



## **AGENDA**

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### **GOVERNANCE COMMITTEE**

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

**MONDAY, JANUARY 23, 2012 – 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 Chris Fonseca, Ward 3  
Councillor Bonnie Crombie, Ward 5  
Councillor Pat Saito, Ward 9 (Vice-Chair)  
Councillor George Carlson, Ward 11

Contact: Sacha Smith, Legislative Coordinator, Office of the City Clerk  
905-615-3200 ext. 4516 Fax: 905-615-4181  
[sacha.smith@mississauga.ca](mailto:sacha.smith@mississauga.ca)

**CALL TO ORDER**

**DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST**

**APPROVAL OF THE AGENDA**

**DEPUTATIONS**

**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
2. Draft Terms of Reference for Approval
3. Amending the Council Code of Conduct in Response to the Recommendations of the Judicial Inquiry
4. Review of Councillors' Expenses
5. City Council Committee Structure Review
6. Correspondence
  - 6.1 Municipal Election Campaign Funding
  - 6.2 Governance Committee Composition
  - 6.3 Mississauga Tax Free Ends

**OTHER BUSINESS**

**ADJOURNMENT**

**CALL TO ORDER**

**DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST**

**APPROVAL OF THE AGENDA**

**DEPUTATIONS**

**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 Traffic Safety Council meeting held on January 23, 2012.

2. **Draft Terms of Reference for Approval**

Draft Terms of Reference for the Committee's approval.

3. **Amending the Council Code of Conduct in Response to the Recommendations of the Judicial Inquiry**

Corporate Report dated January 17, 2012 from the City Solicitor entitled "Amending the Council Code of Conduct in Response to the Recommendations of the Judicial Inquiry."

**This item was not available for issuance with the agenda and will be distributed prior to meeting.**

4. **Review of Councillors' Expenses**

Committee to discuss Councillors' expenses

5. City Council Committee Structure Review

Memorandum dated January 17, 2012 from the City Manager and Chief Administrative Officer with respect to the City Council Committee Structure Review.

For the Committee's information, Corporate Report dated December 12, 2011 from the City Manager and Chief Administrative Officer with respect to the City Council Committee Structure presented to General Committee on January 11, 2012.

6. Correspondence

6.1 Municipal Election Campaign Funding

Letter dated December 8, 2011 from Edna Toth, Chair, Peel Poverty Action Group with respect to municipal election campaign funding.

6.2 Governance Committee Composition

Email dated January 10, 2012 from John Walmark, resident and member of Orchard Heights Homeowners Association with respect to the Governance Committee composition.

6.3 Mississauga Tax Free Ends

Email dated December 3, 2011 from David Culham, resident with respect to reconsidering standing committees of Council and appointing a councillor as budget chief.

**OTHER BUSINESS**

**ADJOURNMENT**



Governance Committee

JAN 23 2012

## MINUTES

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### GOVERNANCE COMMITTEE

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

TUESDAY, DECEMBER 13, 2011 – 10:00 A.M.

CLASSROOM 1, CENTRAL LIBRARY

301 BURNHAMTHORPE ROAD WEST, MISSISSAUGA

#### MEMBERS IN ATTENDANCE

Mayor Hazel McCallion

Councillor Jim Tovey, Chair, Ward 1

Councillor Chris Fonseca, Ward 3

Councillor Bonnie Crombie, Ward 5

Councillor Pat Saito, Vice – Chair, Ward 9

Councillor George Carlson, Ward 11

#### STAFF IN ATTENDANCE

Janice Baker, City Manager

Mary Ellen Bench, City Solicitor

Crystal Greer, City Clerk/ Director of Legislative Services

Karen Spencer, Advisor, City Manager's Office

Contact: Laura Wilson, Legislative Coordinator, Office of the City Clerk  
905-615-3200 ext. 5425 Fax: 905-615-4181  
[laura.wilson@mississauga.ca](mailto:laura.wilson@mississauga.ca)

**A. CALL TO ORDER**

Crystal Greer, City Clerk/ Director of Legislative Services called the meeting to order at 10:00 a.m.

**B. DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST**

Nil

**C. APPROVAL OF THE AGENDA**

Madam Mayor spoke to the issue of governance and noted the importance of looking at the whole committee structure. She informed the committee that the City Manager's office had been addressing governance and had been looking at the committee structures used in other Cities.

