inaudible]

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

Well it was set up, I can tell you.

COUNCILLOR CARMEN CORBASSON (Mississauga Audit Committee, May 11, 2009):

I remember the discussion.

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

Do you?

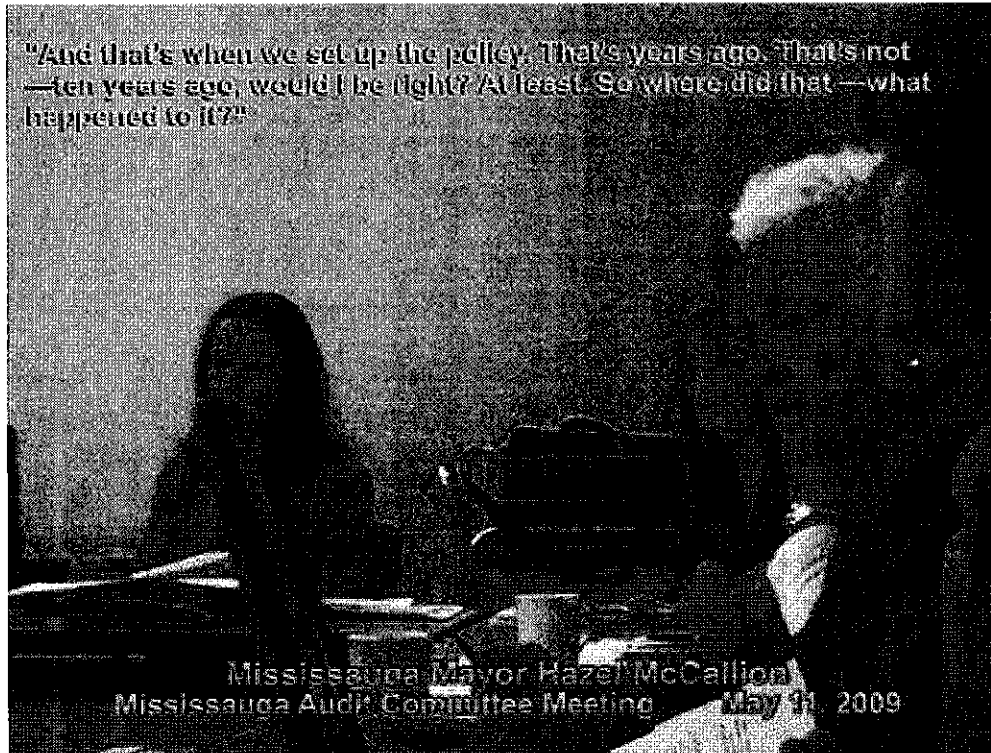
COUNCILLOR CARMEN CORBASSON (Mississauga Audit Committee, May 11, 2009):

I remember the discussions.

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

Some of you who've been around long will remember? It was set up. So obviously it got lost in the shuffle somewhere. Cuz we ran, we ran into some bad examples. And that's when we set the policy. That's *years* ago. That's not —*ten* years ago, would I be right? At least. So where did that —what happened to it?

79999



DIRECTOR INTERNAL AUDITOR, SALLY ENG (Mississauga Audit Committee, May 11, 2009):

There is some mention of a purchasing By-law where we would be able to —or the purchasing agent has the authority to, prevents [sic] the bidder from bidding in future contracts. But we have not been able to find any detailed processes relating to what you're talking about.

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

Okay.

COUNCILLOR PAT MULLIN (Chair, Mississauga Audit Committee, May 11, 2009):

[inaudible] that we should look into, I guess for the future. Because I remember the discussion.

[inaudible —several speakers at once]

CITY MANAGER, JANICE BAKER (Mississauga Audit Committee, May 11, 2009):

That's what one of the recommendations is.

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

I'm getting a little frustrated as Mayor as we set up policies and then they're not followed. And that's what bothers me. I was in the business —in the private sector and we had **millions** of

Thhhh

dollars in contracts. And it's been something I've been promoting —is control of the contracts. And that policy was set up because we ran into one vendor who were [sic] behind two millions dollars, I remember.

