**Mississauga Code of Conduct forMembers of Council – August 2025**

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## A. General Introduction

Members of Mississauga Council recognize their obligation to serve their constituents and the public in a conscientious and diligent manner understanding that as leaders of the community, they are held to a higher standard of behaviour and conduct.

Members recognize that ethics and integrity are at the core of public confidence in government and in the political process; that 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. They recognize the need to uphold both the letter and the spirit of the law including policies adopted by Council.

This *Code of Conduct* ensures that Members of Council share a common basis and understanding for acceptable conduct of Members of Council, in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework.

This Code of Conduct is consistent with the principles of transparent and accountable government, and reflective of the City's core values of Trust, Quality and Excellence in public service.

## B. Framework and Interpretation

1. This *Code of Conduct* applies to all Members of Council ("Members") It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document the Code of Conduct will be brought forward for review at the end of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.
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. The Integrity Commissioner will be bound by the advice given, as long as the facts remain unchanged, in the event that he or she is asked to investigate a complaint.

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.*

   *as well as to such policies of the City of Mississauga which address the ethical behaviour of Members*

Definitions

a. "Family" includes "child", "parent" and "spouse" as those terms are defined in the *Municipal Conflict of Interest Act* (set out below for ease of reference), and also includes
   - step-child and grand-child;
   - siblings and step-siblings;
   - in-laws, including mother/father, sister/brother, daughter/son
   - any person who lives with the Member on a permanent basis.

   "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. "Member" means a member of the Mississauga City Council, including the Mayor.

c. "Social Media" means publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

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.

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

**C. Guiding Principles**

1. Members of Council shall serve the public and their constituents in a conscientious and diligent manner.

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

3. Members of Council shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

4. There is a benefit to municipalities when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

**Rule No. 1**
**Avoidance of Conflicts of Interest**

In this Rule:

a. “disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.

b. “non-disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could participate impartially in the decision-making processes related to the matter so long as:

The Member of Council fully discloses the interest so as to provide transparency about the relationship; and

The Member of Council states why the interest does not prevent the Member from making an impartial decision on the matter.

1. Members of Council shall not participate in the decision-making processes associated with their office when prohibited to do so by the Municipal Conflict of Interest Act.
2. Members of Council shall not participate in the decision-making processes associated with their office when they have a disqualifying interest in a matter.
3. For greater certainty:
   a. Members of Council shall not participate in the decision-making processes associated with their office when they have a direct, indirect or deemed pecuniary interest in a matter, except in compliance with the Municipal Conflict of Interest Act.
   b. Members of Council shall not participate in the decision-making processes associated with their office when they have an interest that though in compliance with the Municipal Conflict of Interest Act, is nevertheless a disqualifying interest by virtue of the nature of the relationship between the Member and other persons or bodies to be affected by the decision.
4. Treatment of Non-Disqualifying Interests:
   a. Members of Council may participate in the decision-making processes associated with their office when they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the City Clerk acting in consultation with the Integrity Commissioner.
   b. Transparency Disclosures are public documents and shall be available for public viewing on the City web site.
   c. The determination of whether an actual disqualifying interest or an actual non-disqualifying interest exists, when challenged, is subject to the determination by the Integrity Commissioner of whether a reasonable person fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.

*Commentary*

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 private conflicts of interest, both apparent and real. Members of Council shall also 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, nor may they lobby persons or organizations doing or likely to do business with the City when they have a disqualifying interest associated with their official duties.

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* (MCIA). The Integrity Commissioner is empowered to investigate and rule on all conflicts of interest, whether pecuniary or non-pecuniary, however, until March 1, 2019, in the event an application under the MCIA is filed with the Court, 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*.

Members of Council may seek conflict of interest or other advice, in writing, from the Integrity Commissioner. Where members choose to seek external legal advice on conflict of interest or other Code of Conduct issues, these fees will not be reimbursed by the City of Mississauga and cannot be charged to any office account.

Members may 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 must remain at arm's length when City staff or Council is asked to consider a matter involving a Family Member or a person or organization with whom the Member has a real or apparent conflict of interest.

5. Members who seek advice from the Integrity Commissioner with respect to the application of this Rule may rely on the provisions of Part B. "Framework and Interpretation" (paragraph 3) and the Rule 17, "Acting on Advice of Integrity Commissioner."

6. 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.

