

Report

City Council

The Corporation of the City of Brampton

Complaint and Background

On or about August 2019, Councillor Charmaine Williams (“Councillor Williams” or the “Respondent”) initiated a campaign whereby she encouraged Brampton residents to avail themselves of the opportunity to place “Please Slow Down” signs on their lawns leading up to the start of the school year (the “sign campaign”).

On August 31, 2019, a complaint was filed by a Brampton resident, Mr. Brian Vanderkwaak (“Mr. Vanderkwaak” or the “Complainant”) respecting the sign campaign initiated by Councillor Williams (the “Complaint”).

The Complainant alleged that Councillor Williams’ sign campaign violates the City of Brampton’s (the “City”) Sign By-law (By-law 399-2002) and that the signs are not exclusive to public safety – thus, they do not fall under exemption 8(4) of the Sign By-law.

Further, the Complaint outlines a number of other allegations, including, but not limited to the following:

- a) The signs used in Councillor Williams’ sign campaign include a URL that “is clearly a political website advertising her, and her agenda”;
- b) Councillor Williams is “charging money to her constituents to put up her political signs” and that if the signs cost less than what Councillor Williams is charging her constituents, she may be obtaining illegal political donations and may be violating more serious laws”;
- c) Councillor Williams is “now online claiming that our by-law officers will not be charging people” and if they do, “she will pay the fines”; and
- d) Councillor Williams is disregarding the City By-laws and disrespecting the By-law Enforcement office that she has sworn to protect by stating that she will pay any fines in relation to the sign campaign.

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Summary

In a letter to me dated August 30, 2019, Councillor Williams advised that she pursued the sign campaign “under the auspices of section 8 and 8(4) of the by-law.” Further, Councillor Williams indicated her intent and motivation behind pursuing the sign campaign:

“Speeding is a serious concern of residents. I made a promise to help residents fight to reduce speed on their streets. I am keeping my commitment to them.”

In the August 30, 2019 letter, Councillor Williams requested that I review the Sign By-law, the sign design and the letter she wrote to Brampton residents respecting the same, and to “confirm” that she did not breach or encourage residents to breach the Sign By-law as it is written. I attach the letter dated August 21, 2019 Councillor Williams wrote to Brampton residents respecting the sign campaign hereto as **Appendix “A”**.

On September 4, 2019, Councillor Williams wrote a further letter to me, advising that her sign campaign was both legal and compliant with the Sign By-law as it fell under one of the exemptions in the Sign By-law under clause 8(4).

On September 5, 2019, I served Councillor Williams with a copy of Mr. Vanderkwaak’s Complaint, requesting her response to the same within 10 days.

On September 5, 2019, I met in person with a number of Councillors individually (including Councillor Williams), all of whom indicated to me that they would be agreeable to discuss the sign campaign issue via an informal mediation. While some of these Council members did not file a formal complaint against Councillor Williams in relation to the sign campaign, they did express concerns around the messaging that Councillor Williams was using in relation to the said campaign, specifically that she was allegedly encouraging Brampton residents to disregard the City By-laws.

Subsequently, on September 9, 2019, the City Clerk served a Notice of Mediation on my behalf to all Councillors for a mediation to be held on September 19, 2019. In that notice, I included a provision of confidentiality, highlighting the fact that all information shared or provided for the purposes of the mediation and with respect to the sign campaign issue in general was strictly confidential and without prejudice.

On September 18, 2019, a day before the scheduled mediation was to take place, Councillor Williams declined the offer of mediation and indicated that it was her preference that I proceed with my investigation into the Complaint, rather than “pursue the façade of mediation”. To be clear, the only Complaint was the one that is the subject of this decision, nonetheless, Councillor Williams stated that “taxpayers do not deserve to have their funds wasted on activities that may have no positive consequence”. In her correspondence dated September 18, 2019, Councillor Williams also indicated that in a

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Governance and Council Operations Committee meeting that took place on September 16, 2019, some Councillors who had agreed to having a mediation “continued in their past behavior” to attack her good character and attempt to sully her reputation.

On September 23, 2019, Councillor Williams provided me with an official response to the Complaint.

On October 28, 2019, Councillor Williams wrote to me advising that she had decided to restart her sign campaign. Councillor Williams emphasized the importance of community safety and that she was willing to suffer the consequences of a reprimand from me if it meant “saving just one child from the tragedy of being hit by a car”.