Madam Mayor also addressed the appointment of a Chair and Vice Chair and suggested that nominating a member of the committee with experience on Council and a new member of Council would have a positive impact.

**APPROVED**

(Councillor C. Fonseca, Ward 2)

**D. DEPUTATIONS**

NIL

**E. MATTERS TO BE CONSIDERED:****1. Appointment of Chair and Vice – Chair**

Councillor Pat Saito noted that two Members of Council had expressed interest in serving as Chair of the Governance Committee and suggested that it would be helpful if interested parties outlined the reasons for their interest. She also requested to nominate both Councillor Bonnie Crombie and Councillor Jim Tovey for the position of Chair.

Crystal Greer, City Clerk/ Director of Legislative Services noted that Councillor Saito could not nominate both Councillor Crombie and Councillor Tovey for Chair but that she could nominate one for the position of Chair and one for the position of Vice Chair. Discussion ensued with respect to the procedures for nominating a Chair and Vice Chair.

Councillor Pat Saito moved a motion to nominate Councillor Jim Tovey as Chair of the Governance Committee and Councillor Jim Tovey accepted the nomination.

Madam Mayor moved a motion to nominate Councillor Bonnie Crombie as Chair of the Governance Committee and Councillor Bonnie Crombie accepted the nomination.

Both Councillor Jim Tovey and Councillor Bonnie Crombie outlined their reasons for wanting to serve as Chair of the Committee. Councillor Bonnie Crombie also distributed a document outlining her proposal for items to be reviewed by the committee.

Discussion ensued with respect to casting secret ballots to vote for the Chair. Ms. Greer suggested that for the sake of transparency it would be most appropriate to have an open vote.

An open vote was taken on the motion for Councillor Jim Tovey to be appointed as Chair of the Governance Committee and the motion was carried.

Councillor Chris Fonseca nominated Councillor Pat Saito, as Vice Chair of the Committee and noted that she felt Councillor Saito's experience on Council would be an asset. Councillor Pat Saito accepted the nomination. The motion was voted upon and carried.

Ms. Greer turned the meeting over to Councillor Jim Tovey, Chair.

Recommendations:

GOV-0001-2011

That Councillor Jim Tovey, Ward 1, be appointed as Chair of the Governance Committee for a term of office to November 30, 2014, or until a successor is appointed.

GOV-0002-2011

That Councillor Pat Saito, Ward 9, be appointed as Vice – Chair of the Governance Committee for a term of office to November 30, 2014, or until a successor is appointed.

## 2. Introductions and Objectives of Meeting

Crystal Greer, City Clerk/ Director, Legislative Services, with respect to the purpose of the Governance Committee and the development of the Committee's Terms of Reference, to be circulated to the Committee members for their review, revision and approval at the first meeting in 2012.

Ms. Greer noted that the December 13, 2011 meeting had been scheduled so that the committee could provide support staff with input regarding the Governance Committee Terms of Reference. She noted that based on the committee's comments, a Terms of Reference would be drafted and presented for approval at the next meeting. She requested input regarding the committee's mandate, reporting structure, staff involvement and frequency of meetings and the point at which the committee would like collaboration from the public.

## 3. Outline of upcoming City Council Meeting Structure Review

Janice Baker, City Manager, with respect to the scope and timeline of the Structure Review.

Ms. Baker noted that a report would be brought to Council regarding the launch of the official structure review. She informed the committee that the review would begin in January 2012 with recommendations being brought to Council in December 2012.

Ms. Baker noted that there would be support staff involved in steering the committee including Mary Ellen Bench, City Solicitor, Gary Kent, Director of Corporate Strategy and Innovation, Crystal Greer, City Clerk/ Director of Legislative Services and Karen Spencer, Advisor, City Manager's Office. She also informed the committee that other resource requirements were being considered.

Ms. Baker informed the committee that a significant amount of benchmarking would be undertaken and the committee structure would be reviewed. She noted that that the review would look to modernize the committee structure and that throughout the process, public engagement would be important.