Anyway.

So now we're going to set up one up. Fine.

Someone:

Yeah.

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

If we set one up, it **better be followed**. That is the key. No use setting it up if it's not going to be followed. You know, I don't know why there's such a **disregard** for policy.

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

Just to conclude. Working with Facilities and Property Management, we've had a good rapport with them and I just want to thank Ken—

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

The guy that did the renovations at the [audio suppressed]. I hope he never sees another contract.

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

Yeah.

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

Am I right?

COUNCILLOR CARMEN CORBASSON (Mississauga Audit Committee, May 11, 2009):

And the one at the [audio suppressed]

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

And the one at the [audio suppressed]

COUNCILLOR CARMEN CORBASSON (Mississauga Audit Committee, May 11, 2009):

7:11
That was a bad one.

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

And I'll be honest with you that's—

MAYOR HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

Now that was a bad one.

COUNCILLOR CARMEN CORBASSON (Mississauga Audit Committee, May 11, 2009):

I think that's when it was raised.

SENIOR INTERNAL AUDITOR, AL STEINBACH (Mississauga Audit Committee, May 11, 2009):

[inaudible] of this audit, Madam Mayor they, ah, that contractor again, there was no formal evaluation for those contracts. And that's why we recommended that that be formalized and documented.

HAZEL MCCALLION (Mississauga Audit Committee, May 11, 2009):

There was even an evaluation form used many years ago because of our bad experience with contractors and we'd see their name pop up again being awarded a contract.

[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010) :

So, Staff and Council approved a policy that outlined how to go about evaluating a contractor to make sure that the City would be doing this due diligence. And what was interesting is, that was **never mentioned** to the contractor [sic] sub-contractor who was up there!

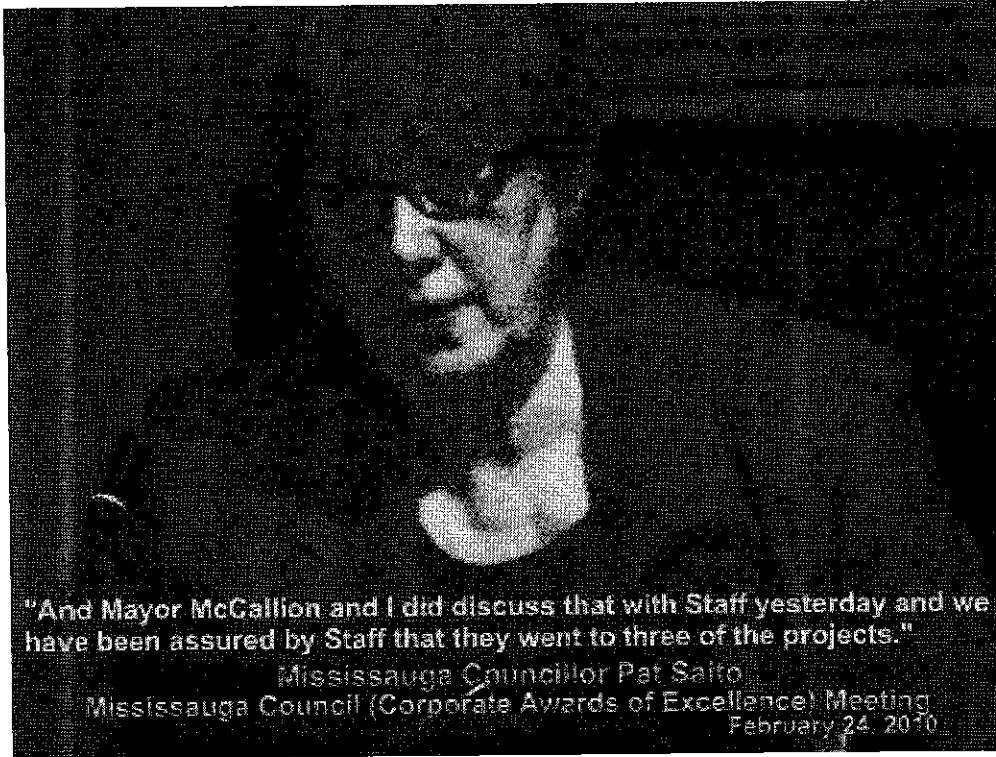
[cross zoom]