Subsequent to Councillor Williams’ October 28, 2019 letter, I became aware of an article published in the Brampton Guardian on October 30, 2019, in which Councillor Williams provided commentary respecting the sign campaign complaint. This was in direct breach of Councillor Williams’ confidentiality obligations, which I had advised her of on numerous occasions through correspondence, including, but not limited to:

- My letter to her dated September 4, 2019;
- A Notice of Mediation delivered on September 9, 2019 to all Councillors;
- Via email on September 21, 2019; and
- My letter dated November 4, 2019.

Process Followed

In ensuring fairness to both the Complainant and the Respondent, I have followed the Council Code of Conduct Complaint Protocol (the “Complaint Protocol”) during the course of my investigation.

I ensured that the Respondent received a copy of the Complaint and that she had an adequate opportunity to respond to the specific allegations.

Positions of the Parties

The Complainant’s position is summarized under a) - d) in the “Complaint” section of this Report.

The Respondent’s position respecting allegations a) - d) is as follows:

- a) The signs used in Councillor Williams’ sign campaign include a URL that “is clearly a political website advertising her, and her agenda”.

Councillor Williams’ response to this allegation is that there is no partisan message attached and that the URL simply provides residents with information about how to order a sign and the purpose and intent of the sign.

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- b) Councillor Williams is “charging money to her constituents to put up her political signs” and that if the signs cost less than what Councillor Williams is charging her constituents, she may be obtaining illegal political donations and may be violating more serious laws”.

Councillor Williams’ response to the above-noted allegation is that no fee was charged to residents for displaying the sign and that the signs were paid for from her Council office budget.

- c) Councillor Williams is “now online claiming that our by-law officers will not be charging people” and if they do, “she will pay the fines”.

Councillor Williams admitted to the above-noted allegation and stated that she was “so confident about the permit the exemption in the by-law allows” that she “offered to pay any fine, if one was invoked by a judge”.

- d) Councillor Williams is disregarding City By-laws and disrespecting the Enforcement office that she has sworn to protect by stating that she will pay any fines in relation to the sign campaign.

Councillor Williams did not believe that her sign campaign violated the City’s Sign By-law, however, she conceded to stating that she will pay fines related to the sign campaign.

Findings of Fact

I will now outline any findings of fact pertaining to allegations a) - d), made by the Complainant, which I will use in my assessment of whether or not Councillor Williams breached the Code of Conduct via both her sign campaign and messaging following the commencement of that campaign.

- a) The signs used in Councillor Williams sign campaign include a URL that “is clearly a political website advertising her, and her agenda”.

A picture of the sign that Councillor Williams was using for her sign campaign is attached hereto as **Appendix “B”**.

The sign contains a link to the following website: www.PleaseSlowDown.ca.

I have reviewed the website and can confirm that the website is not a “political website” which is advertising Councillor Williams and her agenda.

In fact, the website consists of four pages: i) the “Home” page; ii) the “About” page; iii) the “Order a Sign” page; and iv) the “Legal Opinion” page.

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Clicking on the link takes one to the “Home” page, which includes a photo of Councillor Williams, a picture of the sign, a video clip of children getting off of a school bus, and a paragraph on kids being back at school as a reminder for drivers to reduce speed.

The “About” page includes a photo of Councillor Williams and a heading that says, “Is My Sign Legal?”, under which, excerpts from the Sign By-law and its exemptions are included. A response to the question in the heading is also included and states, “Yes it is, if it’s on private property”.

The “Order a Sign” page includes a picture of the sign and an order form.

The “Legal Opinion”, which was only recently added as a page to the website includes a legal opinion (the “opinion”) from the law firm, Aird & Berlis LLP. This opinion outlines whether the sign contravenes the Sign By-law. The legal opinion concludes that the sign does **not** contravene the Sign By-law, as it falls within exemption 8(4) of the Sign By-law. The “Legal Opinion” page also includes a press release by Councillor Williams, in which she stated that the “City of Brampton should apologize for threatening to charge parents who displayed the Please Slow Down signs last year” and that a recent legal opinion confirms that her signs are legal when placed on private property.

Based on my thorough review of the website included at the bottom of the sign, I do not find the website to be “political” or advertising Councillor Williams’ agenda. I find it to be a website that is promoting the sign campaign and encouraging drivers to slow down. In short, there is no merit to this particular allegation.

- b) That Councillor Williams is “charging money to her constituents to put up her political signs” and that if the signs cost less than what Councillor Williams is charging her constituents, she may be obtaining illegal political donations and may be violating more serious laws”.

Councillor Williams advised me that the signs were paid for from her Council office budget and that “no member of the public” was charged for displaying the signs.

