



# **AGENDA**

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## **GOVERNANCE COMMITTEE**

THE CORPORATION OF THE CITY OF MISSISSAUGA  
([www.mississauga.ca](http://www.mississauga.ca))

**MONDAY, JANUARY 14, 2013 – 1:00 P.M.**

**COUNCIL CHAMBER, SECOND FLOOR, CIVIC CENTRE**

**300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1**

### Members

Councillor Jim Tovey, Ward 1 (Chair)  
Councillor Pat Saito, Ward 9 (Vice-Chair)  
Councillor Chris Fonseca, Ward 3  
Councillor Bonnie Crombie, Ward 5  
Councillor George Carlson, Ward 11

Contact: Sacha Smith, Legislative Coordinator, Office of the City Clerk  
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**CALL TO ORDER****DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST****APPROVAL OF THE AGENDA****DEPUTATIONS**

- A. Item 2 Karen Spencer, Advisor
- B. Item 3 Greg Vezina, Resident
- C. Carolyn Parrish, Resident with respect to the Election Campaign Finance Committee
- D. Item 5 Fayaz Karim, Peel Poverty Action Group

**PUBLIC QUESTION PERIOD**

(Persons who wish to address the Governance Committee about a matter on the Agenda.)

**MATTERS TO BE CONSIDERED:**

1. Approval of Minutes of Previous Meeting

Minutes of the Governance Committee meeting held on November 12, 2012.

2. City Committees of Council Structure Review – Advisory Committee Overview

Corporate Report dated January 4, 2013 from the City Manager and Chief Administrative Officer providing an overview of advisory committees as part of the City Committees of Council Structure Review.

**RECOMMENDATION**

1. That the report entitled, City Committees of Council Structure Review – Advisory Committee Overview, dated January 4, 2013, from the City Manager and Chief Administrative Officer, be received for information.
2. That the Governance Committee endorse the following principles, which will guide further analysis undertaken for the City Committees of Council Structure Review:

- a. That the City of Mississauga has a high number of Advisory Committees of Council, in comparison to the eleven other Canadian municipalities benchmarked, and reducing the number of Advisory Committees would benefit the governance structure and decision-making processes of the City of Mississauga.
- b. That in establishing any new Advisory Committees of Council, certain pre-set criteria should be met before City Council can approve a new Committee of Council creation (refer to Appendix 1).
- c. That it is important that the work of Advisory Committees of Council remain within the stated mandates and objectives of their approved, respective Terms of Reference and also align and evolve with the City of Mississauga's changing priorities.

3. 2010 – 2011 By-Election Irregularities

Written submission from Greg Vezina, Resident with respect to 2010 and 2011 By-election financial returns for candidates.

4. Response to Election Campaign Finances Suggestions

Memorandum dated January 8, 2013 from the Director, Legislative Services and City Clerk providing responses to comments and suggestions from Greg Vezina, Resident regarding various items including the Election Campaign Finance Committee.

5. Municipal Election Campaign Contribution Rebate Program

Corporate Report dated January 8, 2013 from the Commissioner of Corporate Services and Treasurer with respect to a Municipal Election Campaign Contribution Rebate Program.

RECOMMENDATION

That the report entitled Municipal Election Campaign Contribution Rebate Program from the Commissioner of Corporate Services and Treasurer, dated January 8, 2013 be received for information.

6. 2010 Municipal Election and 2011 By-Election Review

Corporate Report dated January 7, 2013 from the Commissioner of Corporate Services and Treasurer with respect to the 2010 Municipal Election and 2011 By-Election Review.

RECOMMENDATION

1. That the report dated January 7, 2013, from the Commissioner of Corporate Services and Treasurer, titled "2010 Municipal Election and 2011 Municipal By-Election Review" be received.
2. That Council request that identification standards for electors be established by the Federal Government for use by the Provincial and Municipal Governments during elections.
3. That the Peel District School Board and Dufferin- Peel Catholic District School Board be requested to deem election day as specified in the *Municipal Elections Act 1996*, a Professional Activity Day (P.A. Day) to ensure that all School Board facilities are available for use as polling locations during Municipal Elections.
4. That enforcement measures and fees and charges for contravention of the Sign By- law be reviewed and that staff report back prior to 2014.
5. That opportunities to increase staff participation on Election Day be explored.
6. That staff report back to Governance Committee on the AMCTO review of the Voters' List, once the final report is released
7. That the Elections Office prepare an amendment to the Election Campaign Finances Committee procedure for consideration by the Committee, whereby the committee reviews written requests for audit to determine if the request is within the committee's mandate and if there is sufficient evidence to proceed with a meeting.

7. Proposed Legislative Amendments Respecting Councillors who Run for Provincial or Federal Office

Corporate Report dated January 2, 2013 from the City Solicitor with respect to proposed legislative amendments for Councillors who run for Provincial or Federal Office.

**RECOMMENDATION**

1. That the report of the City Solicitor titled "Proposed Legislative Amendments Respecting Councillors who Run for Provincial or Federal Office" dated January 2, 2013 be received for information;
  2. That the Province be requested to amend s. 259 of the *Municipal Act, 2001* to declare vacant the office of a member of Council who at the close of nominations in a federal or provincial election, is a registered candidate; and
  3. That a copy of this report be circulated to the Minister of Municipal Affairs and Housing, all local MPPs, MPs and to AMO.
8. **2013 Governance Committee Meeting Dates**
- Memorandum dated January 9, 2013 from the Legislative Coordinator with respect to the 2013 Governance Committee meeting dates.
9. **Governance Committee Outstanding Items List**
- Listing of outstanding items that were directed to staff by the Governance Committee.
10. **Correspondence List**
- List of correspondence received by the Governance Committee and an update on the status for each matter.

**OTHER BUSINESS****CLOSED SESSION**

**DATE OF NEXT MEETING** – Monday, February 11, 2013 at 1:00 P.M.

**ADJOURNMENT**



Governance Committee

JAN 14 2013

# MINUTES

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## GOVERNANCE COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA  
(www.mississauga.ca)

MONDAY, NOVEMBER 12, 2012 – 1:04 P.M.

COUNCIL CHAMBER, SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

Members Present: Councillor Jim Tovey, Ward 1 (Chair)  
Councillor Pat Saito, Ward 9 (Vice-Chair)  
Councillor Chris Fonseca, Ward 3 (Arrived at 1:06 pm)  
Councillor Bonnie Crombie, Ward 5  
Councillor George Carlson, Ward 11  
Mayor McCallion (ex-officio) (Arrived at 1:12 pm and  
Departed at 2:38 pm)

Members Absent: Nil

Staff Present: Janice Baker, City Manager and CAO  
Mary Ellen Bench, City Solicitor  
Ivana Di Millo, Director, Communications  
Karen Spencer, Advisor  
Diana Rusnov, Manager, Legislative Services and Deputy Clerk  
Crystal Greer, Director, Legislative Services and City Clerk  
Sacha Smith, Legislative Coordinator

**CALL TO ORDER** - 1:04 P.M.**DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST** - Nil**APPROVAL OF THE AGENDA**

Councillor Crombie moved approval of the agenda, as presented. This motion was voted on and carried.

Approved (Councillor Crombie)

**DEPUTATIONS**

A. Item 2 Don Barber, Resident

Mr. Barber spoke to the matter and suggested that more examples be included in the Code of Conduct to clearly outline to members of Council and the public what a conflict is. He further spoke to clarity of the definition of a "well informed reasonable person". Councillor Saito spoke to the matter and explained that she had expressed concerns at a previous meeting that some people may not understand who a "well informed reasonable person" was. Robert Swayze, Integrity Commissioner noted that at a previous meeting he commented on members of Council determining if they can vote impartially on a matter to determine if there is a personal conflict.

Councillor Carlson commented about members of Council who are members of Boards and other committees and the possibility of conflicts if the group receives funding or services from the City.

Mr. Barber enquired if the Code of Conduct addresses situations where someone believes they were denied of proper representation or intervention on behalf of residents. Mr. Swayze responded to Mr. Barber's question and noted that he would have to make a preliminary determination if the matter is within his mandate. Councillor Tovey noted to Mr. Barber that the Code of Conduct contains commentary under each rule that provides some examples and clarity.

Councillor Fonseca arrived at 1:06 pm and Mayor McCallion arrived at 1:12 pm during the deputation.

**RECOMMENDATION**

That the deputation by Donald Barber, resident with respect to the Council Code of Conduct be received.

Received (Councillor Saito)

Recommendation GOV-0027-2012



**PUBLIC QUESTION PERIOD**

(Persons who wish to address the Governance Committee about a matter on the Agenda.)

Ursula Keuper-Bennett, Resident referred to Rules No. 1 & 9 in the Code of Conduct, and enquired about the definition of "diligent" in the Code. Robert Swayze, Integrity Commissioner explained the definition. Councillor Saito spoke to the matter and suggested that more appropriate wording should be reviewed for "diligently" in section 4 of Rule 9.

Ms. Keuper-Bennett referred to Rule No.9 and noted that Section 22 of the Council Procedure By-law does not include the public. Mayor McCallion agreed with Ms. Keuper-Bennett's suggestion and noted that Sections 22(1) of the Council Procedure By-law should include members of the public. Councillor Carlson suggested that the reference to Provincial or Federal government could be changed to Member of Parliament and Member of Provincial Parliament.

Ms. Keuper-Bennett referred to Rule no.10 in the Code and enquired about communicating to the media only when decisions are made. Councillor Saito spoke to the matter and noted that a statement could be included in the Code that notes that all Councillors communicate accurately about matters at all times.

Ms. Keuper-Bennett referred to Rule no. 15 with respect to exemptions. Mr. Swayze explained that there may be circumstances where a councillor may need to do something that is contrary to a policy, but is appropriate. Councillor Saito and Mayor McCallion spoke to the matter and provided an example where an exemption may be requested and that usually staff would provide a report on the matter.

**MATTERS CONSIDERED:**

1. Approval of Minutes of Previous Meeting

Minutes of the Governance Committee meeting held on October 22, 2012.

Mayor McCallion enquired about public notice for changes to the Code of Conduct. Crystal Greer, Director, Legislative Services and City Clerk advised that a request for comments for the Code of Conduct was posted on the City's web page and in a news release.

Approved (Councillor Crombie)

2. Further Review of Council Code of Conduct

Report dated November 2, 2012 from the Integrity Commissioner with respect to a further review of the Council Code of Conduct.

Councillor Saito spoke to the matter and noted her support for the proposed amendments. Councillor Crombie enquired about including For Profit Boards. Mr. Swayze noted that he would address the matter in a report that would address members of local boards and citizen committees. Councillor Crombie spoke to the Code including a dress code for members of Council.

Councillor Carlson suggested that there be protocol for an opening statement by the Chair at the Committee of Adjustment when a member of Council attends a meeting. Robert Swayze, Integrity Commissioner spoke to the matter. Direction was given to the City Clerk to implement an opening statement at Committee of Adjustment meetings when a member of Council is present.

Mayor McCallion enquired about parameters when members of Council are requested to support charities or groups. Mr. Swayze noted that members of Council can support charities, but a list of charities should be provided if a member of Council receives a request for suitable organizations to donate to. Discussion ensued with respect to declaring gifts and the timing to submit the declaration forms. Further discussion ensued with respect to differentiation between the Mayor and Councillors accepting gifts. Mr. Swayze responded that in other Code of Conducts there is no differentiation, however he could review some commentary and come back to the Committee.

Councillor Tovey enquired about citizen members of committees working on municipal election campaigns. Mr. Swayze noted that he would review the matter and come back to the Committee.

#### RECOMMENDATION

That the Council Code of Conduct and Protocol be amended as highlighted on Appendix 2 to the Integrity Commissioner's report dated November 2, 2012 subject to consideration of feedback to the call for public input, and further that the revised version of the Council Code of Conduct be considered at the December 12, 2012 Council meeting for final adoption.

Approved (Councillor Fonseca)  
Recommendation GOV-0028-2012

#### 3. Use of Communication Devices by Members of Council During Meetings – Resolution 0022-2011

Memorandum dated November 8, 2012 from Crystal Greer, Director, Legislative Services and City Clerk requesting direction from the Governance Committee with respect to the effectiveness of Resolution 0022-2011.

Members of Committee discussed the rationale of a communication device procedure. Further discussion ensued with respect to the use of communication devices by members of Council at meetings and respecting the public and staff during deputations.

Councillor Crombie suggested a protocol or guideline for members of Council at meetings that would address the use of communications devices, side conversations, reading other documents etc. Crystal Greer, Director, Legislative Services and City Clerk advised that the protocol for meetings is addressed in the Council Procedure By-law and that staff would need to be advised of what changes would be required.

Committee further discussed the current procedure and concerns were noted about the use of communication devices during the In Camera session. Ms. Greer advised that staff would distribute the motion that captured the discussion prior to the next Council meeting.

RECOMMENDATION

That Council consider a motion regarding the use of communication devices by Members of Council during meetings that incorporates the comments from the Governance Committee.

Approved (Councillor Saito)  
Recommendation GOV-0029-2012

Mayor McCallion departed the meeting at 2:38 pm during discussion of Item 3.

4. Council Lunch Recess – Resolution 0108-2011

Memorandum dated November 8, 2012 from Crystal Greer, Director, Legislative Services and City Clerk requesting direction from the Governance Committee with respect to Council Lunch Recess.

RECOMMENDATION

That Council consider a motion regarding the Council Lunch Recess that provides for a working lunch into the Closed Session whenever Council meetings continue beyond noon.