Councillor Pat Saito, Vice – Chair, raised concerns with respect to standing and advisory committees being part of the same committee structure review as the two types of committees are different. She suggested that due to the differences, standing committees be considered separately. She noted that public input would be very important and suggested that as the review progresses, Council would need the ability to establish committees as required. Discussion ensued with respect to how this would affect the committee structure review. Madam Mayor noted that there would be flexibility and that if immediate changes were required the Governance Committee could go to Council with recommendations.

Councillor Chris Fonseca suggested that it would be important to consider the roles of Councillors sitting on committees even if a specific committee was not under review. Ms. Baker informed the committee that the role of Councillors sitting on committees could be reviewed.

Councillor Pat Saito, Vice – Chair noted that it was important to take a broad view of the committee structure review and reiterated that the approach should differ for the review of standing committees versus the review of advisory committees. Madam Mayor noted that all committees should be reviewed and discussion ensued with respect to which committees would be reviewed. Ms. Baker noted that some committees such as the Enersource Board were excluded from the review due to legal obligations. Madam Mayor noted that there would be a new agreement with the Enersource Board and that changes could be made when the new agreement was brought forward. Discussion continued with respect to which committees would be reviewed and the possible changes that could be made to committees to make them more efficient.

#### 4. Terms of Reference

Discussion with respect to the following:

- mandate
- term of office
- membership composition (including support staff)
- roles and responsibilities
- meeting schedules
- quorum
- reporting structure

**Mandate**

Crystal Greer, City Clerk/ Director, Legislative Services requested suggestions regarding the Governance Committee mandate. Councillor Pat Saito, Vice – Chair suggested that expense policies and electoral reform be included in the mandate. Madam Mayor suggested that government relations and a more formalized process for looking at how Region of Peel issues affect the City of Mississauga should be included in the mandate. Discussion ensued and there was general consensus to include these in the mandate.

**Term of Office**

There was general consensus that the term of office would be for the remainder of the current term of Council.

**Membership Composition**

Councillor Jim Tovey, Chair noted that the Governance Committee may want to consult with different staff depending on the issues being discussed at meetings. Councillor Pat Saito, Vice – Chair suggested that it would be helpful to have Communications staff at meetings to ensure that committee business is effectively communicated to the public. There was general consensus regarding the composition of the committee.

**Roles and Responsibilities**

Ms. Greer noted that staff had sufficient information from previous discussion to identify the roles and responsibilities of the Governance Committee.

**Meeting Schedules**

Discussion ensued with respect to an appropriate meeting schedule. There was general consensus that the Governance Committee should meet during the day once per month.

**Quorum**

Councillor Tovey, Chair suggested that quorum should consist of three (3) out of five (5) Councillors being present at a meeting. There was agreement to this and to Madam Mayor being an ex-officio member of the Governance Committee.

**Reporting Structure**

Councillor George Carlson suggested that it would be appropriate for the Governance Committee to report to General Committee and then to Council. There was general consensus that the Governance Committee would report to General Committee and then to Council.

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## 5. Priority Issues

Discussion with respect to the issues of priority for the Governance Committee including:

- Issuance of an RFP and Interviews for the Integrity Commissioner
- Amendment to the Code of Conduct

See information Items 5a to 5e.

Councillor Pat Saito, Vice – Chair suggested that making amendments to the Code of Conduct and Councillor's expenses should be the first order of business. She also suggested that the Governance Committee look at the Integrity Commissioner. General discussion ensued with respect to the appointment of Integrity Commissioners in other Cities and Provinces and whether the AMO should be responsible for providing this service to municipalities.

Janice Baker, City Manager inquired as to whether or not the committee was prepared to review of the Code of Conduct and advance the RFP concurrently. Councillor Pat Saito, Vice – Chair noted that the committee would not be opposed to this. She requested that staff bring forward the Code of Conduct with possible amendments suggested in the Commissioner's Report at the next meeting. Councillor Jim Tovey, Chair, suggested that the Governance Committee also review the Oath of Office. Discussion ensued with respect to this matter. Madam Mayor suggested that in light of the Oath of Office being mandated by the Province of Ontario, another oath could be added.

## 6. Government Relations

Discussion with respect to the Government Relations matter referred from the General Committee meeting on December 7, 2011.

Crystal Greer, City Clerk/ Director, Legislative Services noted that this matter had been addressed during discussions regarding the Governance Committee mandate.