On the “Order a Sign” page in the website, it states as follows:

“All signs are free if you live in Brampton's Ward 7 & 8”

The website states that signs are free for residents in Wards 7 & 8, however, it is unclear as to whether Brampton residents living in other Wards would be required to pay for the signs. The website could have stated that “signs for *all* Brampton residents” are free, however, it did not. Nonetheless, there is no evidence that suggests that Brampton residents (even those residing outside of Wards 7 & 8) ever paid for signs. As such, there is no merit to this allegation.

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- c) Councillor Williams is “now online claiming that our by-law officers will not be charging people” and if they do, “she will pay the fines”.

Councillor Williams concedes to this allegation and I find that she did offer to pay fines for residents.

- d) Councillor Williams is disregarding the City By-laws and disrespecting the Enforcement office that she has sworn to protect by stating that she will pay any fines in relation to the sign campaign.

I find Councillor Williams to have said that she would pay any fines relating to the sign campaign if they were invoked by a judge.

Issues

Based on the Complaint that was filed with my office, the Complainant's allegations fall under two broad categories:

1. Whether the sign campaign initiated by Councillor Williams contravenes the City's Sign By-law; and
2. Whether Councillor Williams breached the Council Code of Conduct (the “Code of Conduct”) by initiating and participating in the sign campaign.

I will deal with each issue in turn.

1. Whether the Sign Campaign Initiated by Councillor Williams Contravenes the City's Sign By-law

This issue has been raised by both the Complainant and the Respondent on a number of occasions, however, opining on this issue is simply outside of my jurisdiction.

My role under Section 223.3 of the *Municipal Act, 2001* generally consists of overseeing the application of the Code of Conduct, City By-laws, rules, procedures and policies which govern the ethical conduct of Council members. It is strictly outside of my purview to determine what is illegal or to find a breach of a City By-law, which is unrelated to the Code of Conduct. Section 223.3 of the *Municipal Act, 2001* is attached hereto under **Appendix “C”**.

To be clear, it would make little sense for me to opine on the enforceability, legality, or applicability of a general By-law that is unrelated to the Code of Conduct. The City has, at its disposal City staff, City solicitors, a By-law Enforcement office, and the ability to retain external counsel to render an opinion on whether Councillor William's sign campaign violated the terms of the By-law.

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As such, under Section 2(3) of the Complaint Protocol, I am fulfilling my obligation to Council by reporting that this issue is not within my jurisdiction and mandate. I advised Councillor Williams of the same in my letter to her dated September 4, 2019. Section 2(3) of the Complaint Protocol is attached hereto under **Appendix "C"**.

Nevertheless, the City has now obtained independent legal advice on the legality and constitutionality of the sign campaign and a legal opinion has been prepared.

2. Whether Councillor Williams Breached the Code of Conduct by Initiating and Participating in the Sign Campaign

The issue of whether Councillor Williams breached the Code of Conduct in initiating and participating in the sign campaign is within my jurisdiction and mandate.

Although the Complaint does not explicitly list Code of Conduct rules, the relevant rules that would apply in relation to the allegations in the Complaint and Councillor Williams' actions during the sign campaign are as follows:

1. Rule No. 13 – Encouragement of Respect for the City and its By-Laws;
2. Rule No. 10 – Media Communication;
3. Rule No. 18 – Failure to Adhere to Council Policies and Procedures; and
4. Rule No. 3 – Confidential Information.

A copy of the above-mentioned rules is attached hereto under **Appendix "D"**.

1. Rule No. 13

Did Councillor Williams Discourage Public Respect for the City and its By-Laws via her Sign Campaign?

Members of Council are elected officials that have an obligation to ensure that they stand in solidarity with other members of Council. Furthermore, members have a role in working with the City that they represent to ensure that the residents of that City see them as acting to enforce City rules, policies, procedures, and By-laws.

Members have a positive obligation to encourage public respect for the City and its By-laws. Specifically, a Councillor shall not undermine confidence in the City and the rule of law by denigrating a City By-law.

In her correspondence to me, Councillor Williams referred to the due diligence that she undertook to ensure that the signs were both legal and compliant with the Sign By-law. She also clearly instructed residents on how to display the signs so that they would not run afoul of her interpretation of the Sign By-law. For example, Councillor Williams

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verbally informed people to keep the sign on private property and provided residents with a letter explaining the necessity to abide by the Sign By-law.

In the last paragraph of that letter, Councillor Williams encouraged respect for the Sign By-law by stating as follows:

“In order to make sure the sign does not contravene the Sign By-law, it must sit on your portion of the front lawn and NOT on the grass boulevard or road allowance portion of your street.”