Approved (Councillor Carlson)  
Recommendation GOV-0030-2012

5. Governance Committee Outstanding Items List

Listing of outstanding items that were directed to staff by the Governance Committee.

Councillor Crombie enquired about the timelines for some of the items on the Outstanding Items List.

**RECOMMENDATION**

That the Governance Committee Outstanding Items List for the November 12, 2012 Governance Committee meeting, be received.

Received (Councillor Saito)

Recommendation GOV-0031-2012

**6. Correspondence List**

List of correspondence received by the Governance Committee and an update on the status for each matter.

**RECOMMENDATION**

That the list of correspondence received by the Governance Committee and an update on the status for each matter, be received.

Received (Councillor Fonseca)

Recommendation GOV-0032-2012

**OTHER BUSINESS** - Nil

**CLOSED SESSION** - Nil

**DATE OF NEXT MEETING** – Monday, January 14, 2013 at 1:00 P.M.

**ADJOURNMENT** – 2:53 P.M.



# Corporate Report

Clerk's Files

Originator's  
Files

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**DATE:** January 4, 2013

**TO:** Chair and Members of Governance Committee  
Meeting Date: January 14, 2013

**FROM:** Janice M. Baker, FCPA, FCA  
City Manager and Chief Administrative Officer

**SUBJECT:** **City Committees of Council Structure Review – Advisory  
Committee Overview**

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Governance Committee

JAN 14 2013

- RECOMMENDATION:**
1. That the report entitled, City Committees of Council Structure Review – Advisory Committee Overview, dated January 4, 2013, from the City Manager and Chief Administrative Officer, be received for information.
  2. That the Governance Committee endorse the following principles, which will guide further analysis undertaken for the City Committees of Council Structure Review:
    - a. That the City of Mississauga has a high number of Advisory Committees of Council, in comparison to the eleven other Canadian municipalities benchmarked, and reducing the number of Advisory Committees would benefit the governance structure and decision-making processes of the City of Mississauga.
    - b. That in establishing any new Advisory Committees of Council, certain pre-set criteria should be met before City Council can approve a new Committee of Council creation (refer to Appendix 1).

- c. That it is important that the work of Advisory Committees of Council remain within the stated mandates and objectives of their approved, respective Terms of Reference and also align and evolve with the City of Mississauga's changing priorities.

**REPORT****HIGHLIGHTS:**

- A 'City Committees of Council Structure Review' was requested to be undertaken by City Council in 2011. The approved recommendations from this review are to be made operational for the next term of Council (Dec. 2014) unless otherwise determined.
- Overall, Council Members, Citizen Members and staff that support the Committees' work believe Advisory Committees provide good decision-making and effective public discussion for city work.
- Analysis shows a significant amount of work and recommendations of these 10 Committees is administrative in nature, rather than focussed on the individual Advisory Committee's mandate.
- Issues regarding the Advisory Committees show some duplication of efforts; some Committees' work have not stayed current with corporate priorities.
- Ten (10) Advisory Committees of Council have been analyzed and the findings are described herein. Ideas for changes are described for the Road Safety, Museums, Public Vehicle and Towing Industry Advisory Committees

**BACKGROUND:**

The City of Mississauga has not undertaken a fulsome review of all Committees of Council for many years. The last large review occurred in 1993 when the General Committee System was approved to continue after having been implemented for a six-month trial period. Also, in 2006, Council approved the creation of the Environmental Advisory Committee.

The 'City Committees of Council Structure Review' (CCCSR) was requested to be undertaken by City Council in 2011. In 2012, the scope of the CCCSR was verified through the Governance Committee

and the review began. The stated purpose of this project is:

To review the administration, mandate and structure of existing (and potential) City of Mississauga Committees of Council, and to make specific recommendations regarding these committees for Council approval. The analysis will critically assess whether the committees operate effectively and efficiently while meeting the needs of City Council, citizens and the corporation.

There are 23 Committees to be reviewed, which include (alphabetical order):

- Accessibility Advisory Committee
- Advertising Review Panel
- Audit Committee
- Budget Committee
- Citizen Appointments
- Committee of Revision
- Council
- Election Campaign Finances Committee
- Environmental Advisory Committee
- General Committee
- Governance Committee
- Heritage Advisory Committee
- Incidents in City Facilities Appeal Committee
- Mississauga Celebration Square Events Committee
- Mississauga Appeal Tribunal
- Mississauga Cycling Advisory Committee
- Museums of Mississauga Advisory Committee
- Planning and Development Committee
- Property Standards Committee
- Public Vehicle Advisory Committee
- Road Safety Mississauga Advisory Committee
- Traffic Safety Council
- Towing Industry Advisory Committee

On October 22<sup>nd</sup>, 2012, the Governance Committee was presented with information gathered to date regarding benchmarking of eleven large municipalities in Canada and some preliminary findings from the surveys received from Council members, staff and citizen members.

**COMMENTS:**

Within the 23 Committees of Council, there are four Standing Committees and 19 Advisory Committees. Within those 19 Advisory Committees there are 10 Committees that meet on a regular basis and include citizens within the Committee membership. These 10 Committees will be the focus of this corporate report and include:

- Accessibility Advisory Committee
- Environmental Advisory Committee
- Heritage Advisory Committee
- Mississauga Celebration Square Events Committee
- Mississauga Cycling Advisory Committee
- Museums of Mississauga Advisory Committee
- Public Vehicle Advisory Committee
- Road Safety Mississauga Advisory Committee
- Traffic Safety Council
- Towing Industry Advisory Committee

The analysis and comments in this report have been organized under the following headings:

- Benchmarking
- Survey responses
- Criteria to form an Advisory Committee
- Advisory Committee valuation methodology
- Specific findings for Advisory Committees

As this report only contains information on 10 of 23 Committees, there are no specific recommendations for approval, however endorsing key 'principles' stemming from the research to date will help keep the review focussed on the Governance Committee's priorities.

**BENCHMARKING:**

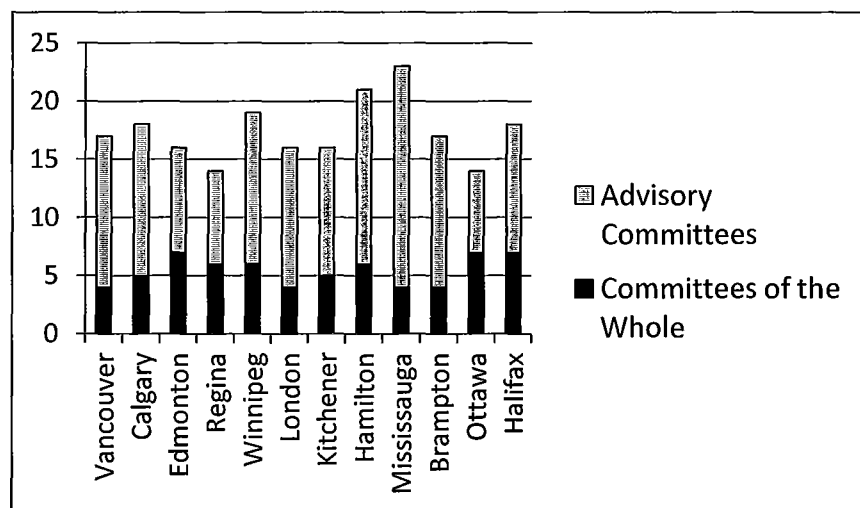
Benchmarking: eleven municipalities were benchmarked regarding their governance and committee structures, which included: Vancouver, Edmonton, Calgary, Regina, Winnipeg, London, Kitchener, Hamilton, Brampton, Ottawa and Halifax.

All of those cities described the importance of their committee structure in a similar way as Mississauga does. That the structure



must be: modern, adaptive and effective; focussed on the strategic direction of the municipality; respectful, inclusive and open to a variety of ideas; governed in an accountable fashion with well-defined roles and solid rules of procedure.

An important finding was the comparison of numbers of committees between the municipalities. Mississauga is clearly the city with the highest number of combined Committees-of-the-Whole and Advisory Committees (with 23 committees) as compared to the other cities (with 17.5 average number of committees).



Further, in looking at the types of committees these cities had the following was observed:

- All cities had: Council; Planning/Development; Budget/Finance; Audit; Accessibility; Environment.
- Most (75%) cities had: Executive/Administration/General; Transportation/Public Works/Infrastructure; Heritage.
- Half (50%) of cities had: Cycling/Active Transportation; Urban Design; Arts/Culture; Economic Development/Business.
- Some (30%) of cities had: Youth; Seniors/Older Adults; Community/Neighbourhood/Downtown/Natural Feature; Utilities/Telecommunications; Intergovernmental Affairs; Taxi; Diversity/Alliances.

Mississauga has a few committees not found in any of the

benchmarked cities which are: Museums and Towing. Also, the high number of Committees that Mississauga has dedicated to 'road movement' is unusual – Mississauga has five such Committees (Towing, Public Vehicle, Cycling, Road Safety, Traffic Safety).

**SURVEY RESPONSES:** Survey Responses: an on-line survey was created to elicit responses from Council Members, Citizen Members and staff throughout the corporation that are directly involved in the support and functioning of the Committees of Council. The survey was originally created for Council Members to provide direction as to the scope of work for the City Committees of Council Structure Review. Afterward, the survey was redesigned for both staff and again for Citizen Members. Many questions remained the same throughout all the surveys but additional questions were also added. The surveys cannot be considered statistically significant but they do provide insight and suggestions on what works and what areas need revamping or streamlining. (Included in this report, as Appendix 2, is a portion of the total survey results, with relevance to the discussion within this corporate report on Advisory Committees only.)

General ideas from the survey results, regarding Advisory Committees, suggest:

- overall, the City of Mississauga has a good Advisory Committee structure with good practices and mandates that further the city's strategic priorities.
- that some duplication occurs between committees
- that committees are an important way for the community to engage with Council in decision-making
- that there needs to be some stream-lining of administration practices

**CRITERIA TO FORM  
AN ADVISORY  
COMMITTEE**

Criteria to form an Advisory Committee: The Advisory Committees, within the City of Mississauga governance structure, have unique histories on how and why they came to be. The oldest Advisory Committee, the Traffic Safety Council, dates to before the City of Mississauga was incorporated, and one of the newest Committees, the Mississauga Celebration Square Events Committee, was created upon the opening of the new Square in 2010. While the Terms of Reference

for all Advisory Committees are specific and unique to each, overlaps and duplication of effort can also be found. Also, overtime the City of Mississauga approved new strategic plans and created new staff positions or units, and some committees have not stayed current with these corporate changes.

Analysis of Mississauga's Advisory Committees mandates and work, coupled with what was learned through the benchmarking exercise has helped to draw together a proposed list of the criteria by which a municipality might consider in the creation of an Advisory Committee. This would be a useful tool in determining the true need for an Advisory Committee of Council, or whether in fact a different type of committee or work group would better serve (ie. task force, ad-hoc committee, forum for discussion, etc.). (refer to Appendix 1)

The first criteria would be whether there was a statutory requirement for an Advisory Committee (such as the Accessibility Advisory Committee). If so, it is clear the municipality must ensure its creation and resource it appropriately. If no statutory requirement is involved, the mandate of the new Advisory Committee would be analyzed and, only if it meets at least five of the eight criteria below, could it be considered as a new Advisory Committee of Council:

1. Aligns with Strategic Plan (and other Master Plans or guiding documents)
2. Requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate
3. Subject matter is handled by multiple internal divisions and/or external stakeholders
4. Emerging issue of clear importance to the municipality
5. Significantly helps stream-line discussion and decision-making at Standing Committees
6. Handles work that staff do not perform
7. Needed for the long-term (minimum of five years)
8. Mandate and work plan can be clearly articulated

In setting up this proposed criteria, the analysis that would occur prior to the approval to create a new Committee of Council would benefit the corporation by taking time to ensure this form of committee is correct for the subject matter and to ensure no duplication exists on other committees.

ADVISORY  
COMMITTEE  
VALUATION  
METHODOLOGY

Advisory Committee Valuation Methodology: As suggested by the survey responses, there is an overall general agreement that the City's Advisory Committees work well – good discussion which allows for solid decision-making and policy development. Also Advisory Committees help promote events and activities associated with the Strategic Plan, the City's various master plans, and other issues of importance. Evidence through this review indicate that the corporation has a high number of Advisory Committees and some efficiencies and streamlining are possible.

Determining the 'importance' or 'worth' of an Advisory Committee requires an analysis of a Committee's activities in moving the City of Mississauga forward on its stated strategic goals. The methodology used to analyze this was to systematically review all activities of these ten Advisory Committees as described in the minutes for each. This was completed for meetings that occurred in the years 2011 and 2012.

The number of items per each meeting's Minutes were recorded (presentations, matters to be considered and other business) as were all of the recommendations (ie. referrals to staff, approvals, accepted for information, etc.). Further, the decisions and recommendations were looked at as to whether they dealt with the administrative of the committee, policy issues, promotion, advocacy, awareness, etc. The following are examples of the types of work that were catalogued under these headings:

- administration: minutes received, member resignations, naming Chairs/Vice-Chairs, resourcing, workplans, payments, receipt of non-essential emails & documents, etc.
- policy / focussed discussion: legislation, policies, guidelines, forum for discussion on topics within terms of references
- advocacy: partnerships, helping other groups, working together to change attitudes / actions / rules
- promotion / awareness: emerging trends, public engagement, getting the word out, campaigns, events

Through this methodology over 100 separate meetings for these 10 Advisory Committees were analyzed, which described over 1000 items; the findings revealed:

- Work (all items described per all combined Committees'

## Minutes):

- approx. 53% of all items are focussed on the core mandates of the Advisory Committees (47% on administrative / informational)
- Recommendations (all official recommendations per the 10 Advisory Committees' Minutes):
  - approx. 57% of the total items created a specific recommendation
  - 36% of these recommendations are administrative
  - 64% of these recommendations are 'focussed' (policy, promotion, emerging issues, advocacy, etc.)