7. Members of Council, while holding public office, shall not engage in an occupation or the management of a business that conflicts with their ability to diligently carry out their role as a Member of Council, and shall not in any case profit directly or indirectly from such business that does or has contracted with the City of Mississauga.

*Commentary: Members of Council may teach, or run a business that does not conflict or interfere with their duties*

8. Despite paragraph 7., a Member of Council may hold office or a 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.

9. Despite paragraph 7. 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*

*The legislative obligation is set out in the Municipal Conflict of Interest (MCIA). If the Member of Council, or a family member of the Member of Council, sits on a body which has a pecuniary interest in a matter before Council (such as an application for grant, support or other contribution), that Member has a deemed pecuniary interest. The Member of Council should disclose the interest and should not participate in or vote on such matter, in compliance with the obligations of s.5, MCIA.*

*The Code of Conduct captures the broader common law responsibility, and requires members to avoid any possible appearance of favoring organizations or groups on which the Member's family members serve. It is noteworthy that Mississauga's Community Group Support Program, Policy 08-01-01 in emphasizing fair and equitable access to City resources, precludes staff from participating as voting members of not-for-profit community groups, for the very reason that it gives rise to a perceived conflict of interest. Although not strictly prohibited under the Council Code of Conduct, for the same reason that staff are precluded from serving on a board of directors of an affiliated group, it is preferable that Members of Council do not serve in such a capacity.*

*Family members of Members of Council are not precluded, or even discouraged, from serving on not-for-profit organizations or other bodies. However, where family members of Members of Council serve in such a capacity, the Member should declare a conflict of interest whenever there is a matter for Council consideration in which the not-for-profit organization or body has a pecuniary interest.*

*For this reason, the following questions may assist Members in assessing whether they should be a member of the body, or if their family member is a member of the body, when a matter may give rise to a conflict:*

*Is this a corporation created to carry on municipal business on behalf of the City, or to which I am appointed because I am a Council appointee? An example of this would be the LAC. [in which case, MCIA, s.4(h) exempts Member from MCIA obligations]*

*If no, is this a body (a board, commission, or corporation) which seeks City resources such as space, support, funds?*

*If yes, the Member of Council should not serve on the board of directors.*

*If a family member (spouse, sibling, child) of the Council Member is a member of the body, then the Member of Council should declare a conflict of interest any time Council is considering a matter in which the body has a pecuniary interest. In this way, there is no perception that the Council Member is giving preferential consideration to the body on which the Member's family member serves*.

**Rule No. 2**

**Gifts, Benefits and Hospitality**:

In this Rule:

a. “Gift” means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a Member’s duties of office, but excludes:

i. Compensation authorized by law;

ii. Political contributions otherwise reported by law, in the case of Members running for office;

iii. Services provided by persons volunteering their time;

iv. Contributions of value that are specifically addressed in other provisions of this Code

v. Gifts provided to the City of Mississauga and which are logged, archived and/or publicly displayed as such.

b. A Gift 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. Gifts provided for the use and enjoyment of a Member’s staff member are subject to the staff code of conduct applicable to that person.

c. “Token of Appreciation” means such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, or which are a suitable memento of a function honouring the Member.

d. “Official Hospitality” means 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 at a conference, seminar or event where the Member is either speaking or attending in an official capacity at an official event (such as at meetings of AMO, FCM, or conducted by providers of continuing education).

e. “Business Hospitality” means food and beverages consumed at lunch/dinner meetings, 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;

f. “Publications” means communication to the offices of a Member, including subscriptions to newspapers, and periodicals.

1. No Member shall accept any Gift unless expressly permitted by this Rule.
2. No Member shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by Council, a Member may be sponsored to attend educational site visits connected with an identified project.
3. Gifts identified in Column B of Table ‘1’ may be accepted by a Member provided the Gift is disclosed in accordance with the conditions set out in Column ‘C’.
4. Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the gift or reaching the annual limit, a Councillor Information Statement in a form prescribed by the Integrity Commissioner and providing same to the City Clerk for posting on the City’s web site.
5. Gifts identified in Column B shall not be accepted, without the Integrity Commissioner’s specific approval, when the conditions set out in Column ‘D’ are applicable.