COUNCILLOR PAT SAITO (Mississauga Council Corporate Awards of Excellence Meeting February 24, 2010):

I was assured by Staff at that time that when they did due diligence—and you questioned the due diligence on page 3, which is “I 3c” of the report you filed. You questioned the due diligence of the City.

[dip to white]

7/2/10



And Mayor McCallion and I did discuss that with Staff yesterday and we have been assured by Staff that they went to three of the projects —former projects, that this contractor had undertaken —that they'd used as references, and they were similar-sized projects.

And the information that we've received from our Facilities Staff, who oversaw the project, is that they received good reviews from two of them. They weren't able, I guess to get a hold of the third one. But two of them did give good reviews and we have that review.

It doesn't have a lot of detail in it.

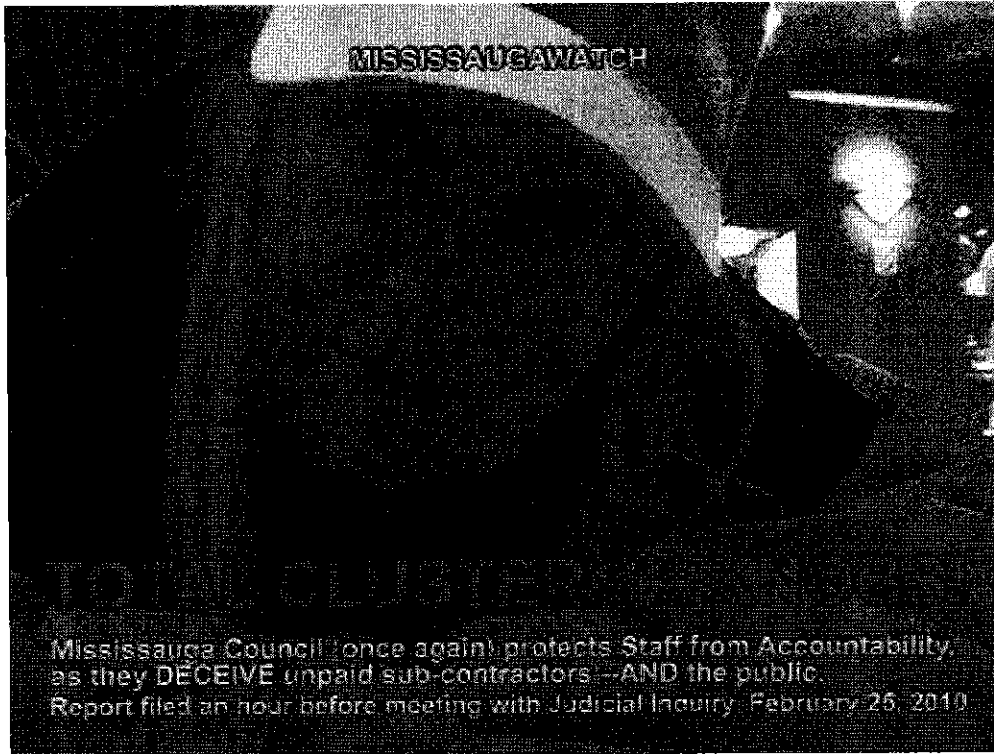
[cross zoom]

MISSISSAUGAWATCH (underground somewhere under 130 Adelaide, February 25, 2010):

So instead McCallion and Councillor Saito said, yes, Staff **did** do due diligence and check [sic] things out.

And again, once I found out that it was Facilities and Properties [sic] Management, again, because I sat in on the Audit Committee, I know that there have been Audits done of that Department that describe their record-keeping as from adequate to non-existent.