SPECIFIC FINDINGS  
FOR ADVISORY  
COMMITTEES

Specific Findings for Advisory Committees: The following outlines key points that the research to date has revealed:

**Accessibility Advisory Committee (AAC):** There is a statutory requirement that must be met and as the AODA legislation continues to evolve it is important this committee exists. It is well resourced with a specific staff person (Accessibility Coordinator) in place. Meetings are four times per year meetings.

**Mississauga Celebration Square Events Committee (CSEAC):** A new committee formed upon opening of the Mississauga Celebration Square and this committee has dealt with an array of big issues quickly. They meet monthly and are well resourced staff wise as a staff unit is now functioning, systems are in place and priorities are set. There is a question as to how many meetings per year are required or when the work of this Committee becomes business as usual.

**Environmental Advisory Committee (EAC):** A relatively new committee created in 2006, a few years prior to the adoption of the Living Green Master Plan (LGMP) and creation of the Office of Environment (both 2012). There is a long list of issues, so priority setting is underway at this time. One of the LGMP's key priorities is outreach to the community to bring environmental issues, tactics, information and support to the external community. Even though this committee is well resourced staff wise, due to the community outreach over the next many years it is important to have a strong citizen membership on this committee.

**Heritage Advisory Committee (HAC):** The Ontario Heritage Act provides for Council to establish, under by-law, a municipal heritage committee and the requirement to consult with the committee on matters related to heritage designated property. While not a direct statutory requirement (such as the Accessibility Committee is formed), the City of Mississauga chooses to form a Heritage committee because it is a strategic priority and because there are deep and complex discussions at the HAC which help advance decision-making at General Committee.

**Museums of Mississauga Advisory Committee (MOMAC):** This committee has evolved many times over the years and having a stand-alone Advisory Committee specifically for museums is an unusual occurrence compared to other cities. Suggestions were advanced through the survey responses that MOMAC issues could be dealt with by the Heritage Advisory Committee but in fact HAC's mandate does not easily extend to meet the MOMAC endeavours. In the past few years the corporation has created and fully resourced a Culture Division which ties together heritage and museum work. The work that consumes most of the discussion is the need for a Collections Facility, which in the 2013 approved budget discussions it was approved to remain as an unfunded item (the Culture Division is working on a business case for a leased facility for the 2014 budget deliberations). There is an established 'Friends of the Museums' organization in Mississauga as well, that seems well connected with MOMAC and has good community outreach and fundraising activities. There is the potential for MOMAC to be retired as a committee or change to a different committee which is not as structured as a Committee of Council.

**Traffic Safety Council (TSC):** The TSC is over a half century old and almost exclusively deals with traffic issues surrounding schools. It is a large committee with many citizen members and stakeholder groups attending (there have been attrition issues with citizen members and stakeholders which are being analyzed). It has the highest number of items per agenda and recommendations made at each meeting. The meetings are very organized and rigorous in the work they perform. While the corporation have staff who can perform this work, staff indicate they appreciate the citizen members working

with them as school officials and residents appear to be more approachable with ideas when a citizen is involved in the discussion.

**Road Safety Mississauga Advisory Committee (RSM):** The committee deals with safety issues city wide and looks at issues such as traffic calming and red-light cameras. On occasion pilot projects are undertaken. A Road Safety Handbook has been produced and various public safety campaigns. Safety issues are a duplication throughout many Committees (along with Safe City Mississauga and CPTED that exist within the city). The corporation now has a specific staff resource (Integrated Road Safety Coordinator) who deals with all the same work. Also, many rules and guidelines that municipalities use regarding road safety, have been developed over time and there is very few times that anything is disputed. There is the potential for the Road Safety Committee to be retired as a committee or change to a different committee which is not as structured as a Committee of Council.

**Public Vehicle Advisory Committee (PVAC) and Towing Industry Advisory Committee (TIAC):** both of these committees provide a forum for discussion about the towing and taxi industries so this helps relieve the General Committee meetings of these long conversations. In looking at the Minutes of each committee, many reports seem to return back to staff multiple times (more research, verification, etc.) before being forwarded to General Committee. The citizen members on both committees are from their respective industries so tension exists in the discussions with Enforcement staff whose duty is to create and enforce the by-laws that these industries must operate within. There is the potential for the Towing and Public Vehicle committees to change to a different type of committee which is not as structured as a Committee of Council.

**Mississauga Cycling Advisory Committee (MCAC):** This committee was created in 1993 when cycling or trail network were not on the forefront of municipal issues. It was and remains very much a citizen driven committee and continues to assist in setting network priorities, trail locations and providing cyclist expertise. Two major changes in the past few years have been the approval of the Cycling Master Plan and the creation of the Cycling Office, in 2010. Therefore the corporation is now very much more resourced with approved

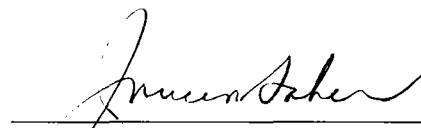
cycling priorities. However it has been suggested that sometimes the committee and staff are at odds with these approved priorities and staff sometimes are defending these rather than working hand-in-hand. In the past 2 years the Minutes reveal a great amount of energy and discussion on the 'Tour de Mississauga' event.

**FINANCIAL IMPACT:** Financial impact will be forthcoming when specific recommendations for approval are tabled in future corporate reports.

**CONCLUSION:** The City Committees of Council Structure Review has revealed that the 10 Advisory Committees that meet regularly and include citizen members generally operate well however some overlap has been found and as the City of Mississauga has evolved, both in strategic priorities and staff resourcing, the Committee's mandates have not also evolved. There may be opportunities to streamline some of these committees. Endorsement in principle of key ideas contained in this report will help the review move forward and ultimately meet the expectations of the Governance Committee regarding the committee structure of the City of Mississauga.

**ATTACHMENTS:**

- Appendix 1: Proposed Criteria to Form an Advisory Committee of Council
- Appendix 2: City Committees of Council Structure Review – Survey Responses



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Janice M. Baker, FCPA, FCA  
City Manager and Chief Administrative Officer

*Prepared By: Karen Spencer, Advisor, City Manager's Office*



## Proposed Criteria to Form an Advisory Committee of Council

- ☐ Statutory requirement

**If not a Statutory requirement, must fulfill five (5) of the following criteria:**

- ☐ Aligns with Strategic Plan (and other approved Master Plans or guiding documents)
- ☐ Requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate
- ☐ Subject matter is handled by multiple internal divisions and/or external stakeholders
- ☐ Emerging issue of clear importance to the municipality
- ☐ Significantly helps stream-line discussion and decision-making at Standing Committees
- ☐ Handles work that staff do not perform
- ☐ Needed for the long-term (i.e. minimum five years)
- ☐ Mandate and work plan and can be clearly articulated

# City Council Committee Structure Review

## Survey Responses

NOTE: Appendix 2 survey information contains only those survey findings specific to the report entitled: City Committees of Council Structure Review – Advisory Committee Overview (as presented to the Governance Committee, Jan. 14<sup>th</sup>, 2013).

1. The discussion and work of the ‘Other Committees of Council’ helps achieve good decision-making, when matters move to Council for approval.

*Versions:*

*Citizen: As a Citizen Member, I understand the decision-making process and the procedure by which recommendations move to Council for approval.*

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	4	3	2	21
Agree	3	35	9	31
Neutral, Neither Agree nor Disagree	1	13	0	9
Disagree	0	3	0	2
Strongly disagree	0	0	0	0
N/A, Not enough information	1	3	0	1

2. The discussion and work of the ‘Other Committees of Council’ helps achieve good decision-making on municipal matters.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree				11
Agree				36
Neutral, Neither Agree nor Disagree				15
Disagree				1
Strongly disagree				1
N/A, Not enough information				1

3. The general public understands the ‘Other Committees of Council’ structure and knows how to bring forward their item to the attention of the appropriate committee.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	0	1	0	1
Agree	4	4	2	15
Neutral, Neither Agree nor Disagree	3	13	3	24
Disagree	1	29	6	20
Strongly disagree	1	6	0	5
N/A, Not enough information	0	3	0	1

**LEGEND:** MC – Mayor and Council Members; Staff – staff members who support committee work; MC staff – staff members in Council Members offices; Citizen – citizen members of existing committees.

**NOTE:** question numbering system and wording might vary between the four original surveys.

# City Council Committee Structure Review Survey Responses

4. Please list any new Committees of Council (other than question 16 above) that you believe are important to create.

(No chart – suggestions made by only 1 respondent are not included below)

- Do not support adding new committees: **6 responses**
- Public Works, Transportation, Infrastructure, Transit: **5**
- Culture, Heritage, Innovation, Events: **4**
- Social assistance, immigrant, neighbourhood councils, veterans, community leaders: **4**
- Environment, Sustainability, Parks/Rec.: **4**
- Active Transportation (cycling and walking): **2**
- Committees representing the 5 pillars of the Strategic Plan: **2**
- Funding priorities, business community/professionals: **2**
- Don't know - need more information: **2**
- Standards / best practices / effectiveness : **2**

5. Please list any of the existing Committees of Council that you believe should be retired and/or combined with the work of another committee.

(No chart – suggestions made by only 1 respondent are not included below)

Committees to Combine:

- Traffic Safety combined with Road Safety : **10 responses**
- Towing, Public Vehicle, Traffic Safety, Cycling, and Road Safety into one Committee: **5**
- Museums combined with Heritage: **3**
- Combine all 'appeal' committees: **2**
- Audit combined with Budget Committee: **2**

Committees to Retire:

- Cycling: **8 responses**
- Miss. Celebration Square Advisory Committee: **5**
- Road Safety: **4**
- Environmental Advisory Committee: **3**
- Incidents in City Facilities: **3**
- Advertising Review Panel: **3**

No change:

- Don't know enough about many of the committees to comment. **5 responses**
- None should be retired: **3 responses**

**City Council Committee Structure Review**  
**Survey Responses**

6. The Committees of Council structure allows for effective public discussion and citizen engagement.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	2	3	1	7
Agree	5	27	5	38
Neutral, Neither Agree nor Disagree	0	14	3	14
Disagree	2	7	1	3
Strongly disagree	0	2	0	1
N/A, Not enough information	0	3	1	1

7. The Committees of Council structure allows for sufficient time for public (and staff) deputations /presentations.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	3	6	1	7
Agree	6	34	6	42
Neutral, Neither Agree nor Disagree	0	11	4	12
Disagree	0	3	0	3
Strongly disagree	0	1	0	1
N/A, Not enough information	0	2	0	1

8. The upcoming City Council Committee Structure Review should include research, analysis and recommendations on:

- a. The number of meetings of the 'Other Committees of Council' (per the Clerk's calendar).

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	1			5
Agree	6			49
Neutral, Neither Agree nor Disagree	2			6
Disagree	0			2
Strongly disagree	0			0
N/A, Not enough information	0			4

- b. The time allocation (daytime, evening, meeting length) of the 'Other Committees of Council'.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	1			9
Agree	5			36
Neutral, Neither Agree nor Disagree	1			11
Disagree	0			4
Strongly disagree	0			2
N/A, Not enough information	0			2

**LEGEND:** MC – Mayor and Council Members; Staff – staff members who support committee work; MC staff – staff members in Council Members offices; Citizen – citizen members of existing committees.

**NOTE:** question numbering system and wording might vary between the four original surveys.

## City Council Committee Structure Review

### Survey Responses

- c. The membership (Councillors, citizens, etc.) on the 'Other Committees of Council' including the quorum requirements.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	3			13
Agree	6			40
Neutral, Neither Agree nor Disagree	0			7
Disagree	0			1
Strongly disagree	0			1
N/A, Not enough information	0			2

- d. The Terms of Reference for the 'Other Committees of Council' to ensure general consistency and that they reflect the work of the existing Committee.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	2			5
Agree	7			44
Neutral, Neither Agree nor Disagree	0			10
Disagree	0			1
Strongly disagree	0			1
N/A, Not enough information	0			4

- e. The staff and budget resources required to complete the procedures and programs of the 'Other Committees of Council'.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	1			3
Agree	7			31
Neutral, Neither Agree nor Disagree	0			18
Disagree	1			4
Strongly disagree	0			3
N/A, Not enough information	0			5

- f. The alignment to the Strategic Plan of the 'Other Committees of Council'.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	2			6
Agree	6			34
Neutral, Neither Agree nor Disagree	0			15
Disagree	0			3
Strongly disagree	0			0
N/A, Not enough information	0			4

**LEGEND:** MC – Mayor and Council Members; Staff – staff members who support committee work; MC staff – staff members in Council Members offices; Citizen – citizen members of existing committees.

**NOTE:** question numbering system and wording might vary between the four original surveys.

**City Council Committee Structure Review**  
**Survey Responses**

- g. The administrative processes (logistics, agenda development, minutes, etc.) required to meet the needs of the 'Other Committees of Council'.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	3			12
Agree	5			46
Neutral, Neither Agree nor Disagree	0			5
Disagree	0			0
Strongly disagree	0			0
N/A, Not enough information	0			2

- h. The future opportunity for the 'Other Committees of Council' to conduct meetings by tele-conference (or other means).