TABLE ‘1’

| A<br>Type of Gift | B<br>Examples | C<br>Gift Disclosure. Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable | D<br>Gift No Longer Allowable<br><br>Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval) |
|---|---|---|---|
| Token of Appreciation | Plaques, Pens, Mugs, Vase, Event Photos, and similar | No need to record - Deemed Zero Value | Actual Value of a single gift is over $1000<br>(allowable in extenuating circumstances with IC approval) |
| | Perishable (includes flowers, food) | No need to record - Deemed Zero Value | Excludes Alcohol with actual value over $100 |
| | Gift to City | Not a ‘Gift’. No need to record. City Clerk to record and take possession (but may be loaned out for display in areas normally visited by members of the public, including meeting rooms and Members’ offices). Deemed Zero Value | N/A |
| Course of Business | Publications | No need to record - Deemed Zero Value | N/A |
| | Art | $250 | $1000 |
| | Business Meals | $250 | $500, $1000 annual cumulative limit |
| | Business Hospitality | $250 | $1000<br>More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event<br>More than one event per year from the same person or organization<br>(allowable in extenuating circumstances with IC approval) |
| | Official Hospitality | $500 | No limit |

*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.*

*Members will be subject to both this Rule and the rules in place at the Region of Peel governing the receipt of gifts, benefits and hospitality. Where a gift, benefit or hospitality offering is made within the exclusive scope of the Member's duties as a Member of either Regional Council or Mississauga Council, it will be clear which provision will govern. However, since business or personal interactions with Members of Council are not always specific to a discrete matter easily identified as either a Regional or Mississauga matter, in many, if not most circumstances, the Member may be subject to both the provisions adopted by both municipalities. In such cases the more stringent provision would govern.*

*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.*

*Use of real estate or significant assets or facilities (i.e. a vehicle, office, vacation property or club membership) at a reduced rate or at no cost is not an acceptable gift or benefit. The purpose of the Code is not to prohibit Members from accepting all invitations to socialize at a vacation property with personal friends at their vacation property, provided the Gift is disclosed in accordance with this Rule.*

*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 with a developer or supplier 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 regard 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. When in doubt it is prudent to consult with the Integrity Commissioner.*

**Rule No. 3** : Member's Role in Funding Community / Charitable Activities

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. Members should refer to the *Elected Officials' Expenses* policy for guidance of expenses eligible for reimbursement.

1. 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 significant planning, conversion or demolition variance application or procurement proposal before City Council, which the Member knew or ought to have known about.

   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.

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

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 or honorary 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 honourary 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**:

1. 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.

2. 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.

3. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

4. No Member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

5. 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.

*Commentary:*

*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.*

*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.*

*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. 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)*

*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 "Privileged", "Confidential" or "Private" will not be understood to preclude the appropriate sharing of the communication for the limited purpose* of *reviewing, responding or looking into the subject-matter of the communication.*

**Rule No. 5**

**Use of City Resources**:

1. No Member shall use for personal purposes any City staff services, property, equipment, services, supplies, websites, blogs, 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.

**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.

2. No Member shall use the facilities, equipment, supplies, services, staff or other resources of the City (including Councillor newsletters, individual websites linked through the City's website and social media accounts used for ward communication) for any election campaign or campaign-related activities and all such sites shall not use the City of Mississauga logo.

    a) If a member of Council uses any social media account for campaign purposes, such account must not be created or supported by City resources or use the City logo. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers.

    b) To avoid confusion with any website or social media accounts used for Council Member work, Council members who choose to create or use social media accounts for campaign communications must include, for the duration of the campaign, a clear statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes.

    c) Despite the foregoing, Members are allowed to place campaign phone numbers, websites and E-mail addresses on the election pages on the City's website, which is available and authorized for use by all candidates for municipal and school board office.

3. In a municipal election year, commencing July 2nd 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 30 in an election year. Members of Council may, during such period, use City facilities to communicate important notifications to the residents of their ward by E-mail in normal Outlook format or by the Councillor's letterhead. From and after the date that a member registers as a candidate in a Provincial or Federal election, no municipal newsletters sent by such candidate shall contain respectively, comments on Provincial or Federal issues.

4. In a municipal election year, commencing on May 1st, until the date of the election, no candidate including Members, may directly or indirectly, book any municipal facility for any purpose that might be perceived as an election campaign purpose.

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*

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

*The restriction on booking facilities ensures that 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.*

*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.