TKKKK



And because I research City of Mississauga Corporate Security, also part of Facilities and Properties [sic] Management, there's a lot of non-existent as well in terms of record-keeping.

So —what's interesting is, in front of the **cameras**, there's this kind of a non-acknowledgment of what happened in the Audit Committee.

[cross fade: logo]

TRANSCRIPT ENDS

Signed,

The (If you like how Mississauga Facilities and Property Management bungles Contracts, you should see the cluster****bungleknobfest that passes for Security!)

P.S. Have I an appropriate sign-off pic? Yep!

71111

MINUTES



"Enersource year" AUDIT COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

MONDAY, JANUARY 24, 2000, 9:00 A.M.

MAYOR'S BOARD ROOM, THIRD FLOOR

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

Members Present

- Councillor K. Mahoney (Chair)
- Councillor C. Gyles
- Councillor C. Corbasson

Members Absent

- Mayor H. McCallion (Ex-officio)

Others Present

Mr. R. Correll, KPMG

"I think it's also important to have continuity on the Audit Committee."

Staff Present -MISSISSAUGAWATCH

Mississauga Council May 28, 2007

Mr. D. O'Brien, City Manager

Ms. J. Baker, Commissioner of Corporate Services

Clerk/Treasurer

Mr. J. Jackson, Director of Finance

Mr. D. Ogilvie, Director of Internal Audit

Ms. M. A. Hipgrave, Internal Audit

Mrs. D. Peternell, Office of the Clerk

COMMENT left at the Mississauga News



The Mississauga

Really happy this morning...because I finally answered my biggest question

"Does Hazel McCallion know?" Meaning does Hazel McCallion know how Staff operate? Wednesday's Council meeting CONFIRMS not just that McCallion KNOWS, but that she, like her Staff are Perps. By not telling those sub-contractors on Wednesday, that at the May 11, 2009 Audit Committee she found out that Internal Audit could find no trace of a formal Contractor Evaluation

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<u>Muse</u>	Policy that was passed by Council "10 years ago" she made her Respectful
Feb 27, 2010	Workplace utterance about "honesty with the citizens both on the Council and on
9:07 AM	the part of Staff" a lie. First time I ever stepped foot inside Council Chambers (May 5, 2006). Got The Answer to "Does Hazel McCallion know? Wednesday, February 24, 2010. Zero doubt that Mississauga News "knows" too.

Crystal Greer

Subject: Financing campaigns

From: Roy Madill [mailto:roymadill@rogers.com]

Sent: 2010/08/19 10:51 AM

To: Public Info

Subject: Financing campaigns

Just for the record, I think it's appalling that Mississauga's new Code of Conduct does not preclude election contributions from unions, developers or any other group with a potential conflict of interest. At the very least, candidates should be forced to disclose sources of revenue for their campaigns in a document accessible to the general public pre-election.

Roy Madill
2389 Genevieve Dr.
Mississauga
L5A2M2

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Crystal Greer

From: Greg Levine [greg.levine@bmts.com]
Sent: 2010/08/17 3:41 PM
To: City Clerk
Subject: Submission re Draft Code of Conduct
Attachments: The Draft Code of Conduct submission by GJ Levine August 2010.doc

City Clerk
City of Mississauga

Attached in Word is a submission concerning the Draft Code of Conduct with a number of comments on the Draft Code. I hope the Council and staff find it of some use. I have not put in references owing to shortness of time but will provide examples if Council or staff request and would be happy to chat about this if so requested. there are a number of issues which could be canvassed in much more detail but what appears hers some thoughts and suggestions and again I hope it is of some use.
By starting this process Mississauga is undertaking a very important reform and I wish the City well in its efforts.

Sincerely,

Greg Levine

Phone: 519-858-2222 ext 234
Fax: 1-866-385-0310
Mailing address:
P.O. Box 2551 STN B
London, ON N6A 4G9

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**The Draft Code of Conduct, City of Mississauga -
Submission by G.J. Levine, Lawyer, Southampton and London, Ontario
August, 2010**

The City of Mississauga has embarked on an ambitious and important program of establishing a Code of Conduct and an Integrity Commissioner system. Once established the Code and Integrity Commissioner will no doubt be welcome additions to integrity systems now in place in Ontario.