	MC	STAFF	MC Staff	CITIZEN
Strongly agree	1			7
Agree	4			21
Neutral, Neither Agree nor Disagree	2			21
Disagree	1			10
Strongly disagree	0			0
N/A, Not enough information	0			6

- i. (Citizen survey only) The quorum requirements of the 'Other Committees of Council' is appropriate.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree				6
Agree				43
Neutral, Neither Agree nor Disagree				10
Disagree				3
Strongly disagree				0
N/A, Not enough information				3

**SECTION C: ALL (23) COMMITTEES**

9. As a Citizen Member, I am motivated to be a member of a Committee because \_\_\_\_\_.  
 (No chart – suggestions made by only 1 respondent are not included below)
- I want to make a difference in the community and improve the future: **12 responses**
  - Civic Duty: an opportunity for me to give back to my community: **10**
  - It gives me the opportunity to share my knowledge and experience with others: **9**
  - I want to be a part of the city and community I live in: **6**
  - Ensure good public policy is developed: **5**
  - I feel there is a need for independent input into the decision making process: **3**
  - Learning and gaining personal experience: **2**
  - Forum for discussion that seeks the voice of the citizen: **2**

**LEGEND:** MC – Mayor and Council Members; Staff – staff members who support committee work; MC staff – staff members in Council Members offices; Citizen – citizen members of existing committees.

**NOTE:** question numbering system and wording might vary between the four original surveys.

## City Council Committee Structure Review

## Survey Responses

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10. When I began as a Citizen Member, I received good information on the work and processes of the committee, and the individual responsibilities I have as member.

	MC	STAFF	MC Staff	CITIZEN
Strongly agree				16
Agree				28
Neutral, Neither Agree nor Disagree				8
Disagree				9
Strongly disagree				2
N/A, Not enough information				1

11. Is there any significant duplication that exists between any Committees of Council and if so, do you have any suggestions to rectify the duplication?

(No chart – suggestions made by only 1 respondent are not included below)

- No, don't believe there is: **17 responses**
- Traffic Safety and Road Safety: **2**
- Same corporate reports/deputations at Advisory Committees and Standing Committees: **2**

12. Do you believe that there are agenda items that could be delegated to staff to handle and if so, which items?

(No chart – suggestions made by only 1 respondent are not included below)

- No: **5 responses**
- Needs more discussion: **4**
- Unknown: **2**
- Yes: budget adjustments under a certain dollar value: **2**

13. Do you like the way another municipality organizes and/or manages their Committees of Council and if so, which municipality?

(No chart – suggestions made by only 1 respondent are not included below)

- Don't know: **11 responses**
- No: **8**
- Oakville: **2**

**LEGEND:** MC – Mayor and Council Members; Staff – staff members who support committee work; MC staff – staff members in Council Members offices; Citizen – citizen members of existing committees.

**NOTE:** question numbering system and wording might vary between the four original surveys.

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City Council Committee Structure Review  
Survey Responses

14. Any last thoughts, suggestions or comments?

(No chart – suggestions made by only 1 respondent are not included below)

- Reviewing the Committee structure is important and should Committees should be reviewed more often than in the past: **7 responses**
- Our existing Committees of Council structure runs quite well: **6**
- Develop staff training tools and guidelines regarding Committee Structure and how to forward a properly written report: **5**
- Don't want any dramatic changes, just needs streamlining, and a review of all Committees on a regular basis: **3**
- Need minutes to be handled more efficiently: **2**
- Sustainability, healthy infrastructure, safe and healthy citizens and public engagement should be paramount concerns for all committees: **2**
- Clerks Office support essential to running of committees: **2**



JAN 14 2013

3.

**Greg Vezina Submission on ~~2010 Election - 2011 By-Election Irregularities~~ for the Mississauga City Council for Governance Committee. Nov.20, 2012.**

I have reviewed numerous 2010 and 2011 election financial returns for candidates in the City of Mississauga, have petitioned and appeared before the City of Mississauga Election Campaign Finance Committee and I have successfully appealed a decision by that Committee to refuse my compliance audit request for a candidate in the 2011 Ward 5 Byelection. I would like to address the City of Mississauga City Council and Governance Committee concerns I have on the entire election finance report submission and review process and candidate expenditures.

As I reviewed many previous candidates' election campaigns financial reports several issues have become evident that I think are worth highlighting. I am well aware that the time for filing audit requests regarding these matters with the City Clerk is past, but I make these comments to try to convince the Governance Committee and through it, the City Council that greater disclosure, review and audit of financial returns is appropriate to ensure public confidence in the campaign returns of our elected officials. The following are some examples of what I found.

1. The Municipal Election Act (MEA) rules clearly state that any candidate that submits a supplementary filing needs to include in that filing a consolidated statement including all of the expenses for the entire campaign for both the original campaign period and the supplementary period and to further have that entire time period audited. In her 2010 campaign supplementary filing Sue McFadden excluded all of the entries and information from her first filing of the actual campaign time period and did not provide consolidated statements or an audit of them, although she did provide an audit of supplemental time period, an obvious direct contravention of the rules and the law. Neither the City Clerk's office nor any other authority reviewed the filing and noticed the errors, including her auditor. If an elector had made an audit request and an audit found she had not filed correctly in accordance with the Act, it is possible she could have been removed from office and banned from running in the next election. But, no one complained. Let me give you just

3a

one example of why this law demanding a consolidated statement is appropriate. If a donor during the original campaign time period also contributed during the supplementary campaign time period, the separate statements would not show it, while the consolidated statements would make any multiple contributions obvious and force the auditor and the candidate to attest that all donations for the entire period are under the limit. In this 2010 case, since no consolidated statement was submitted by Ms. McFadden, she and her auditor, made no such declaration.

2. Twice, both in 2010 and 2011, Carolyn Parrish didn't fill in her name on her declaration. Every other candidate I looked at did. When I asked her about this at the compliance hearing she said she "never reviewed my returns, my people wouldn't let me". How could she then swear under oath to the Clerk that her statement was accurate, if she never looked at them? And the clear proof is that twice she didn't notice that she didn't even put her name down on the obvious blank line for it where she signed it? The Clerk needs to ensure the forms are correctly filled out and signed and that the oath sworn actually means something.
3. For the 2010 campaign the rules changed not allowing candidates to carry over any unspent donations to a subsequent campaign and having to remit any unused balances to the City Clerk. Eve Adams spent \$11,791 on an election day party or appreciation notices and \$10,198 for post election storage, yet within several months she announced she was resigning and running federally! She was left with \$390.13 which she forwarded to the City Clerk. I spoke to the owners of the Bristol Bar and Grill recently and they said Eve Adams has still not paid her approximately \$1,000.00 bill for the election night party she held at their establishment. How can Eve Adams declare \$11,791 for a party and notices when she ran out on her \$1,000.00 bar bill or justify \$10,198 for storage AFTER the election when she resigned a few months later and it appears she gave her remaining municipal election campaign signs to her husband's campaign? What actually happened to the \$1,000.00 she declared she paid the Bristol Bar and Grill for the election day party that

remains unpaid? (There is a current case in Pickering, Ontario based on an elector making a successful compliance audit request of a candidate's campaign where the councillor declared \$15,000 for alcohol listed as being for a victory party or appreciation gifts but which was not used in the campaign. Auditor William Molson noted that two findings stood out as particularly notable. Those payments included \$11,000 listed as salary or honoraria paid to Mr. Dickerson's campaign manager and spouse, Jo-ann Kerr, and \$15,000 for alcohol listed as being for a victory party or appreciation gifts but which was not used in the campaign. *"We were able to establish to our satisfaction that it was very clear this expenditure did not relate to the campaign."* Mr. Molson said of the 288 bottles of alcohol, 282 of which were found to be in storage at Councillor Dickerson's home, while six had been given away to different area charities. At no other level of government would this type of expense be so untransparent as to be unseen or ignored by the regulator or require an elector to take action to initiate an investigation, file a complaint or request a compliance audit.)

4. In the 2010 campaign, Nando Iannicca had a \$17,565 party on voting day, incurred \$1,500 for vehicle expenses, \$1,327 for clothing expenses and \$6,782 for furniture expenses. He also didn't have to give anything back to the city because he was left with a \$500 deficit. No one else in Mississauga I could find declared clothing or furniture expenses. Some official or regulator needs to determine if these types of expenses were or are reasonable and that the money was or is actually spent for real parties and suits. Once again, how does the public know that the furniture was for campaign furniture, not personal use and what happened to it?
5. Frank Dale's 2010 election party was only \$3,413 but he had post election parties of \$4,684, and appreciation notices of \$2,193 for a total party budget of over \$10,000 leaving \$1,500 that he gave to the City.

3c

6. As some points of comparison, in 2010, Ron Starr and Katie Mahoney had election parties less than \$1,500 and didn't charge for any vehicles, clothing, furniture or storage. Sue McFadden had a \$963 party and charged \$100 for walking shoes. Pat Saito, Pat Mullin and Carolyn Parrish had parties less than \$3,000 and incurred none of the other questionable expenses. Chris Fonseca was frugal, she had a \$700 party and didn't charge for vehicles, furniture, clothes or walking shoes, storage or clean up. Jim Tovey didn't have any party but did spend \$100 on flowers and \$45 for gas. Bonnie Crombie in her 2011 by-election spent \$754 on an election day party and nothing for furniture, storage or clothing.

We need to ensure a process that provides transparency and the public confidence that no one is misusing funds for personal assets or over-the-top parties funded by well heeled donors. I respectfully submit given the examples I have provided today we don't have either that transparency or confidence in the appropriateness of the Election Campaign Finance review process and our Council can and needs to do something about it.

Citizens should be easily able to know about or find out about municipal candidates who comply with the rules and act in an admirable, respectable fashion with integrity, or those candidates who did not. By being able to find out exactly what the financial and other details of municipal candidate campaigns are all about, and how they conduct their campaigns, electors will have greater confidence in the transparency of the election process and municipal politicians will conduct themselves knowing they are under increased scrutiny. There needs to be a responsibility somewhere for someone other than an elector to review such questionable expenditures.

The present rules can unfairly force both candidates and electors into the compliance audit process and the elector, candidate and City are forced to deal with the matter, the costs, and a lengthy and sometimes complicated process to deal with what could otherwise be very simple or clear issues or complaints. There is no other way to have questions answered or raise issues regarding candidate campaign financial matters, unless an irregularity is specifically provided for otherwise in the law.

While a candidate who files materials ten minutes late after a deadline automatically suffers the consequences under the law, another candidate can file incomplete, inappropriate or otherwise improper materials and there is no consequence unless an elector files a compliance audit request with the City Clerk or proceeds before a Justice of the Peace under the new Saving Provision of the MEA to have a charge laid that way.

Federal election financial statements have to list, for an example, all cheques paid, to whom and how they are allocated by expense. Such a simple change to our municipal system would alleviate many questions and issues. The provincial election requirements have very detailed financial and other reporting requirements as well. In addition, under both federal and provincial laws, candidates must appoint third party financial “Officers” or “Agents” who are responsible for the campaign financial affairs, sign and attest to their accuracy and who face severe sanctions including fines and incarceration for violating the statutes.

There are several solutions I would recommend, many of which must be implemented by the provincial government, but there are also other many ways that some of the things needed to be done to make substantial improvements in our municipal elections here in Mississauga in the interim can be simply put into effect by our City Council:

1. An Elections Financial Return Agency or Commissioner, either at the municipal or provincial level should be responsible for reviewing every financial return submitted. The Agency or Commissioner would review all returns, questions, complaints or irregularities and give everyone involved an opportunity to resolve the issue without the need for, expense involved with, or possible unfair burden on, any of the parties involved in a compliance audit request procedure. This would prevent abuses by electors and candidates and provide a reasonable and fair way for many such matters to be resolved quickly and effectively. This is what is done both federally and provincially by a third party, unelected public body that investigates election related financial returns and activities and determines if a simple resolution is available or further action, including a prosecution is required.

2. In the interim, until such a Commissioner or Agency is formed or appointed, the City of Mississauga Clerks office should be responsible for taking the necessary steps towards improving the process. Where questions or allegations are raised, a mistake is made, or an irregularity is found prior to any statutory deadline, the Clerk could advise the candidate or elector and they would have an opportunity to rectify or clarify the situation, if possible, and if they did so, the matter would be closed. If any such thing occurred outside of a deadline and came to the attention of the Clerk, the Clerk would be required to notify the City Solicitor, who would determine if the matter was serious enough and met the legal tests required for further action and could recommend the matter be dealt with by the Crown directly, similar to the process of swearing an information and having a Justice order the laying of a charge in the Saving Provision, S.81(17) of the MEA. Why do we depend on electors or partisans as the only people responsible for reviewing and complaining about inappropriate returns? Why do we allow candidates to be forced through the compliance audit process, when it is possible to resolve many of the issues raised without doing it. At a minimum, the City has an obligation to make sure that these types of things are done as correctly as possible and to take whatever remedial steps necessary and appropriate when the rules are broken or inadequate.
3. I believe that the Governance Committee should consider and recommend some guidance for candidates and voters on what should be considered to be appropriate election expenses. I have real difficulty personally with suits, new BBQs and lavish parties being appropriate election expenses to be paid for with donated money. Actual campaign expenses incurred to convince voters to elect a candidate are very reasonable, but a \$10,000 - \$20,000.00 expenditure for an election party! New suits, new BBQs! Or \$10,000.00 for post campaign storage fees! With concerns raised about gifts, graft and expensive restaurant dinner parties, vacations, and other questionable benefits at the Municipal Corruption Inquiry in Quebec, we need to be vigilant here in Ontario, where, as Premier McGuinty says, such corruption does not (or should not) exist.