Further, Councillor Williams takes the position that she assured Brampton residents that her sign was legal by offering a one-page document that included excerpts from the Sign By-law, which I attach to this report as **Appendix “E”**.

As mentioned, I will not be commenting on whether or not the sign campaign was legal, however, I will be commenting on whether I find Councillor Williams to have failed in encouraging public respect for the City and its By-laws.

It is indisputable that Councillor Williams had positive intentions in pursuing the sign campaign around an issue that is very important when it comes to child safety. With that being said, the Councillor’s intentions around this campaign do little to assist me in determining whether it was appropriate for her to actively encourage Brampton residents to participate in a campaign that had not been vetted by the City. At the time that Councillor Williams commenced the sign campaign:

- She took no steps to obtain from the City (or City Solicitor) a legal opinion around whether her sign would indeed fall under the By-law exemption discussed above; and
- She, by her own admission, was unclear whether her sign would fall under the said exemption (she clearly encouraged residents in her Ward to use the signs and assured them she would deal with any fines).

I do find that Councillor Williams undermined public confidence in the City and its By-laws through her public commentary during the sign campaign. In a CBC article that was posted on August 29, 2019, Councillor Williams stated as follows:

“I don’t think by-law officers are going to go around and charge 2000 people for having a community safety sign on their lawn. However, if they do, I will pay that fine.”

The By-law Enforcement office would charge residents if the signs contravened the Sign By-law. At the time Councillor Williams made the above-noted comment to CBC, she had not published a legal opinion on the legality of the sign campaign. The fact that Councillor

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Williams publicly offered to pay such fines for residents, in the event that the signs were found to contravene the Sign By-law undermines the Sign By-law as well as the City's By-law Enforcement office. I have attached a copy of the above-mentioned CBC article hereto as **Appendix "F"**.

There are a number of steps that Councillor Williams could have taken (by working in concert with her fellow colleagues, and City staff generally) to ensure that the City was onside with her initiative. Instead, the manner in which she commenced the campaign (including the commentary she provided to the media) not only publicly demonstrated a lack of solidarity between City Council in Brampton, it eroded the sense of confidence that any Brampton resident would have in the City's By-laws. To be clear, Councillor Williams (despite providing her personal assessment on the legality of the sign campaign, which was not vetted by anyone at the City) was actively encouraging Brampton residents to use her signs without knowing what (if anything) the City's By-law Enforcement office would say about her campaign. This is conduct that is unbecoming of a member of Council.

In light of the foregoing, I find Councillor Williams in breach of Rule No. 13 of the Code of Conduct.

2. Rule No. 10

Did Councillor Williams Fail to Accurately Communicate with the Public Respecting the Sign Campaign Complaint?

On October 30, 2019, Councillor Williams provided commentary to Brampton Guardian, stating that two Councillors had filed complaints against her, when that was wholly untrue. I have attached a copy of that Brampton Guardian article hereto as **Appendix "G"**. The information provided by Councillor Williams to the public via the Brampton Guardian article was inaccurate and concerning, particularly given my clear instruction to cease all communication with the public respecting the sign campaign complaint.

In failing to abide by my clear instructions on preserving confidentiality under the *Municipal Act, 2001*, Councillor Williams misinformed the public around complaints as it related to the sign campaign. It goes without saying (but I will say it anyways) that as elected officials, members must appreciate the unique role that they have as representatives of the City, and yes, Councillor Williams does represent the City. When inaccurate comments are made to the media in a member's capacity as an elected official, the public perception is that the comments form part of the City's opinion or a view on a particular issue. Not only were the comments false, they unnecessarily gave the public the impression that members of Council were using my office to complain about one another in relation to the sign campaign.

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As such, I find Councillor Williams in breach of Rule No. 10 of the Code of Conduct.

3. Rule No. 18

Did Councillor Williams Fail to Adhere to Council Policies and Procedures with Respect to her Sign Campaign?

Councillors have a positive obligation to abide by the terms of all policies and procedures established by Council and the City generally. They must, as the most senior City representatives and elected officials, lead by example to ensure that they take every step to follow those policies and procedures. Their failure to do so (and in this case, to encourage Brampton residents to disregard a By-law in such a public manner) erodes the sense of responsibility that other City employees have in relation to those same policies and procedures. This, of course, is unacceptable.