7. The Integrity Commissioner may at any time be consulted with regard to complying with any part of Rule 6 and in particular may rule on whether any activity by staff in a Councillor’s office during an election year is prohibited election work or permitted activity sufficiently unrelated to the election.

8. When a seat on Council is declared vacant until after the last day of voting:

    a) Members of Council must inform the Clerk in writing that they are eligible to be the Acting Head of Council.

    b) Councillors serving as Acting Head of Council shall not endorse a candidate running in a municipal, provincial or federal election/by-election using their title as Acting Mayor.

**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.

2. Members shall not contact members of any tribunal regarding any matter before it, such as the Committee of Adjustment, which is charged with making independent decisions and whose members have been appointed by Council. Members may with prior written notice to the Committee of Adjustment Secretary/Treasurer, infrequently attend meetings to provide the Committee of Adjustment with history and context of an application before the committee. Members may send a letter or E-mail addressed to the Secretary of such tribunal expressing the views of the member on behalf of the community.

   If Council has taken a position in an Ontario Municipal Board / Local Planning Appeal Tribunal ("OMB/LPAT") matter and instructed the City Solicitor to appear at a hearing in support of such position, no member of Council who disagrees with such position, shall give evidence at such hearing or otherwise work against the will of Council in such matter. With the consent of the lawyer assigned to represent the City at an OMB/LPAT hearing, a member of Council who is in support of the Council instructions to such lawyer, may give evidence at an OMB/LPAT hearing. Notwithstanding the above, if the OMB/LPAT has decided to mediate a dispute between parties in a matter, any member of Council may offer his or her services to assist with such mediation regardless of his or her position in the matter and participate, if approved by the OMB/LPAT mediator.

*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.*

*Contact with members of tribunals appointed by Council on any case might be viewed as attempts to intimidate the tribunal member. Generally, members of Council should not take part in the proceedings of any other tribunal where the City is a party unless such participation is approved by the Integrity Commissioner*

3. 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.

4. Members of Council shall not use their title to endorse in any public forum candidates for election to a municipal, provincial, or federal body during its respective election campaign, including by using social media or any other means.

**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 publicly 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.

**Rule No. 9**
**Member Conduct**

Conduct at Council and Committee Meetings**:**:

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

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*

*Members recognize the importance of cooperation and strive 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.*

*Various statutes, the Council Procedure By-law and decisions by courts and quasi-judicial tribunals and 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. Member shall not be absent from Council or committee meetings, or from those of agencies, boards and commissions to which they are appointed 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.*

4. 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.*

**Social Media**

The rules of this Code and all Council Policies shall apply to the use of Social Media by members of Council. All posts or other communication made by a member in any social media format shall be deemed to be a public statement and no member shall attempt to cover, disguise or mislead as to their identity or status as a an elected representative of the City.

**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.*

*While Members are encouraged to actively participate in vigorous debate, Members should understand that they are part of the democratically-elected representative body and should not engage as if they are activists. In this regard, caution should be exercised when blogging, posting, tweeting, re-posting and linking to posts using social media.*

*Members who post blogs should recognize that the Canadian Association of Journalists has identified the ethical conflict faced by journalists holding elected public office. It is recognized that there is an irreconcilable conflict in holding both roles.*

*While social media can be an excellent tool for communicating quickly with constituents and sharing ideas and obtaining input, social media can breed incivility that generally doesn't happen in face-to-face interactions. In a world where a transitory comment can become part of the permanent record, Members should exercise restraint in reacting too quickly , or promoting the social media posts of others whose views may be disparaging of Council's decisions or another Member's perspectives*

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**Rule No. 11**

**Respect for City By-laws and Policies**:

1. Members shall encourage public respect for the City and its by-laws.
2. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

*Commentary*

*A Councillor must not encourage disobedience of 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.*

*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.*

**Rule No. 12**

**Respectful Workplace**:

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.* All complaints received, involving members of Council under the *Respectful Workplace* policy shall be referred to the Integrity Commissioner for processing in accordance with both the said policy and the *Council Code of Conduct Complaints Protocol*

*3.* The *Ontario Human Rights Code* applies in addition to the City's *Respectful Workplace* policy.