4. The City could request that every cheque paid out in an election campaign should be included in a file submitted as part of the return showing who the payment was made to, for what and how it was allocated by expense item. This is how federal election returns are filed, providing clarity and ensuring public confidence. Expenditures to inappropriate robo call firms were detected via these detailed statements. Massive party expenses would be seen, and the reader can judge if they were to above board real entities or not. If such record were required many of the irregularities found in the Pickering case could have come to light without the need for the audit if the Pickering City Clerk's office or any other official had reviewed the returns to make sure the rules were complied with, rather than just accepting and stamping returns as received without looking at them and relying on an elector to do something.  
<http://www.durhamregion.com/article/1370209--pickering-councillor-doug-dickerson-to-face-legal-action-following-election-campaign-finance-audit>
  
5. I also believe that the confidence people have in the political system is negatively influenced by corporate and union donations. I would recommend to both the City and Government that donations from businesses and unions be discouraged and prohibited by law as soon as possible. At the same time I think the best way to encourage broadly based political involvement at the personal level would be to offer a tax credit. The federal government and the City of Toronto both prohibit these corporate and union donations and also have generous tax credits (refundable in Toronto) to incentivize personal donations. Ontario offers refundable tax credits but still allows business and union donations. Unlike federal and provincial laws, municipal candidates can not spend any money or raise any money prior to formally announcing and registering as a candidate after the opening of the campaign period. The City should opt to pass the necessary bylaws to provide municipal political tax credits regardless because otherwise large classes of people are disadvantaged based on gender, disability and race, as these groups have lower incomes and cannot donate as large sums as wealthier people, unions and businesses. By providing refundable tax credits for political

contributions to all, the playing field is levelled and the power and influence associated with receiving money from small numbers of contributors is tempered by the ability of larger numbers of contributors to participate in the process, and the opportunity for influence peddling is reduced.

6. One of the most immediate and important changes necessary that Mississauga City Councillors can easily make is that when an elector makes a formal request to the City Clerk for a Compliance Audit hearing to be held by the City of Mississauga Election Campaign Finances Committee is for Council to order that such hearings are to be electronically recorded so proceedings can be made available to members of the public who may not be in attendance.

Finally, although it is not directly on point I wish to refer to my submission in reply to City's request for Public Input Sought on Proposed Council Code of Conduct Amendments, and more specifically recommended changes of the City of Mississauga Integrity Commissioner Robert Swayze relating to Moratorium on Investigations which is; *placing a moratorium on his office accepting complaints filed against councillors who are seeking re-election effective August 1 in election years.*

While I understand the possible abuses and the concerns raised by other municipalities, candidates and others, I do not agree it is appropriate to be ignoring complaints against councillors at any time, especially not during election years. Changing the rules in this way sends out the wrong message and is a big step in the wrong direction that should not be made due to the many inadequacies in the Municipal Elections Act that have come to light and are currently under review by the Governance Committee.

To effectively prevent the abuses this proposed change is primarily based upon, that being "*Many of the Codes in other municipalities have some form of moratorium on complaints received in an election year on the basis that they are likely to be politically motivate*", I suggest at most all that is needed is to change the rule to compel the complainant to agree to have their names released publically should they wish a complaint filed be acted upon during the suggested less than three month election time period.



As one example, there were several complaints about Councillor McFadden's use of Peel Region roadside signs during the last election, including some from other councillors quoted in the Mississauga News.

There should have been a more timely review of the appropriateness of this type expenditure of to determine if it is really a self serving use of public funds that gives an incumbent an unfair advantage. To not allow any such complaints during an election year would call into question the system and invite abuses. In fact an election year and especially such a critical part as the last three months before an election, is probably the year we need to be most vigilant, not absent or complacent.

Maybe the solution is to insist a more timely response to credible or serious complaints to the integrity commissioner during an election year, not a delay, when there could perhaps even be little or no consequences for a Councillor being re-elected committing what could or should otherwise be a serious irregularity, that the public has a right to know about before the election if at all possible.



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Greg Vezina  
P.O. Box 37071  
#B-7, 1240 Eglinton Ave. W.  
Mississauga, ON  
L5V 0B6



# Memorandum



4.

**TO:** Chair and Members of the Governance Committee  
**FROM:** Crystal Greer, Director, Legislative Services and City Clerk  
**DATE:** January 8, 2013  
**SUBJECT:** Response to Election Campaign Finances Suggestions

Governance Committee

JAN 14 2013

In November 2012, the Office of the City Clerk received comments and suggestions from Mr. Greg Vezina, City of Mississauga resident, regarding various items including the Election Campaign Finance Committee (ECFC) processes and procedures. Below is a summary of his suggestions and comments in response to his suggestions regarding the ECFC:

1. Suggestion:

That an Agency be established or a Commissioner be assigned to "...review all financial statements, questions, complaints or irregularities and give everyone involved an opportunity to resolve the issues without the need for, expense involved with, or possible unfair burden on any of the parties involved in a compliance audit request procedure."

Response:

Currently, the *Municipal Elections Act 1996* (MEA) delegates the power of considering and reviewing compliance audit requests to a committee (s. 81). Establishing a separate body to fulfill a similar role, as suggested by Mr. Vezina, would require a legislative change. In addition, an Agency or Commission of this nature established to cover all municipalities in the Province could be costly to operate.

2. Suggestion:

"Where questions or allegations are raised, a mistake is made or an irregularity is found prior to any statutory deadline, the Clerk could advise the Candidate or Elector to rectify or clarify the situation. If any such thing occurred outside of a deadline and came to the attention of the Clerk, the Clerk would be required to notify the City Solicitor, who would determine if the matter was serious enough and met the legal tests required for further action and could recommend that the matter be dealt with by the Crown directly..."

Response:

Under section 81 of the MEA, the duty of reviewing compliance audit requests has been assigned to the Election Campaign Finances Committee. Therefore the implementation of this suggestion would require a legislative change. In addition, the intent of the compliance audit process is intended to ensure that there is impartiality in the review process. The current legislation specifically excludes city staff from being appointed to ECFC. Providing the City Clerk and City Solicitor with a role in assessing errors or irregularities is not appropriate and is not supported.

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## Response to Election Campaign Finances Suggestions

3. Suggestion:

The City of Mississauga's Governance Committee should consider providing Candidates with guidance regarding appropriate election expenses.

Response:

Prior to each Municipal Election, the Ministry of Municipal Affairs and Housing provides a Candidates Guide, which provides information regarding various aspects of Municipal Elections. This Guide is provided to each Candidate by the Elections Office and is posted on the City's Election website. Ultimately, however, it is the responsibility of the Candidate to determine appropriate conduct based on the Municipal Elections Act.

4. Suggestion:

Copies of every cheque paid should be submitted as part of a Candidate's financial statement.

Response:

The process for filing financial statements and auditor's reports is outlined in the MEA (s. 78) and therefore implementing this change would require a change to legislation.

5. Suggestion:

- a. Prohibit Corporate and Union donations.
- b. Offer a tax credit to encourage broadly based political involvement at the personal level.

Response:

- a. Under the MEA, only the City of Toronto may pass a by-law prohibiting a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees from making a contribution (s. 70.1 (1)). Therefore, a legislative change would be required to allow the City of Mississauga to pass a similar by-law.
- b. Implementation of a tax credit would require legislative amendments, however, the current legislation does provide for the establishment of a Campaign Contribution Rebate program.

6. Suggestion:

Record Election Campaign Finances meetings.

Response:

In response to feedback received following a hearing of the ECFC, arrangements have been made to audio record the hearings. The latest meeting of the ECFC held in November 2012 was recorded. A copy of the recording is available by request.



Crystal Greer  
Director, Legislative Services and City Clerk



# Corporate Report

Clerk's Files

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5.

**DATE:** January 8, 2013

**TO:** Chair and Members of Governance Committee  
Meeting Date: January 14, 2013

**Governance Committee**

JAN 14 2013

**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** **Municipal Election Campaign Contribution Rebate Program**

**RECOMMENDATION:** That the report entitled Municipal Election Campaign Contribution Rebate Program, from the Commissioner of Corporate Services and Treasurer, dated January 8, 2013 be received for information.

**REPORT  
HIGHLIGHTS:**

- In response to a request of the Governance Committee, the details regarding Election Campaign Contribution Rebate Programs implemented in other municipalities have been reviewed.
- There are a number of options for a Rebate Program and the cost of a program will vary depending on the rebate provided, the number of candidates who participate, and the amount of campaign contributions received.

**BACKGROUND:**

A request has been received by the Governance Committee from a member of the public, for the City to restrict the collection of Election Campaign Contributions from corporations and trade unions. In addition, the Governance Committee has requested staff to investigate the implementation of an Election Campaign Contribution Rebate Program by the City of Mississauga. The purpose of this report is to provide the Chair and Members of the Governance committee with

information regarding the operation of a municipal election campaign contribution rebate program. Unlike Federal and Provincial election campaign contributions, Municipal Election campaign contributions are not eligible for tax credits under the provisions of the *Municipal Elections Act* or the *Income Tax Act*.

In accordance with the Municipal Elections Act (MEA)

82. (1) “A municipality may, by by-law, provide for the payment of rebates to individuals, corporations or trade unions who made contributions to candidates for office on the municipal council.”

The essence of a contribution rebate program is that a municipality would rebate a contributor a percentage of a contribution made to a candidate’s campaign. The rationale for implementing a rebate program is to:

- encourage more candidate participation
- create more interest in Municipal Elections, therefore increasing turnout
- Increase contributions from individual electors rather than corporations and trade unions.

Registration in the rebate program is completely voluntary and during the nomination process the candidate is asked whether or not they would like to participate. No rebate will be issued until the candidate files their financial statement by the relevant date, and in compliance with all requirements of the *Municipal Elections Act, 1996*, as amended. Most municipalities track the registration manually and assume all administrative tasks in house.

#### COMMENTS:

Various municipalities across Ontario have established Election Campaign Contribution Rebate programs. Each program has different criteria regarding eligibility of a contributor (individuals vs Corporations), percentage of rebate (formula) in relation to the amount contributed and timeframe in which a contributor may apply for the rebate. See Appendix 1 - Rebate Program Benchmarking for the details regarding each program.

The following factors must be taken into consideration when considering the financial impact of the program on the municipality, as well as the administrative impact;

- number of candidates eligible
- number of contributors
- number of candidates elected who used the program
- dollar value of contributions received

Appendix 2 – Rebate Program Statistics outlines the experience of other the municipalities who have implemented a program.

#### Rebate Formula Options

There are a number of options for rebate formulas. The total cost of the Rebate Program would vary depending on the formula included in the By-law. In addition, the administration of the program becomes more complicated based on the rebate formula implemented.

Appendix 3 provides an overview of the rebate formulas currently used by other municipalities.

#### Election Campaign Contribution Rebate Program Implementation

Staff from the Elections Office discussed the merits of the Election Campaign Rebate Program with the election staff in the Town of Oakville, City of Vaughan and Town of Markham.

They indicated that having a Rebate program provided a perceived opportunity to increase participation in the electoral process and an opportunity to assist candidates in their fundraising efforts, particularly for non-incumbent candidates.

The criticism of a program is that all taxpayers subsidize individuals who contribute to any candidate's campaign. If the program does not place restriction on who is eligible for a rebate this would include contributions received from non-residents, candidates, candidate's spouse and family members, and corporations and trade unions. In addition, any Rebate program will result in additional costs to the corporation in terms of funding and administration.

The Town of Oakville implemented a rebate program in 2003 on the bases of meeting the goals of encouraging more candidate participation, creating more interest in the Municipal Elections and increasing turnout, and increasing contributions from individual electors rather than corporations. Following the 2010 election, the City Clerk determined *“that the rebate program had not met the goals for which it was established”*. As a result of the findings and the experience with the rebate program the City Clerk recommended that the program be discontinued for the 2014 Municipal Election. Nonetheless, the Town of Oakville’s Council chose to continue with the program.

It is important to note that according to section 68(1) of the MEA *“ a candidate’s election campaign period for an office shall be determined in accordance with the following rules:*

- 1. The election campaign period begins on the day he or she files a nomination for the office under section 33.*

Regardless of whether a candidate withdraws his/her nomination, if the candidate collected contributions, the contributors may be eligible to apply for a rebate.

**FINANCIAL IMPACT:** Any rebate program established would result in additional tax funded costs to the municipality. It is difficult to forecast the financial impact because the cost of the program would be impacted by the details of the program and the number of candidates and contributors who participate. In addition, it is estimated that the Election Office would require one additional position to oversee the program and process the rebates.

The Municipal Elections are funded from the Election Reserve. Each year \$550,000 is placed into the Reserve to fund the next election. An Election Campaign Contribution Rebate Program was not included in the proposed budget. Additional tax funding would be required to cover any contribution rebate program.

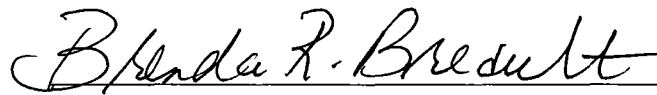


**CONCLUSION:**

Election Campaign Rebate Programs have been implemented in a number of municipalities across the Province. The Rebate Programs vary between these municipalities, including who is eligible to receive a rebate, and what amount of rebate is provided. The financial impact is also difficult to predict because it is dependent upon the number of candidates and the amount of campaign contributions that are collected. Regardless of the Rebate Program selected, the administration of the program is complex.