What follows are a few thoughts on the Code and some suggestions on establishing the integrity commissioner system.

General Comments:

The structure and form of the Code is excellent drawing as it does on the Vaughan model. The inclusion of commentary throughout is very useful and will provide guidance for members of council, the public and the Integrity Commissioner. There are redundancies in the commentary which could be eliminated but overall it is an important approach to promoting ethical conduct.

The role of the Integrity Commissioner will have to be spelled out in a more comprehensive way than the code now does. It is understood that the City intends to do this once a Commissioner is in place and can help set up a system. The report dated _____ from the City Solicitor makes clear the importance of the independence of the Commissioner and need for security and support of the Commissioner and these need to be reinforced in the system once it is established.

In addition to a more complete view of the Commissioner's role, a complaint system will need to be articulated. This is often included in municipal Codes but need not be. However it is important not to lose site of the complaint and enforcement processes and to recognize that the Code may have to be altered in light of enforcement questions and actual enforceability.

The Code lacks a mechanism for review and it is suggested that the Code or the bylaw through which the Code is adopted make provision for review every few years (and of course not preclude change as necessary on an ongoing basis). As the Council and its Commissioner work through code issues on an ongoing basis one of the roles for the Commissioner should be to suggest changes which make the civic ethics system more effective and efficient.

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Specific Comments:

What follows are a few comments on various parts of the Draft Code and some of the specific text of the Draft Code. The comments simply follow the order in which the sections or text appears in the Draft itself.

Framework and Interpretation:

Sections 3 and 4 of the Draft Code deal with advice and clarification, both of which are very important ideas and practices in an ethics system. They state:

3. Where an elected official discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice provided by the Integrity Commissioner
4. Elected Officials seeking clarification of any part of this Code should consult with the Integrity Commissioner.

Section 3 is very important because it buttresses the idea of advice giving and taking and acts as mechanism for preventing ethics problems. It should be carefully delineated and so the following additional wording (in bold) may help circumscribe it:

3. Where an elected official discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice **related to the Code of Conduct which is** provided by the Integrity Commissioner **and the Integrity Commissioner will be bound by the advice given should s/he be asked to investigate a complaint on the matter.**

Clarification is also important but should not be seen as specific advice. It is suggested that this be made clear. Hence the following wording (in bold) could be added

4. Elected Officials seeking clarification of any part of this Code should consult with the Integrity Commissioner. **Clarification sought and provided in a general way will not constitute advice given in s.3 above.**

Key Principles that Underlie the Code of Conduct

The first principle articulated in s. "a" is clearly important. Section a states:

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

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This is critical. It is about service and about genuine integrity in government. What is odd here is not the principle but rather the commentary under it. The commentary dwells on access to information. There is concern about inappropriate release of information. This is important but this is also the wrong place to discuss this or at least to exclusively discuss it especially as there is a section on confidentiality in the Draft Code later on. It is suggested that while the Commentary could continue to have a statement about access to information that should not be the sole focus. The commentary should reflect on the importance of public service which entails respect for those whom the Members serve and care and thoroughness in the conduct of civic business.

In the principles section b is about improper use of office and avoiding conflict of interest and the like. Again these are very important principles and certainly well worth stating. Again though the Commentary may need some clarification.

The second paragraph of the Commentary under section b states:

Members of Council are governed by the *Municipal Conflict of Interest Act* and the provisions of that statute take precedence over any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the *Municipal Conflict of Interest Act*

This, of course, is true but may need some clarification either in the text here or supporting documentation on the Commissioner or later in the Code. The *Municipal Conflict of Interest Act* only deals with pecuniary conflict of interest. It does not directly deal with apparent conflict of interest per se and it does not deal with private interests more generally. There is potential for confusion about where the Commissioner may tread or where the Council may want him or her to tread and this needs clarification.