*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' 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 the Integrity Commissioner when a complaint is received involving a Member.*

**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.*

*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.*

**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 *Employee Recruitment* 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.*

**Rule No. 15**

**Not Undermine, Work Against Council's Decisions:**

1. Members of Council shall not actively undermine the implementation of Council's decisions.

*Commentary*

*The role of elected officials, once a council decision is made, is to support the implementation of that decision, not to work against its implementation, publicly or behind the scenes. Council decisions are arrived at following discussion and debate, reflecting the democratic process. Members are expected to engage in debate with their fellow council members through the democratic process of government. However, once Council has made its decision, Members must recognize that decision as the duly-considered decision of the body of Council. As members of that body of Council, individual members – those who did not agree with the decision - are not to engage in activities that seek to challenge or undermine that decision.*

*Members can express disagreement with Council's decisions, but it is contrary to the ethical behaviour of members of Council to actively seek to undermine, challenge or work against Council's decisions. That said, this rule is not intended to fetter a Member's obligation to vote in what they determine is in the best interest of Council at the time of a vote, despite they or Council having taken a contrary position previously.*

2. Members of Council shall not engage in litigation or other legal challenges against the municipality or Council's decisions. Despite this provision:

   a. Members may pursue a complaint or request for investigation under any of the oversight, transparency and accountability mechanisms provided under Part V.1 and under section 239 of the *Municipal Act*;
   b. Members may pursue a complaint or request for investigation under a statutory scheme dealing with access to information, the protection of privacy, or the protection of human rights;
   c. Members are not restricted from participating in litigation or other legal challenges if they are uniquely impacted by the decision, such as when Council has imposed a penalty or reprimand following a report of the integrity commissioner;
   d. Members are not restricted from participating in litigation or other legal challenges if they did not participate, and were not entitled to participate, in the deliberations and respective decision of Council, or in regard to which the City has made a decision in regard to their interests, in circumstances where they are uniquely impacted by the decision.

*Commentary*

*Members who were not entitled to participate in /council's original decision, as would be the case if they had recused themselves because they had a disqualifying interest because they were uniquely impacted (such as in regard to an application to develop their personal residence), are not subsequently restricted from advocating on their own behalf in the proper forum. The same is true with respect to decisions made by City staff within their delegated or operating authority (such in respect of the issuance of a permit for an addition on their personal residence).*

e. Members may seek to have a Council decision reconsidered in accordance with Council's Procedure By-law

*Commentary*

*When members are allowed to participate in activities to challenge Council's properly considered decisions, such as legal challenges or other forms of litigation, this is contrary to the interests of the municipality as determined by the decision of the democratically elected governing body, Council. It can create challenges to staff as to when and how much information can be provided to Council (legal advice for example) because of the presence of a legal challenge, which may benefit by 'insider knowledge'.*

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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 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*.

**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 were disclosed to the Integrity Commissioner, and the Member adhered to the advice given.

**Rule No. 18**

**Implementation**:

1. Members are expected to formally and informally review their adherence to the Code on a regular basis or when so requested by Council.
2. At the beginning of each term, Members will be expected to meet with the Integrity Commissioner.

Commentary:

*Members are expected to understand the obligations on elected officials set out in this Code of Conduct, and are encouraged to contact the Integrity Commissioner for any clarification required. A Code of Conduct component will be included as part of the orientation for each new term of Council.*

**February 2022**

# COUNCIL CODE OF CONDUCT COMPLAINT PROTOCOL

## PART A: INFORMAL COMPLAINT PROCEDURE

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

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

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

## PART B: FORMAL COMPLAINT PROCEDURE:

### Initial Complaint

1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the "complaint") shall be sent directly to the Integrity Commissioner by E-mail in the form attached to this Protocol as Schedule "A".

(2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).

(3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code.

The complaint should include the name of the member, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

(4) Election Blackout Period:

No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period described within s.223.4 and 223.4.1 of the *Municipal Act*, except as described in those sections.

**Classification by Integrity Commissioner**

2. (1) Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Council policies as described in subsection (2).

(2) If the complaint, on its face, is not a complaint with respect to non-compliance with the Code or another Council policy governing ethical behaviour or the Municipal Conflict of Interest Act, or if the complaint is covered by other legislation, the Integrity Commissioner shall advise the complainant in writing as follows:

(a) If the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;

(b) If the complaint on its face is with respect to non- compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the City Clerk; and

(c) If the complaint seems to fall under another policy the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate. The Integrity Commissioner may proceed with that part of the complaint that is within jurisdiction.