**ATTACHMENTS:**

Appendix 1 - Rebate Program Benchmarking  
Appendix 2 – Rebate Program Statistics  
Appendix #3 – Rebate Formulas



Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

*Prepared By: Pina Mancuso, Manager of Elections*

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## **REBATE PROGRAM BENCHMARKING**

<b>Municipality</b>	<b>Highlights of Program</b>
<b>Oakville</b>	<ul style="list-style-type: none"> <li>• Any eligible elector residing in the town of Oakville who is not a candidate, candidate's spouse, common-law spouse, same-sex partner, children of the candidate are eligible for a rebate.</li> <li>• Only contributors of money are eligible.</li> <li>• Corporations, trade unions, non-resident eligible electors are not eligible for rebates.</li> </ul>
<b>Ajax</b>	<ul style="list-style-type: none"> <li>• Any eligible elector, who is not a candidate, spouse or child of candidate, is eligible.</li> <li>• Only contributions of money are eligible for rebate.</li> <li>• Rebates are only available to those individuals who make a contribution between the date of the candidate's nomination filing up to and including Voting Day.</li> <li>• An individual who contributes to more than one candidate is eligible for a rebate in respect of each contribution but no more than the maximum allowable rebate (\$150).</li> <li>• Contributions from corporations and trade unions are ineligible.</li> </ul>
<b>Toronto</b>	<ul style="list-style-type: none"> <li>• Any resident in the province of Ontario is eligible to receive a rebate.</li> <li>• Candidates, their spouses and children are eligible but not until after the Candidate's campaign closes and the final financial statement is filed.</li> <li>• Only contributions of money are eligible.</li> <li>• Contributions from corporations and trade unions are ineligible.</li> </ul>
<b>Whitby</b>	<ul style="list-style-type: none"> <li>• Whitby's program was approved by Council in principal and is subject to the 2012 Budget approval.</li> <li>• Whitby's program is to be identical to Ajax.</li> </ul>

\*Formula's and criteria will vary across all municipalities that have implemented the program.

\*These statistics are based on information from the City of Ottawa

Municipality	Program Highlights
<b>Markham</b>	<ul style="list-style-type: none"><li>• Any individual who is a resident of the Province of Ontario is eligible for a rebate.</li><li>• The following are ineligible:<ul style="list-style-type: none"><li>-Contribution of goods and services.</li><li>-A Candidate's contribution of inventory from a prior election.</li><li>-Contributions made by corporations and trade unions.</li></ul></li></ul>
<b>Vaughan</b>	<ul style="list-style-type: none"><li>• Any resident of the City of Vaughan is eligible for a rebate</li><li>• The following are ineligible:<ul style="list-style-type: none"><li>-Contributions of goods and services.</li><li>-A Candidate's contribution of inventory from a prior election.</li><li>-Contribution made by corporations and trade unions.</li><li>-Contributions made by the Candidate and Candidate's spouse, siblings, grandparents, parents, children and grandchildren.</li></ul></li></ul>

\*Formula's and criteria will vary across all municipalities that have implemented the program.

\*These statistics are based on information from the City of Ottawa

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**Rebate Program Statistics**

<b>Municipality</b>	<b>Oakville</b>	<b>Ajax</b>	<b>Toronto</b>	<b>Whitby</b>	<b>Markham</b>	<b>Vaughan</b>
<b>Electoral Population</b>	121,330	69,624	1,637,310	81,713	185,469	175,470
<b>Voter Turnout</b>	40%	25.4%	50.55%	31.05%	35.5%	40.55%
<b># of rebates paid</b>	465	116	14,051	12	2,300	434
<b>% of electors contributing (based on the # of rebates paid)</b>	0.38%	0.16%	Unavailable	.015%	1.24%	0.25%
<b># of Candidates that participated</b>	28 total (63%)	12 total (57%)	176 total (55%)	4 total (16%)	42 total (95%)	42 total (93%)
<b># of Candidates eligible</b>	44	21	319	24	44	45
<b>Amount paid in rebates</b>	\$78,105	\$10, 605	\$3,680,820 (to date)	\$775	\$375,000	\$61,717
<b>Cost of administering Program</b>	\$27,551	\$6000	Unavailable (Approx. 46 mths of staff time)	Unavailable	\$11,541	\$28,279
<b>Total cost of Rebate Program</b>	\$105,656	\$16,605	\$3,680,820	\$775	\$386,541	\$89,997

*\*These statistics are based on information from the Town of Richmond Hill*

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**Rebate Program Formulas**

Municipality	Formula
<b>Oakville</b>	<ul style="list-style-type: none"> <li>• Contributions less than \$100 = INELIGIBLE</li> <li>• Contributions over \$100: rebate = 50% of total contribution</li> </ul>
<b>Ajax</b>	<ul style="list-style-type: none"> <li>• Contributions less than \$25 = INELIGIBLE</li> <li>• Contributions \$25 - \$100: rebate = 75% of the total contribution</li> <li>• Contributions over \$100: rebate = \$75.00 + 50% of the difference between the total contribution and \$100</li> <li>• Maximum rebate regardless of contribution = \$150</li> </ul>
<b>Toronto</b>	<ul style="list-style-type: none"> <li>• Contributions less than \$25 = INELIGIBLE</li> <li>• \$25 - \$300: rebate = 75% of the total contribution</li> <li>• \$301 - \$1000: rebate = \$225.00 + 50% of the difference between the contribution and \$300</li> <li>• Contributions over \$1000: rebate = the lesser of \$575 + 33.3% of the difference between the total contribution and \$1000</li> <li>• Maximum rebate = \$1000</li> </ul>
<b>Whitby</b>	<ul style="list-style-type: none"> <li>• Same as formula for Ajax</li> </ul>
<b>Markham</b>	<ul style="list-style-type: none"> <li>• Contributions less than \$50 = INELIGIBLE</li> <li>• Contributions \$50 - \$300 = 75% of total contribution</li> <li>• Contributions over \$300 = 75% of \$300 + 50% of the difference between the total contribution and \$300 (maximum rebate = \$350)</li> </ul>
<b>Vaughan</b>	<ul style="list-style-type: none"> <li>• Contributions less than \$50 = INELIGIBLE</li> <li>• Maximum rebate regardless of contribution = \$150</li> <li>• Contributions over \$50 = 75% of total contribution</li> </ul>





# Corporate Report

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**DATE:** January 7, 2013

**TO:** Chair and Members of Governance Committee  
Meeting Date: January 14, 2013

**Governance Committee**

JAN 14 2013

**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** 2010 Municipal Election and 2011 By-Election Review

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- RECOMMENDATION:**
1. That the report dated January 7, 2013, from the Commissioner of Corporate Services and Treasurer, titled "2010 Municipal Election and 2011 Municipal By-Election Review" be received.
  2. That Council request that identification standards for electors be established by the Federal Government for use by the Provincial and Municipal Governments during elections.
  3. That the Peel District School Board and Dufferin- Peel Catholic District School Board be requested to deem election day as specified in the *Municipal Elections Act 1996*, a Professional Activity Day (P.A. Day) to ensure that all School Board facilities are available for use as polling locations during Municipal Elections.
  4. That enforcement measures and fees and charges for contravention of the Sign By- law be reviewed and that staff report back prior to 2014.

5. That opportunities to increase staff participation on Election Day be explored.
6. That staff report back to Governance Committee on the AMCTO review of the Voters' List, once the final report is released
7. That the Elections Office prepare an amendment to the Election Campaign Finances Committee procedure for consideration by the Committee, whereby the committee reviews written requests for audit to determine if the request is within the committee's mandate and if there is sufficient evidence to proceed with a meeting.

<b>REPORT HIGHLIGHTS:</b>	<ul style="list-style-type: none"><li>• A review of the 2010 Municipal Election and 2011 By- Election was undertaken and this report considers the comments and suggestions received from members of the public, candidates, Council and the Elections Office.</li><li>• The report further lists recommendations intended to address these concerns and challenges.</li></ul>
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**BACKGROUND:**

Following each Municipal Election, a review is conducted to assess successes and determine areas for improvement. As part of this process, comments from the public, staff, Candidates and Council are considered. A review was initiated following the 2010 Municipal Election, however, prior to the completion of the review, the Elections Office was called upon to undertake the 2011 Ward 5 Municipal By-Election. This report provides comment on both Elections.

Overall, there was much positive feedback regarding the administration of both Elections, however, the Elections Office recognizes the challenges and concerns that arose and notes in this report how the concerns and challenges are being mitigated during the Election planning stage or makes suggestions as to how they should be addressed in future.

Detailed below are statistics relating to the 2010 Municipal Election and the 2011 By- Election which demonstrate the breadth of the project:



	2010	2011 By-Election
Number of eligible electors	417, 919	42,704
Number of ballots cast	143, 501	11,536
Elector turn out	34.34 %	27.01%
Number of polling locations	231	26
Number of Workers	1, 919	461
Compliance Audit Requests	0	5
Election cost	\$1,900,000	\$458,000

**COMMENTS:**

The following outlines the challenges faced by the Elections Office, concerns raised with the administration of the Election and how these challenges and concerns were or will be addressed for the 2014 Municipal Election:

**Municipal Property Assessment Corporation (MPAC)**

Established by the *Ontario Municipal Property Assessment Corporation Act, 1997*, MPAC is responsible for providing the Preliminary List of Electors (PLE) to all municipalities in Ontario. In 2010, concerns with the accuracy of the information provided by MPAC were identified. To remedy this situation, four Elections staff worked full time, plus overtime for three months to manually check and update the information provided by MPAC. While this successfully corrected obvious errors in the data, there continued to be issues.

The Elections Office has participated with the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) as part of the Association's review of the Voters' List. Concern with the Voters' List is an issue across the Province and AMCTO is working with MPAC to seek changes. Suggestions made by AMCTO members have included;

- Eliminating revisions/ changes from being made to the Voters' List on voting day(s).
- Re-establishing a cut off period that coincides with the qualification period.
- Eliminating the posting of the Preliminary List of Electors (PLE).
- Eliminating the Clerk's obligation to provide a copy of the PLE to all registered candidates.

- Creating a real time, read only, on-line voter's list which candidates would have access to upon submission of nomination papers.

The Elections Office is awaiting the final report from the AMCTO regarding the above suggestions and will prepare a report to Governance Committee when the report is released.

#### Accessibility

The Elections Office dedicated much time and effort to ensure that both the October 2010 Municipal Election and the September 2011 By-Election were run in compliance with accessibility legislation. Three key areas that could pose barriers to accessibility were identified including customer service, communication of information and physical barriers. The Elections Office used a variety of tools to mitigate these barriers including accessible customer service training for Election Workers, accessible voting machines, and the examination of all polling locations to ensure that each location met with accessibility standards.

For a comprehensive outline of actions taken to ensure that accessibility standards were met, please see Appendix 1, *Elections Accessibility Report 2010* which was received by Council in January 2011.

#### Candidate Packages

The Elections Office provides information to candidates to assist them with understanding the legislation and procedures under which the Election is undertaken. Suggestions were made that additional information be included in the packages and that the information be available online. The Elections Office will be reviewing and updating the information included in the packages to ensure it is current and relevant to the candidates and will explore the opportunities for providing additional information using social media.

#### Website

The City of Mississauga's Elections web site [www.mississaugavotes.ca](http://www.mississaugavotes.ca) has become a vital means of communication to the public and candidates, and the Elections Office is committed to reviewing the content currently posted and redesigning a more functional, interactive website within legislative guidelines and City policy by the opening of nominations for the 2014 Municipal Election.

Sign By-law

Following the Municipal Ward 5 By- Election, concerns were raised with the proliferation of campaign signs and the enforcement of illegally placed signs. It is the recommendation of the Elections Office that prior to the 2014 Election, enforcement measures and fees and charges for contravention of the Sign By- law be reviewed, including the window of time during which campaign signs are permitted. Currently, no candidate or their agent or any other person shall affix, erect or otherwise display an Election sign or permit or cause an Election sign to be erected, affixed, or otherwise displayed until the close of nominations for a Municipal Election.

Election (Poll)Workers

To administer the October 2010 Election, the Elections Office hired 1,919 Workers each requiring appropriate training and equipment. Due to the number of Workers required, the recruitment process has become increasingly onerous. In addition, it is challenging to attract Workers for one day of work who have the appropriate customer service and Election expertise. To mitigate the concerns associated with hiring this large workforce, it is recommended that the Elections Office work with other City departments and divisions to encourage more City staff to work on voting days. Staff will explore opportunities to limit City services to the extent possible on Election Day to enable as many staff as possible to work the Election. The Elections Office will review options and will report to the Leadership Team by early 2014 in this regard.

Election Campaign Finances Committee

In 2003 and 2006, City Council chose to appoint an Election Campaign Finances Committee (ECFC) and delegated Council's responsibility to respond to requests for an audit of Candidate's Election campaign finances to this committee. Amendments to the *Municipal Elections Act, 1996* (MEA) prior to the 2010 Municipal Election changed this process and required Council to establish an Election Campaign Finances Committee prior to October 1<sup>st</sup> of an Election year to deal with requests for an audit of Candidate's election campaign finances.

The Committee did not receive any requests for an audit following the 2003, 2006 or 2010 Municipal Elections. Following the 2011 By- Election, five (5) requests for campaign finance audits were received and considered by the Committee.