Section "c" and its commentary also raises some interesting questions about the role and power of the Commissioner. The principle and commentary are as follows:

c. Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Commentary

Members of Council may seek conflict of interest advice, including a written opinion, from the Integrity Commissioner however, where members choose to seek external legal advice on conflict of interest issues, these fees will not be reimbursed by the City of Mississauga and cannot be charged to any office account.

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First of all the principle is larger than conflict of interest although as the commentary applies it is in the area of conflict of interest where one's private affairs will be most apparent. The commentary should perhaps make this link more clear. As well somewhere in the Code there should be definitions of conflict of interest and apparent conflict of interest.

Beyond this though the commentary actually contains a process for advice seeking which implies and advice giving capability which must be spelled out elsewhere. Still further it raises the issue of what advice should the Commissioner be giving and upon what should the councilors be induced to rely. The reality is that the Commissioner cannot give advice on pecuniary conflict of interest which will bind a court hearing a suit under the *Municipal Conflict of Interest Act*. At a minimum this should be made clear to councilors. More profoundly Council needs to reflect on whether it wants the Integrity Commissioner to be giving specific advice on pecuniary conflicts of interests when these matters may be dealt with in court (i.e. as opposed to general comments on the nature of such conflict of interest). Because of protections in the *Municipal Act, 2001*, the Commissioner should not be compellable in Court for any specific advice although that might become an issue. There are good reasons to want this sort of advice and to want a Commissioner involved here but Council should be aware of some of the limitations of this process.

If Council wishes to maintain the advice giving section as included in the commentary now the wording should perhaps be changed or added to as follows (see bold lettering):

Members of Council may seek conflict of interest advice, including a written opinion, from the Integrity Commissioner however, where members choose to seek external legal advice on conflict of interest issues, these fees will not be reimbursed by the City of Mississauga and cannot be charged to any office account. **Members must understand that while they may receive such advice it is still open to electors to challenge them respecting pecuniary conflicts of interest under the *Municipal Conflict of Interest Act*. In such a case the Court will determine the matter, not the Integrity Commissioner.**

Section "I" deals with the public interest. The Commentary deals with the Code and its relation to other legislation. The first paragraph states the following:

The provisions of this Code are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour set out in current federal and provincial statutes.

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It is suggested that the following sentence be inserted at the end of the paragraph:

Where there is any conflict, statutory law takes precedence.

Gifts and Benefits

The rules articulated here are clear and are consistent with rules in other municipalities. Section 2 of the general section on Gifts and Benefits refers to filings respecting receipt of gifts and alludes to the Commissioner's role in receiving them. It states in part:

- 2. In the case of exceptions claimed under categories 1. b, e, f, g, h and i
 - a) where the value of the gift or benefit exceeds \$500, or if the total value received from any one source during the course of a calendar year exceeds \$500, the Members shall within 30 days of receipt of the gift or reaching the annual limit, list the gift or benefit on a Councillor Information Statement in a form prescribed by the Integrity Commissioner, and file it with the Integrity Commissioner.

Section 3 indicates that the Commissioner is to monitor the statements and section 4 also indicates that the Commissioner is to act on them in some way if s/he finds problems or inconsistencies or breaches of the Code. This raises the issue of the Commissioner being able to investigate Code violations on his or her own initiative. This will need elaboration and clarification in legislation and statements concerning procedural powers of the Commissioner. Beyond this there may need to be some sort of hearing opportunity for the Councillor who is alleged to have violated the section. This needs some clarification – presumably with respect to all alleged violations of the Code there will be some process for the Commissioner to hear out the Member and allow the Member to explain his or her actions (both in the course of the investigation and prior to making any final determination).