(d) If the Integrity Commissioner receives a complaint during a municipal election year respecting a member who is seeking re-election and he is of the opinion that it is politically motivated, he may stay the investigation until after the new Council takes office or dismiss it if he concludes it is specious.

(e) If the complaint is in relation to a matter which is subject to an outstanding complaint, investigation or charge under other legislation, including matters falling under the Criminal Code of Canada or the Ontario Human Rights Code, the Integrity Commissioner may, with notice to Council and in accordance with s.223.8 of the Municipal Act, 2001, suspend any investigation under this Code of Conduct until the disposition of the other process, after which they shall resume their inquiry and report to Council.

(3) The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.

(4) The Integrity Commissioner shall report quarterly to Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

**Investigation**

3. (1) The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently, and shall report directly to Council in respect of all such matters. In applying this Protocol, the Integrity Commissioner shall retain the discretion to conduct investigations applying the principles of procedural fairness, and any deviation from the provisions of this Protocol shall not invalidate the investigation or result in the Integrity Commissioner losing jurisdiction.

(2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

(3) The Integrity Commissioner shall rely on the best evidence reasonably available. Without restricting the generality of the foregoing, the Integrity Commissioner may draw adverse conclusions from the absence of records that give context to other evidence (such as email messages immediately before or after a message presented as evidence), or in respect of edits, deletions or other alterations made to evidence after-the-fact.

(4) The Integrity Commissioner shall file an annual report to City Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity

Commissioner. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (2) except as part of an annual or other periodic report.

4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.

(2) Upon receipt of a complaint pursuant to the Code, and where the Integrity Commissioner determines that the complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation or alternatively to exercise the powers of a Commission under Parts I and II of the Public Inquiries Act, as contemplated by Subsection 223.4(2) of the Act.

(3) If the Integrity Commissioner elects to conduct an inquiry under the Public Inquiries Act, he/she shall report to Council and seek instructions before proceeding, setting out the reasons for the investigation and providing an estimate of the expected cost and time that the investigation will require.

(4) When the Public Inquiries Act applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the Public Inquiries Act, the provision of the Public Inquiries Act prevails.

5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:

(a) provide the complaint and supporting material to the member whose conduct is in question, and provide the member with a reasonable opportunity to respond; and

(b) provide a summary of the member's response to the complainant and provide the complainant with a reasonable opportunity to provide any relevant comment or supplementary information.

(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.

(3) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had reasonable notice of the basis for the proposed finding and an opportunity to comment on the proposed finding.

(4) The Integrity Commissioner may make interim reports to Council where necessary

and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

6. (1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.

(2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.

(3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.

(4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.

7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

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

**Council Review**

9. (1) Council shall consider and respond to the report within 90 days after the day the report is laid before it.

(2) In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the Municipal Act, but shall not refer the recommendation other than back to the Integrity Commissioner.

(3) Council can terminate the Integrity Commissioner only by a two-thirds vote of all members.

(4) Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:

(a) a reprimand; or

(b) suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days.

The Integrity Commissioner may also recommend that Council take the following actions:

(a) Removal of the respondent from membership of a committee.

(b) Removal of the respondent as chair of a committee.

The Integrity Commissioner may also recommend that Council make the following requests of the respondent:

(a) Repayment or reimbursement of monies received,
(b) Return of property or reimbursement of its value,
(c) A written and/or verbal apology to Council, the complainant or both.

**Confidentiality**

10. (1) A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the Municipal Act, which are summarized in the following subsections.

(2) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.

(3) All reports from the Integrity Commissioner to Council will be made available to the public.

(4) Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.

(5) The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

**Schedule "A"**
**Complaint**

I hereby request the Integrity Commissioner for the City of Mississauga to conduct an inquiry about whether or not the following member(s) of the City Council has contravened the Council Code of Conduct or the *Municipal Conflict of Interest Act*:

I have reasonable and probable grounds to believe that the above member(s) has contravened the Council Code of Conduct and/or the *Municipal Conflict of Interest Act* by reason of the following (please include date, time and location of conduct, the Rules contravened, and particulars, including names of all persons involved, and of all witnesses, and information as to how they can be reached, (attach additional pages as needed):

I hereby request the Integrity Commissioner to conduct an inquiry with respect to the above conduct. Attached are copies of documents and records relevant to the requested inquiry.

Date: Signature:

Name:
Address:

Email:
Phone:

Email completed Complaint to Principles Integrity: postoffice@principlesintegrity.org