The Elections Office is considering an amendment to the ECFC procedure whereby the Committee would review written requests for audit to determine if there was sufficient evidence to proceed and if the request was within the mandate of the Committee prior to convening a meeting. Based on the review of the material submitted the Committee could deny the request for audit on the grounds that sufficient reason has not been provided by the requester, or that the request does not fall within the mandate of the Committee. The purpose of the amended procedure would be to ensure that the process is not improperly used, and that a request for audit is substantiated. At the current time, a matter pertaining to a decision of the committee has been appealed to the Ontario Superior Court of Justice. A further report responding to a review of procedures and operations of the Committee will be prepared at the conclusion of this appeal.

In response to the suggestion made by the Governance Committee that all Financial Statements be audited, the MEA currently requires that any Financial Statement reporting an expense of \$10, 000 or more be audited. Requiring that all Financial Statements be subject to an audit would require a legislative amendment to the MEA.

#### Ministry Standards

##### *Identification*

On voting days Election Workers had difficulty with enforcing the legislated rules regarding voter identification. The list of acceptable voter identification established by the MEA – Regulation 500/09 is attached as Appendix 2. It is recommended that identification standards for electors be created by the Federal Government for use in Federal, Provincial and Municipal Elections. Standardization would ensure that identification policies could be enforced. This will also avoid confusion amongst Voters who are often confused as a result of the different legislation which applies to Elections at the Federal, Provincial and Municipal levels.

##### *Professional Activity Days*

The availability of school facilities for use as polling locations is critical to the Election. Parents and school officials have raised concerns with respect to the security of schools on voting days. In response to these

concerns, the Elections Office has hired hall monitors to ensure that members of the public do not enter areas restricted to students and school staff. However, to further protect the security of students and to ensure that school board facilities will be available on voting days, the Elections Office is recommending that City Council request that the Peel District and Dufferin- Peel District School Boards schedule Professional Activity Days to coincide with Election Day.

This may also alleviate concerns with respect to available parking at school facilities.

#### Technological Advances/ Equipment

As part of the 2013 Business Plan, provision was made in the capital budget for an advanced poll Voters' List update. Included in this project will be an end-to-end process review of the advanced polling system and development of an effective and accurate process to make real time additions, deletions and revisions to the Voters' List and to produce the legislated list of Voters online for the candidates. The new electronic system would replace the existing labour intensive manual process and increase the accuracy and integrity of the voter information. The estimated cost of this review and new system implementation is \$275,000 and was approved in the 2013 capital budget.

During the next four years, the Elections Office, in conjunction with Information Technology staff, will conduct analysis of on-line voting options. At the conclusion of this review, a recommendation will be made regarding the implementation of on-line voting for the 2018 Municipal Election.

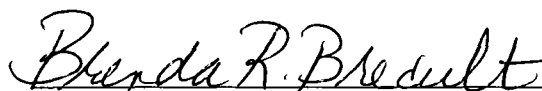
In addition, the Elections Office will review the efficiency and effectiveness of all equipment used including accessible vote machines, ballot transfer containers, ballot boxes, Worker supply bags.

**FINANCIAL IMPACT:** The Municipal Election is funded from the Municipal Election Reserve. The annual budgets include a contribution of \$550,000 to the Reserve to ensure that sufficient funding is available for the next Election. Funding for the advance poll Voters' List update is included in the 2013 capital budget.

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**CONCLUSION:** Following each Municipal Election, the processes and procedures are reviewed. The Elections Office continues to monitor legislative changes, and improve the administration of Elections through innovation and review of best practices.

**ATTACHMENTS:** Appendix 1: Accessible Elections Report 2010  
Appendix 2: Ontario Regulation 500/09



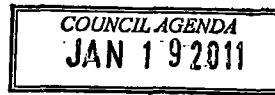
Brenda R. Breault, CMA.MBA  
Commissioner of Corporate Services and Treasurer

*Prepared By: Pina Mancuso, Manager of Elections*

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# Corporate Report



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**DATE:** January 5, 2011

**TO:** Mayor and Members of Council  
Meeting Date: January 19, 2011

**FROM:** Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

**SUBJECT:** Accessible Municipal Elections

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**RECOMMENDATION:** That the report dated January 5, 2011, from the Commissioner of Corporate Services and Treasurer, entitled Accessible Municipal Elections, be received for information.

**BACKGROUND:** The City Clerk is responsible for the administration of Municipal Elections in accordance with the *Municipal Elections Act, 1996*. In 2009, among other amendments including a change to voting day, the following provisions were added to the legislation:

*12.1 (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.*

*12.1 (2) Within 90 days after voting day in a regular election, the clerk shall submit a report to council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.*

**COMMENTS:** As part of the planning and implementation of the 2010 Municipal Elections, the Election team reviewed all election processes and practices to identify barriers to accessibility. As a result of the identification of the barriers, a number of actions were undertaken to

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either remove or prevent the barriers, in the context of the following areas: Communications and Information; Voting locations; Voting Process; Staff Training and Voting Methods (ie. Vote tabulators). In addition to the identification of barriers, areas for consideration for the 2014 Municipal Election have also been identified.

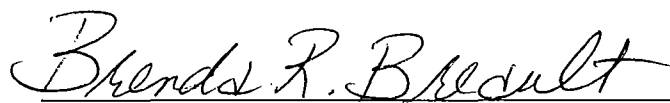
One of the most significant measures undertaken to accommodate voters was the availability of the Automark accessible voting equipment at all advance voting locations on all advance voting days.

The complete Election Accessibility Report prepared to comply with the *Municipal Elections Act, 1996* is attached as Appendix 1.

**FINANCIAL IMPACT:** The majority of measures taken to accommodate voters had minimal cost given that when integrated into the election planning, accessibility options could be incorporated into the overall election project. The exception was the cost of renting the Automark accessible voting equipment used at the Advance Voting locations which was \$30,500.

**CONCLUSION:** In accordance with Section 12.1 (2) of the *Municipal Elections Act, 1996*, this report has been prepared to outline the identification, removal and prevention of barriers that affect electors and candidates with disabilities. The actions noted in the report will be used in the planning for the 2014 Municipal Elections.

**ATTACHMENTS:** Appendix 1: Election Accessibility Report



Brenda R. Breault, CMA, MBA  
Commissioner of Corporate Services and Treasurer

*Prepared By: Laura Wilson, Election Assistant*



## City of Mississauga Election Accessibility Report

### Identification of Barriers

*We took the following actions to identify barriers that affect electors and candidates with disabilities:*

	<i>Actions</i>	<i>Considerations for 2014 Election</i>
1.	<p>Assessed past election administration practices, identifying the likelihood of our practice creating a risk to accessibility of candidates and electors and then identified the impact of the risk and developed measures to mitigate or minimize the risk.</p> <p>Discussed the needs of persons with disabilities insofar as they relate to municipal elections and made accommodations based on these needs</p>	<ul style="list-style-type: none"> <li>- Practice to be repeated in 2014</li> <li>-Transportation to and from the polls</li> </ul>
2.	<p>Met with the Accessibility Advisory Committee (AAC) to review initiatives and consider additional options based on the Committee's feedback</p> <p>Updated the Accessibility Staff Working Group regarding steps taken to ensure the Election was administered in accordance with applicable legislation</p>	<ul style="list-style-type: none"> <li>- Practice to be repeated in 2014</li> </ul>
3.	<p>Gathered comments and recommendations from the municipality's Accessibility Coordinator on methods to meet accessibility needs</p>	<ul style="list-style-type: none"> <li>-Conduct a review of accessibility standards in regards to hiring</li> <li>-Continue making efforts to meet accessibility needs</li> <li>-Gather more research on who might access accessibility programs</li> </ul>
4.	<p>Created an accessibility checklist with input from the Accessibility Coordinator, for election personnel to use when conducting site visits of each voting location</p>	<ul style="list-style-type: none"> <li>-Expanding checklist to exceed current standards, including assessing the distance from parking and doorways to the voting locations within a facility; identifying locations with working accessibility mechanisms for door openers.</li> </ul>

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5.	Assessed accessible voting equipment options to meet the needs of the electorate	-Investigate accessible equipment options which would streamline the voting process so that the process is less time consuming
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### **Removal and Prevention of Barriers**

*We took the following actions to remove and prevent barriers that affect electors and candidates with disabilities:*

#### ***Communications and Information***

<b><i>Actions</i></b>		<b><i>Considerations for 2014 Election</i></b>
1.	Ensured communication initiatives and information for candidates and electors were available in alternate formats, and that Election information was available through TTY phone service and 3-1-1.	-As in 2010, ensure that all information is universally accessible through the use of appropriate: <ul style="list-style-type: none"> <li>• fonts</li> <li>• text sizing</li> <li>• colours</li> <li>• spacing</li> <li>• lighting</li> </ul> -Continue to make information available in a variety of formats upon request
2.	Posted all information to municipality's website	-As per the AAC's suggestion, investigate the possibility of online voting as a way to support persons with disabilities
3.	Had the ability to provide all documentation and forms in large print upon request, to aid those with low vision.	- Practice to be repeated in 2014 -Acquire magnifiers to assist at all polling locations. -Using Fill and Print Form formats.
4.	Enlisted assistance of the Canadian National Institute of the Blind (CNIB). The CNIB sent out correspondences regarding the Election to their members on behalf of the Elections Team	-Collaborate with other institutions such as the Canadian Hearing Society and Community Living
5.	Provided candidates and staff with information relating to accessible customer service	-Continue directing candidates to organizations and information to encourage open dialogue regarding persons with disabilities and ensuring that persons with disabilities have access to campaigns

6.	Provided information to candidates regarding Campaign Expenses and particular rules affecting disabled candidates	- Practice to be repeated in 2014
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*Voting Locations*

<i>Actions</i>		<i>Considerations for 2014 Election</i>
1.	<p>Conducted site visits of all potential voting locations to ensure full accessibility. In the event that City standards were not met we took the following actions:</p> <ul style="list-style-type: none"> <li>• Hired hall monitors who could open doors and direct Electors directly to the voting place</li> <li>• Ensured that ramps could be installed</li> <li>• Made provisions for an increased number of accessible parking spots</li> </ul>	<p>-Increase our expectations/ standards regarding the physical accessibility of voting locations</p> <p>-Stay abreast of any legislative changes regarding the building code to ensure that locations used in 2014 meet standards</p>
2.	<p>Developed a template for voting location set-up to determine maximum accessibility</p> <ul style="list-style-type: none"> <li>• Ensured that Advance Poll and Election Day set ups allowed Electors to easily maneuver through the polling location</li> <li>• Take into account specific needs of Election workers who might have difficulty sitting or standing for long periods of time etc.</li> <li>• Ran trial of Recount Day set up to ensure that all persons could easily maneuver around the furniture</li> </ul>	- Practice to be repeated in 2014
3.	<p>Provided voting locations on advance voting days with accessible voting equipment</p> <p>Provided an operator at each advance poll location to operate the chosen accessible voting equipment</p>	-Investigate providing accessible voting equipment throughout the City on Election Day
4.	<p>Addressed accessibility concerns with the School Boards and ensured that steps could be taken to avoid barriers such as erecting temporary ramps and providing staff to open manual doors etc.</p>	- Practice to be repeated in 2014

5.	Provided appropriate signage at voting locations so that information was clearly visible to those with low vision	- Practice to be repeated in 2014
6.	Set up a process to facilitate notification of any last minute disruptions in service or voting location changes, should an emergency occur including posting signage and having hall monitors relay information to Electors upon entry to the voting place	- Practice to be repeated in 2014
7.	Ensured designated or reserved parking for persons with disabilities at each voting location and made provisions to provide additional accessible parking if necessary	- Practice to be repeated in 2014
8.	For the recount held at City Hall, the Election team ensured that there was a ramp leading down into the recount area to ensure that if necessary workers, candidates or scrutineers requiring ramp access were accommodated. And damaged ballots requiring duplication were also displayed on a large LCD screen so that persons with low vision had the ability to see the duplication.	-Practice to be repeated in 2014

*Voting Process – see also additional table at the end of this table Re. accessible voting methods made available*

<i>Actions</i>		<i>Considerations for 2014 Election</i>
1.	Ensured that workers were equipped to provide service to persons who required assistance on Election Day. Workers were trained to provide bed side voting at institutions and retirement homes.	-Investigate providing accessible voting machines at each location on Election Day -Investigate provision of online voting for persons who have difficulty going to voting locations -Investigate provision of curb-side voting to accommodate electors with mobility issues.
2.	Provided instructions on use of accessible voting equipment and made an AutoMark operator available to assist persons with disabilities.	- Practice to be repeated in 2014
3.	Scheduled extended advance voting opportunities where an AutoMark was available for persons with disabilities.	- Practice to be repeated in 2014

## Appendix 1

4.	Promoted advance voting opportunity for electors with disabilities	- Practice to be repeated in 2014
5.	Provided voting opportunities on the premises of a) an institution in which 20 or more beds are occupied by persons who are disabled, chronically ill or infirmed; b) a retirement home in which 50 or more beds are occupied	- Practice to be repeated in 2014 -Update inventory of institutions and retirement homes.
6.	Added tools to assist with ensuring accessibility such as sharpies that are easily gripped for filling in ballots.	- Practice to be repeated in 2014

### *Staff Training*

<i>Actions</i>		<i>Considerations for 2014 Election</i>
1.	Staff training incorporated provisions to meet accessible customer service standards	-Include a comprehensive online training program
2.	Provided reference materials such as the City of Mississauga's "May I Help You? Understanding Accessible Customer Service" Booklet	- Practice to be repeated in 2014
3.	Monitored elector's concerns and ensured that their needs were met, i.e. if an individual with a walker was in a long line, a chair was offered and the Elector's place in line was maintained	- Practice to be repeated in 2014
4.	Directed election staff to observe electors during discussions with them, and if it appeared that the voter was having difficulty understanding, ensured that the voter was able to clearly see the speaker.	- Practice to be repeated in 2014
5.	Encouraged election workers to approach an elector if it appeared that the elector required assistance maneuvering through the voting location. Offered assistance to help, did not assume an individual needed help	- Practice to be repeated in 2014
6.	Permitted support persons in all voting locations and trained staff on appropriate procedures to allow a support person to help a person with a disability complete their ballot.	- Practice to be repeated in 2014

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7.	Maintained a friendly and approachable demeanour, regardless of how tired, upset or hassled a worker may have felt	- Practice to be repeated in 2014
8.	Checked the access doors frequently to offer assistance and watch for electors unable to easily enter the building	- Practice to be repeated in 2014
9.	Evaluated effectiveness of training post-election.	- Practice to be repeated in 2014

### *Voting Methods*

<i>Actions</i>	<i>Considerations for 2014 Election</i>
Traditional Paper Ballot , markers were provided that were easy to grip	- Practice to be repeated in 2014 -Magnifiers to be provided at each voting location
Reviewed accessibility voting equipment with Accessibility Advisory Committee (AAC) and received approval -Considered recommendations made by the AAC and the Accessibility Staff Working Group regarding: <ul style="list-style-type: none"> <li>• Online Voting</li> <li>• Accessible voting equipment being available City wide on Election Day for future elections</li> </ul>	-Appropriate equipment to be investigated for use in 2014. -Investigate online voting -Investigate using a more streamlined accessible voting system -Making accessible voting machines available on all Advance Voting Days as well as Election Day
Audio ballots available using the Automark	-Appropriate equipment to be investigated for use in 2014.
Other Assistive Devices (sip and puff, paddles, etc.) used in conjunction with the Automark	-Appropriate equipment to be investigated for use in 2014.