I find that Councillor Williams breached Rule No. 18 of the Code of Conduct by failing to adhere to the appropriate procedure under the Complaints Protocol. Specifically, Councillor Williams breached Section 10(2) of the confidentiality provision in the Complaints Protocol (most recently, by issuing a press release dated January 8, 2020 on the www.PleaseSlowDown.ca website regarding the sign campaign). Under that section, I had advised Councillor Williams to preserve secrecy with respect to all matters that came into her knowledge and in relation to the complaint, including the information that I shared with her in my letter to her dated September 4, 2019. Councillor Williams failed to abide by my instructions and therefore breached Section 10(2) of the Complaints Protocol, thereby failing to adhere to the complaints procedure that is adopted by Council.

Section 10(2) of the Complaints Protocol is attached hereto under **Appendix “C”**.

4. Rule No. 3

Did Councillor Williams Breach Her Duty of Confidentiality During My Investigation of the Sign Campaign Complaint?

For the reasons mentioned under Rule No. 18, I find that Councillor Williams breached Rule No. 3 of the Code of Conduct in continuing to communicate with the public regarding the Complaint and matters that came to her knowledge thereof despite my clear direction to the contrary, pursuant to section 223.5(1) of the *Municipal Act, 2001*.

Section 223.5(1) of the *Municipal Act, 2001* is attached hereto under **Appendix “C”**.

Conclusion

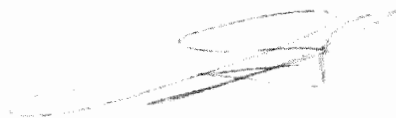
I find Councillor Williams to have contravened the Code of Conduct with specific reference to the rules as set out above.

My recommendation is for Councillor Williams to take appropriate steps in the future, insofar as it relates to any further initiatives she may institute in her capacity as an elected member of Council, to work with her colleagues and City employees/staff/officials in ensuring that those initiatives are onside *before* she disseminates information around the legalities of those initiatives to Brampton residents.

I also trust that Councillor Williams will take steps to ensure that all matters in relation to any investigation with my office in the future are dealt with confidentially.

Furthermore, I am recommending that City Council issue a verbal reprimand to Councillor Williams in line with my conclusions as set out above. I would also recommend that Council consider developing appropriate protocol so that Councillors have the ability to seek legal advice/guidance around any initiatives that they may wish to institute.

Sincerely,



Muneeza Sheikh
Integrity Commissioner
City of Brampton

I would like to acknowledge my colleague, Saba J. Khan, for assisting me in investigating this Complaint and in preparing this report.

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**APPENDIX "A": Letter dated August 21, 2019 that Councillor Williams wrote to
Brampton Residents Respecting the Sign Campaign**

**CITY COUNCILLOR CHARMAINE WILLIAMS**

WARDS 7 & 8

2 Wellington St W
Brampton ON L6Y4R2

T 905.874.2671
F 905.874.2644
TTY 905.874.2130

August 21, 2019

Dear neighbour,

THANK YOU!


Thank you for agreeing to place a "Please Slow Down" sign on your lawn.

The signs were printed in anticipation of the start of the new school year. Students will soon return to the routine of walking and biking back and forth to school. Let's keep them safe.

You are doing your part make our local residential streets safer.

A few months ago, City Council voted on a number of motions asking city staff to report on the best methods to implement traffic calming. When this report is complete I will do my best to make it available to you so that you can participate in the decision.

Sincerely,



Charmaine Williams
City Councillor Ward 7 & 8

P.S. In order to make sure the sign does not contravene the sign by-law, it must sit on your portion of the front lawn and NOT on the grass boulevard or road allowance portion of your street.

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APPENDIX "B": Picture of the Sign that Councillor Williams Used for her Sign Campaign

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PLEASE

SLOW

DOWN

Kids are back at school

www.PleaseSlowDown.ca

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APPENDIX “C”: Relevant Provisions from the *Municipal Act, 2001* and the Complaint Protocol

Municipal Act, 2001 Provisions:

Integrity Commissioner

223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behavior of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 1, s. 19 (1).

Duty of confidentiality

223.5 (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part.

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Complaint Protocol Provisions:

Initial 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 (3).
- (2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Council policy, 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;
 - (c) if the complaint on its face, is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
 - (d) in other cases, 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.
- (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 annually 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.

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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.

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APPENDIX "D": Relevant Rules from Council Code of Conduct

Rule No. 3

Confidential Information

1. 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 when required by law or authorized by Council to do so.
2. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.
3. No Member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.
4. 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.
5. No Member shall permit any persons other than those who are entitled thereto to have access to information that is confidential.
6. No Member shall 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 not prohibited by Council policy.