Section 5's commentary raises issues about the meaning of consultation with the commissioner. Paragraph six of the commentary focuses on friendships and invitations and paragraph 7 speaks of consulting with the Commissioner before accepting invitations. Paragraph 8 also refers to consultation before accepting gifts. These paragraphs state:

Proper caution and diligence must however be exercised when a social function occurs within close proximity to the individual having an

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issue before City Council or staff for approval. It is always prudent to consult with the Integrity Commissioner before accepting or attending at any such engagements.

Any doubts about the propriety of a gift should be resolved in favour of not accepting it or not keeping it. It may be helpful to consult with the Integrity Commissioner when a Member chooses to decline a gift as well as when a recipient may opt to keep a gift.

What is the effect of consultation – is this the same as seeking and taking advice and does whatever is said attract the same reliance as dealt with in the principles. The idea of consultation should be elaborated on – perhaps at the beginnings of the document where advice is dealt with.

Confidential Information

Section 3 needs elaboration. It indicates that where something was communicated so as to make it less than confidential its confidentiality will not be respected no matter how it is labeled. This is very curious because perhaps the initial communication might simply be wrong and the labeling right. This paragraph should be clarified.

There is no Commentary in this section. This may be the appropriate place to put a commentary on access to information generally and then raise some specific concerns about confidentiality and respecting Council's confidences.

Use of City Staff, Property Services and Other Resources

There is no commentary specifically related to section on information. This could be linked back to previous information related sections.

There is no commentary under s.4. Appropriate relations with staff are critical. Staff should neither be abused or misused. A commentary on this section should be linked to other sections on staff relations (e.g. Respectful Workplace section) and to policies related to such.

Conduct of Council at Committee Meetings....

The Commentary under section 1 asserts as fact that Councillors recognize the importance of cooperation. This may or may not be so. It is submitted that this is better stated as a moral imperative. Councillors must (or less strongly "should") recognize the importance of cooperation.

Section 2 deals with transparency. The commentary could define transparency as making know decision making processes and the reasons for decisions. The discussion here could be linked back with the information discussions previously.

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Media Communications

The Commentary here is about Members respecting each other and that is very important and a very worthy goal.

Neither this discussion nor previous discussions, principles or rules in the Draft Code deal with the possibility of legitimate release of confidential information by an individual where wrong doing may have occurred. Is there any scope for a section on whistle blowing and commentary related to that. Admittedly this is novel in these sorts of Codes in Canada but it may bear some reflection.

Respectful Workplace Policy

This section articulates a process whereby an independent investigator will look into the allegations under one civic policy and then report to the Commissioner who will make a determination under the Code and then report back under "normal" procedures. As noted before what the normal procedures are for the Commissioner need to be clearly articulated (as the City is clearly aware). Is there a possibility here that a Member may be unfairly caught by two processes. Where one stops and the other starts need to be clearly stated.

Conduct Respecting Staff

This section is clear. Interestingly there is nothing directly in the Code about conduct towards the public. It cannot be alright to mistreat the public just as it is not alright to abuse staff. The Council may wish to state something clearly about the public and respecting the public and providing for similar rules regarding abuse.

Part of this section is also redundant as misuse of staff re political campaigning has been dealt with previously. At a minimum the sections should be cross referenced.

Reprisals and Obstruction

This is an important section. The Commentary should emphasize that Members will suffer penalties for obstructing investigations.

Acting on Advice of the Integrity Commissioner

This reiterates discussion earlier and should be cross referenced to the earlier discussion if it is maintained in the Code.

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Compliance with the Code of Conduct

This is a vital section. It should be extended to so far as is possible require Council to make decisions either for or against Commissioner recommendations. The experience in some other municipalities has been that Council has often tabled Commissioner reports rather than act one way or the other on the recommendations. Doing this carries an air of favouritism on the one hand and indecision on the other. While deciding against implementation of penalties might also seem like favouritism it will be Council's decision and Council will be accountable. Simply tabling reports undermines the Commissioner without any Council accountability.

Conclusion

The Draft Code contains many useful provisions and much interesting commentary. This brief submission attempts to suggest some areas in which there could be clarification or elaboration and is respectfully submitted by

Gregory J. Levine
August 17, 2010