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## **ONTARIO REGULATION 500/09**

made under the

### **MUNICIPAL ELECTIONS ACT, 1996**

Made: December 17, 2009

Filed: December 17, 2009

Published on e-Laws: December 21, 2009

Printed in *The Ontario Gazette*: January 2, 2010

### **VOTER IDENTIFICATION**

#### **Proof of identity and residence**

1. Each of the following options is prescribed as the proof of identify and residence that a person may present for the purposes of subparagraph 52 (1) 1 ii of the Act:

1. Option 1: An original copy of a document listed in Schedule 1 to this Regulation, if the document shows the person's name, qualifying address and signature.
2. Option 2: An original copy of a document listed in Schedule 2, if the document shows the person's name and signature, presented together with an original copy of a document listed in Schedule 3, if the document shows the person's name and qualifying address.

#### **Commencement**

**2. This Regulation comes into force on January 1, 2010.**

#### **SCHEDULE 1**

**(DOCUMENTS THAT SHOW NAME, QUALIFYING ADDRESS AND SIGNATURE)**

1. An Ontario driver's licence.
2. An Ontario Health Card (photo card).
3. An Ontario motor vehicle permit (plate portion).
4. A cancelled personalized cheque.
5. A mortgage, lease or rental agreement.
6. An insurance policy.
7. A loan or financial agreement with a financial institution.
8. A document issued or certified by a court in Ontario.

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9. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government.
  10. Any document from a Band Council in Ontario established under the *Indian Act* (Canada).

SCHEDULE 2  
(DOCUMENTS THAT SHOW NAME AND SIGNATURE)

1. An Ontario driver's licence.
2. An Ontario Health Card.
3. An Ontario motor vehicle permit (plate portion).
4. A Canadian passport.
5. A Certificate of Canadian Citizenship.
6. A Certificate of Indian Status.
7. A Veterans Affairs Canada Health Card.
8. A social insurance number card.
9. An Old Age Security Card.
10. A credit card.
11. A debit card.
12. An employee identification card.
13. A student identification card issued by a post-secondary institution.
14. A union identification card or a professional licence card.
15. A cancelled personalized cheque.
16. A mortgage, lease or rental agreement for property in Ontario.
17. An insurance policy.
18. A document issued or certified by a court in Ontario.
19. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government.
20. Any document from a Band Council in Ontario established under the *Indian Act* (Canada).

SCHEDULE 3  
(DOCUMENTS THAT SHOW NAME AND QUALIFYING ADDRESS)

1. An Ontario motor vehicle permit (vehicle portion).
2. An income tax assessment notice.
3. A Child Tax Benefit Statement.
4. A Statement of Employment Insurance Benefits Paid T4E.
5. A Statement of Old Age Security T4A (OAS).



6. A Statement of Canada Pension Plan Benefits T4A (P).
7. A Canada Pension Plan Statement of Contributions.
8. A Statement of Direct Deposit for Ontario Works.
9. A Statement of Direct Deposit for Ontario Disability Support Program.
10. A Workplace Safety and Insurance Board Statement of Benefits T5007.
11. A property tax assessment.
12. An insurance statement.
13. A mortgage, lease or rental statement for property in Ontario.
14. A credit card, bank account, RRSP, RRIF, RHOSP or T5 statement.
15. A CNIB Card or a card from another registered charitable organization which provides services to persons with disabilities.
16. A hospital card or record.
17. A document showing campus residence issued by the office or officials responsible for student residence at a post-secondary institution.
18. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission.
19. A cheque stub, T4 statement or pay receipt issued by an employer.
20. A transcript or report card from a post-secondary school.
21. A document issued or certified by a court in Ontario.
22. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government.
23. Any document from a Band Council in Ontario established under the *Indian Act* (Canada).

Made by:  
Pris par :

*Le ministre des Affaires municipales et du Logement,*

JIM WATSON

*Minister of Municipal Affairs and Housing*

Date made: December 17, 2009.  
Pris le : 17 décembre 2009.

Français

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# Corporate Report

Clerk's Files

Originator's  
Files

**DATE:** January 2, 2013

**TO:** Chair and Members of Governance Committee  
Meeting Date: January 14, 2013

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

Governance Committee

JAN 14 2013

**SUBJECT:** **Proposed Legislative Amendments Respecting Councillors who Run for Provincial or Federal Office**

**RECOMMENDATIONS:**

1. That the report of the City Solicitor titled "Proposed Legislative Amendments Respecting Councillors who Run for Provincial or Federal Office" dated January 2, 2013 be received for information;
2. That the Province be requested to amend s. 259 of the *Municipal Act, 2001* to declare vacant the office of a member of Council who at the close of nominations in a federal or provincial election, is a registered candidate; and
3. That a copy of this report be circulated to the Minister of Municipal Affairs and Housing, all local MPPs, MPs and to AMO.

**BACKGROUND:**

The Governance Committee at its meeting of April 16, 2012 requested a report concerning legislative amendments to respond to the impact on municipalities when members of Council choose to run

provincially or federally. On May 2, 2011, then Ward 5 Councillor Eve Adams was elected to federal office and then resigned her seat following her election as a Member of Parliament. Given that Ms. Adams' seat was vacated only five months into the term of office, Council determined to hold a by-election on September 19, 2011. Where Councillors are not successful in a bid for federal or provincial office, they may continue to hold their municipal seat, without penalty.

The Committee requested a report regarding legislative change to require a member of Council to forfeit their seat on Council immediately if that person decides to run federally or provincially, and regarding the Council remuneration by-law and a provision that no severance allowance be payable where the resignation is to assume a federal or provincial elected office.

**COMMENTS:**

There are no legislative restrictions that would prevent a member of a municipal council from being a candidate in a federal or provincial election, or from holding office if elected. Section 9 of the *Legislative Assembly Act* deems a person elected as a Member of Provincial Parliament to have resigned municipal office when election to the Legislative Assembly has been published in the Ontario Gazette. There is no similar provision in the *Canada Elections Act*. Section 7 of the *Legislative Assembly Act* provides that a member of the Senate or House of Commons of Canada is not eligible to be elected as a member of the provincial legislature.

S.259 of the *Municipal Act* sets out several circumstances whereby the office of a member of Council would be declared vacant, however accepting a nomination to run for provincial or federal office is not among them. The *Municipal Elections Act, 1996* does not disqualify members of the Legislative Assembly of Ontario, or the federal Senate or House of Commons of Canada from being nominated to run for office in a municipal election, however Section 29(1.1) provides that if a person is a member of any of these bodies at the close of nominations on nomination day, the nomination shall be rejected by

the municipal clerk. This provision ensures the individual must forfeit their federal or provincial seat by nomination day, to run for municipal office.

As a result of the foregoing, there are legislative restrictions preventing federal or provincial elected officials from running for municipal office without first resigning their seat, but no similar restrictions that apply to members of municipal council who opt to seek provincial or federal office.

To apply a similar restriction to members of municipal council choosing to run for provincial or federal office s.259 of the *Municipal Act, 2001* could be amended to declare vacant the office of a member of council who at the close of nominations in a federal or provincial election, is a registered candidate.

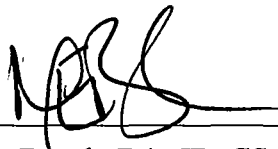
S.283 of the *Municipal Act, 2001* authorizes Council to determine remuneration for members of Council, including any entitlement to a severance allowance. Pursuant to s.6 of By-law 0511-2002 a severance allowance shall not be paid to members of Council who resign to assume a position as an elected official in a Provincial Legislature or the Federal Parliament. Accordingly, Eve Adams did not receive a severance allowance from the City.

**FINANCIAL IMPACT:** N/A

**CONCLUSION:** An amendment could be made to s.259 of the *Municipal Act, 2001* to provide that the office of a member of council be declared vacant if, at the close of nominations in a federal or provincial election, the member is a registered candidate. Currently federal and provincial elected officials who opt to run for office in a municipal election must resign their seat by nomination day, or the Clerk must reject their nomination. Such an amendment would provide the same rules for municipally elected officials who choose to run for office at a different

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level of government, as those applied to Members of Parliament and Members of Provincial Parliament who choose to run for municipal office.



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Mary Ellen Bench, BA, JD, CS  
City Solicitor

*Prepared By: Mary Ellen Bench, City Solicitor*

# Memorandum

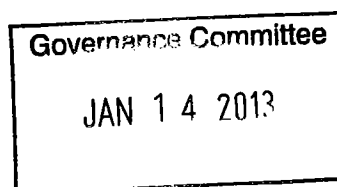


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**TO:** Chair and Members of Governance Committee  
**FROM:** Sacha Smith, Legislative Coordinator  
**DATE:** January 9, 2013  
**SUBJECT:** 2013 Schedule of Meetings

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Please find listed the meeting dates for the Governance Committee in 2013:

January 14  
February 11  
March 18  
April 15  
May 13  
June 10  
July 15  
September 16  
October 21  
November 11  
December 9

All meetings are scheduled for **1:00 p.m. in the Council Chamber, 2<sup>nd</sup> Floor, Civic Centre.**

  
Sacha Smith  
Legislative Coordinator  
(905) 615-3200 ext. 4516





## Governance Committee-Outstanding Items List

Issue	Last Discussed on	Who	Status
1. Proposed options for standing committees with respect to the City Council Committee Structure Review	January 23, 2012	Karen Spencer	Will be reported as part of the Committees of Council Structure Review at the February 11, 2013 Governance Committee meeting.
2. Proposed amendments regarding the Councillors' severance package to cover the cost of a by-election, where a councillor forfeits their seat to run for provincial or federal office	April 16, 2012	City Solicitor	This matter is addressed in the report dated January 2, 2013 from the City Solicitor.
3. Public Question Period at committees of Council	May 14, 2012	Karen Spencer	Will be reported as part of the Committees of Council Structure Review.
4. Council Committee Structure Review	May 14, 2012	Karen Spencer	The matter is addressed in the report dated January 4, 2013 from the City Manager. There will be additional reviews for advisory and standing committees at the February 11 and March 18, 2013 meeting dates.
5. Reporting Structure for senior staff to report gifts and benefits	September 17, 2012	City Manager	Proposed for the March 18, 2013 meeting date.
6. Elections oversight body, elections spending, review of donations and tax receipts, and electronic voting.	September 17, 2012	City Clerk	The matter of a rebate program is addressed in the report dated January 8, 2013 from the Commissioner of Corporate Services and Treasurer.

Governance Committee  
JAN 14 2013

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## Governance Committee-Outstanding Items List

7. Code of conduct for citizen members on committees of Council (including for profit Boards)	October 22, 2012	City Clerk and Integrity Commissioner	<b>Update will be provided at the February 11, 2013 meeting date.</b>
8. Review any differentiation between the Mayor and Councillors accepting gifts and citizen members working for municipal election campaigns	November 12, 2012	Integrity Commissioner	<b>Coming to a future meeting date</b>

### Correspondence List

Who	Meeting Date	Matter	Status
Edna Toth Chair Peel Poverty Action Group	January 23, 2012	Municipal Election Funding	Peel Poverty Action Group to appear at the January 14, 2013 Governance Committee regarding municipal election funding
David Culham	January 23, 2012	Review of committee structure	Mr. Culham advised of the dates when the overview of the City Committees of Council Structure Review will be presented to the Governance Committee.
Alan Kan	September 17, 2012	Review Council meeting times and Public Question Period	Response provided to Mr. Kan  <b>Mr. Kan will be advised of when amendments to the Procedure By-law will be considered by the Governance Committee</b>

Governance Committee  
JAN 14 2013