Commentary:

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, such as under Access and Privacy legislation. Such legislation imposes mandatory or discretionary restrictions on disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, personal information about an individual disclosure of which would constitute an unjustified invasion of privacy, and information that is subject to solicitor-client privilege. 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

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limited purpose of reviewing, responding or looking into the subject-matter of the communication.

For the purposes of the Code of Conduct, "confidential information" may also include information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential.

Under the Procedural By-law, a matter that has been legitimately discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public.

Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- the security of the property of the municipality or local board;
- personal information about an identifiable individual, including municipal or local body employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations and personnel matters.
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under contract negotiation
- price schedules in contract tender or Request For Proposal submissions
- statistical data required by law not to be released (e.g. certain census or assessment data)

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Rule No. 10

Media communication

1. Members of Council will accurately communicate the decisions of Brampton's Council, even if they disagree with a majority decision of Council so that there is respect for and integrity in the decision making processes of Council.

Commentary

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

Rule No. 13

Encouragement of Respect for the City and Its By-Laws

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 citizen, as this undermines confidence in the City and the rule of law.

Rule No. 18

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

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Council. More generally, Members of Council are required to observe the terms of all policies and procedures established by City Council.

Members must pay special attention to, and comply strictly with the Councillors Expense Policy.

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

10.1-22

APPENDIX "E": Excerpts from Sign By-law Relied Upon by Councillor Williams



IS MY SIGN LEGAL?

YES IT IS, IF IT'S ON PRIVATE PROPERTY

Sign By-law 399-2002

REGULATIONS AND PROHIBITIONS

5.
 - (1) No person shall erect or display, or cause to be erected or displayed a *sign* without a permit;
 - (2) No person shall make a structural alteration to a *sign* without a permit;

EXEMPTIONS

8. Notwithstanding Section 5(1) the following *signs* are exempt from the requirement of a permit: (By-law 199-2005)
 - (4) A *sign* pertaining exclusively to public safety and order provided it is not greater than 0.4 m² (4.3 ft²) in *sign area*;

10.1-24

APPENDIX "F": CBC Article Posted on August 29, 2019



10.1-25

Toronto

'I think it's disgusting': Residents could be fined for 'slow down' signs in Brampton

City councillor Charmaine Williams says she's distributed 500 signs so far and doesn't plan on stopping

CBC News · Posted: Aug 29, 2019 8:31 PM ET | Last Updated: August 30, 2019



It turns out 'Slow Down' signs residents are posting on their lawns in Brampton are actually not allowed under the city's current sign bylaws — something residents found out when bylaw officers came around to remove them. (Martin Trainor/CBC)

comments



LATEST

- **Brampton City Council says it will work with city staff to review current sign bylaws.**

10.1-26

When Brampton city councillor Charmaine Williams met a mother who lost a son to speeding car last year, she decided enough was enough.

"I said, 'You know what? Something's got to be done, and we all need to start taking some action,'" the Ward 7 and 8 councillor said.

The idea was simple: a "Slow Down" sign that residents could post on their lawns.

But as it turns out, what might have seemed a good idea is actually not allowed under Brampton's current sign bylaws — something residents found out when bylaw officers came around to remove them.

- Using just chalk and leaves, Toronto residents re-imagine 'poorly designed,' 'dangerous' intersection
- 'It's pretty scary': Beach residents call on city to get drivers to slow down

"I think it's disgusting," said resident Bob Beland, who adds he regularly gets honked at for driving the speed limit. "We had the slow down signs on this street and the city removed them.

Fines possible, city says

"Kids are at risk, adults are at risk, senior citizens are at risk ... I just want people to slow down."

The city says its sign bylaw allows for only specific messaging about things like speed bumps, construction workers on the road or potential trip hazards.

"The 'slow down' signs are not allowed under the current sign bylaw," the City of Brampton said in a statement to CBC News. "Such signs may be temporarily used by people holding up the sign for a short period of time. However, the placement or posting of any kind of such signs are not allowed under the bylaw."





Coun. Charmaine Williams says she's distributed 500 signs so far and doesn't plan on stopping. (Martin Trainor/CBC)

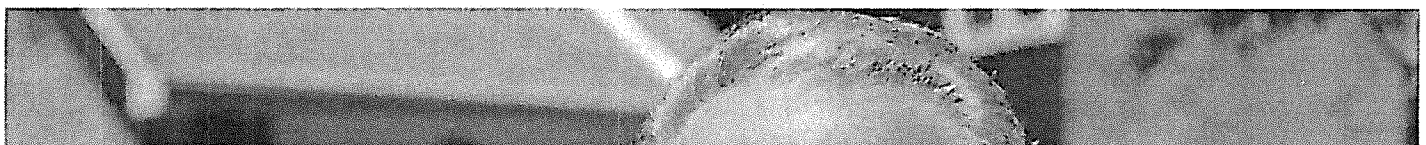
The statement goes on to say that if the city receives a complaint about the signs, an enforcement officer will be sent out to gather evidence, with charges possible.

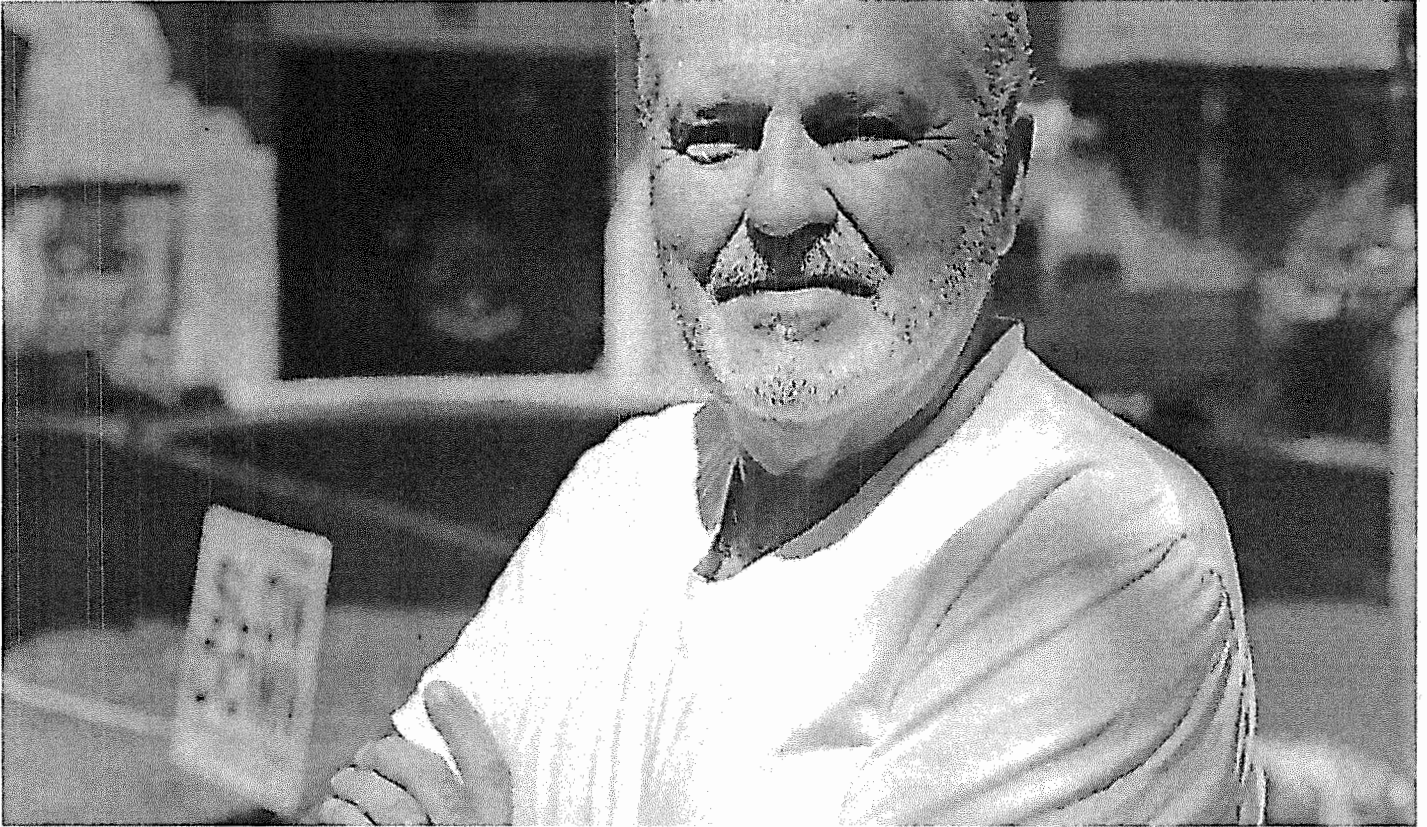
It's a sharp contrast to the City of Toronto. There, signs can be generally be placed on public property so long as they're at least two feet from the curb, inserted using a wire frame, not obstructing sight lines and not illuminated. There are a few exceptions such as on expressways, drainage ditches, anywhere that might obstruct a bridge or sidewalks, among others.

'A constant reminder'

But Williams believes the city is interpreting the rules incorrectly.

She says the signs fall into the community safety category permitted under the bylaw, and that as long as they're on private property far enough away from the curb, she doesn't see the problem.





Resident Bob Beland says he regularly gets honked at for driving the speed limit. (Martin Trainor/CBC)

Williams says she's distributed 500 signs so far and doesn't plan on stopping, saying she'll go so far as to pay the fine for anyone charged under the bylaw

"I don't think bylaw [officers are] going to go around and charge 2,000 people for having a community safety sign on their lawn. However, if they do, I will pay that fine," she said.

"We need to slow down in Brampton and the signs are a constant reminder of that."

10.1-29

APPENDIX "G": Brampton Guardian Article Posted on October 30, 2019



10.1-30

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Brampton councillor remains defiant of city's sign bylaws despite ethics complaints

News Oct 30, 2019 by [Graeme Frisque](#) ([Brampton on author/Graeme Frisque/3e270be6-3a0d-489f-8621-68e5b61ce222/](#)) [✉](#) (<mailto:grfrisque@metroland.com>) Brampton Guardian
Brampton wards 7 and 8 Coun. Charmaine Williams isn't backing down after being hit with integrity commissioner complaints by fellow councillors over her use of lawn signs in violation city's sign bylaws.

On Tuesday (Oct. 28), Williams issued a media release stating her intention to resume her "Please Slow Down" lawn sign campaign in school zones first launched in the summer despite an ongoing ethics probe by integrity commissioner, Muneeza Sheikh.

"I have written to the integrity commissioner to let her know that I will no longer suspend my Please Slow Down campaign," said Williams, adding a [seven-year-old girl who was hit by a car in her ward on Oct. 21](#) (<https://www.bramptonguardian.com/news-story/9654632-young-girl-in-hospital-after-car-strikes-pedestrian-in-brampton/>) prompted her to resume the campaign.

"I believe the two councillors involved had the best of intentions in making their complaint. But, there is a famous saying that 'the road to hell is paved with good intentions'. I am not interested in naming them, I just wanted my constituents to know why my office suspended the campaign," she added.

Neither of the two councillors Williams' referred to have been identified as integrity commissioner complaints are kept confidential until a ruling is issued.

In August, Williams [handed out hundreds of yellow lawn signs](#) (<https://www.bramptonguardian.com/news-story/9570420-residents-could-face-fines-over-brampton-councillor-s-slow-down-lawn-sign-campaign-city/>) to residents in her wards after being informed by the city's bylaw department that such signs were in violation in January, after she handed out similar signs as part of her [anti-cannabis store campaign](#) (<https://www.bramptonguardian.com/news-story/9132281-brampton-councillor-s-anti-cannabis-store-sign-campaign-violates-city-s-sign-bylaws/>).

She was also told both she and residents placing the signs on their properties could be subject to fines.

"The 'slow down' signs... are not allowed under the current sign bylaw. Such signs may be temporarily used by people holding up the sign for a short period of time. However, the placement or posting of any kind of such signs are not allowed under the bylaw," the city told the *Brampton Guardian* in August.

"If the City receives a complaint about the signs, an enforcement officer will be dispatched to investigate and gather evidence. In line with the sign bylaw, charges could be laid on both the person causing the sign to be displayed and the person that allowed the sign to be posted," it added.

The first-term councillor disagrees with the bylaw and staff's interpretation of it. Williams believes the signs are allowed under the current rules as long as they're not placed on public boulevards or within a certain distance roads and sidewalks. She has also offered to attend court and pay any fines residents may receive for the signs.

Despite her objections, the city confirmed the signs are in violation and that residents could face fines even when posting them even on private property. Council has since [ordered a staff review of the bylaw](#) (<https://www.bramptonguardian.com/news-story/9575812-brampton-to-conduct-review-of-sign-bylaw-amid-dispute-over-councillor-s-slow-down-signs/>) but the existing restrictions remain in place.

Williams included a copy of her letter to the integrity commissioner in her release informing Sheikh of her intentions to resume her controversial campaign.

"I believe the two councillors who complained had the best of intentions in filing their complaint. But at this point, I am willing to suffer the consequences of a reprimand from (the Integrity Commissioner) if it means saving just one child from the tragedy of being hit by a car".

by [Graeme Frisque](#) ([Brampton on author/Graeme Frisque/3e270be6-3a0d-489f-8621-68e5b61ce222/](#))

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