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7. Next Steps

Janice Baker, City Manager with respect to the Governance Committee's next steps.

Ms. Baker noted that the actions items emanating from the Governance Committee's discussion had been captured and that staff would proceed to do the following:

- Create an agenda for the next meeting which would include a review of the Councillor's expenses and advancements regarding the RFP
- Compile required background material
- Create a Draft Terms of Reference for distribution and approval at the next Governance Committee meeting
- Create a draft Code of Conduct for distribution and approval
- Review the report regarding the committee structure review

Councillor Pat Saito, Vice – Chair suggested that the structure of Governance Committee meetings include the opportunity for members of the public to make comment before a vote is taken on an agenda item. Madam Mayor suggested that the public be invited to make comments regarding agenda items at the beginning of Governance Committee meetings. Discussion ensued with respect to the most appropriate time for members of the public to make comments. Members of the public in attendance were invited to comment with respect to when they expect to be able to make comments at meetings. Dorothy Tomiuk, City of Mississauga Resident, supported the suggestion that comments be invited at the beginning of the meeting. There was general consensus that the Governance Committee Terms of Reference note the opportunity for members of the public to make comment at the beginning of meetings.

Discussion ensued with respect to the public making deputations not related to items on the agenda. It was determined that deputations would be scheduled so that they would relate, as much as possible, to agenda items.

F. OTHER BUSINESS

Nil

**G. CLOSED SESSION**

Nil

**H. ADJOURNMENT**

11:24 a.m.  
(Councillor George Carlson)

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## **GOVERNANCE COMMITTEE TERMS OF REFERENCE**

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### **MANDATE**

The Governance Committee will examine issues related to, but not limited to the role of the Integrity Commissioner, ethics, Government Relations, the Code of Conduct, Council Expense Policies, City Council Committee Structure Review, and election issues including election financing.

### **TERM OF OFFICE**

The term of office of the Governance Committee shall run concurrent with the current term of Council, or until successors are appointed.

At the first meeting of the Committee, and then again at the first meeting of each new term, the members of the Governance Committee will appoint from among their number, a Chair and a Vice-Chair.

### **COMPOSITION**

The membership of the Governance Committee will be comprised of five (5) Councillors appointed by a resolution of Council and will vote on matters brought before the Governance Committee. The Mayor shall be an ex officio member of the Committee.

### **ROLES AND RESPONSIBILITIES**

Recommendations of the Governance Committee will be reported to General Committee.

City staff from key positions such as the Director, Legislative Services and City Clerk, the City Solicitor and Communications staff will provide support for the activities of the Governance Committee.

### **OPERATIONS**

The Governance Committee shall operate its business meetings according to the Procedure By-law regulating the operation of the meetings of Council and its Committees. Meetings will be scheduled monthly.

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Quorum of the Governance Committee will result from the presence of three (3) members, at a time no later than thirty (30) minutes past the time which the meeting was scheduled and noted on the agenda or notice of the meeting.

Each agenda for the Committee shall include a Public Question Period, during which persons invited to address the Committee shall be restricted to questions pertaining to subjects that appear on the Agenda for that specific Committee meeting.

Any person wishing to address the Committee on any matter relating to the mandate of the Committee shall submit a request in writing to the Clerk, who will review the request with the Chair and/or Vice-Chair. The Deputation will be scheduled to coincide with the same meeting that the Committee is holding discussion and debate on the specific topic.

Legislative Services staff from the Office of the City Clerk will attend all meetings of the Governance Committee to record and report its recommendations to Council and provide administrative support with the proceedings. Minutes of the meeting will be presented for adoption at the next meeting of the Committee.



# Corporate Report

Clerk's Files

Originator's  
Files

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**DATE:** January 17, 2012

**TO:** Chair and Members of Governance Committee  
Meeting Date: January 23, 2012

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

**SUBJECT:** **Amending the Council Code of Conduct in Response to the  
Recommendations of the Judicial Inquiry**

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**Governance Committee**

**JAN 23 2012**

- RECOMMENDATIONS:**
1. That the report of the City Solicitor dated January 17, 2012 titled "Amending the Council Code of Conduct in Response to the Recommendations of the Judicial Inquiry" be received for information;
  2. That the Governance Committee provide direction on the proposed amendments to the Code of Conduct as set out in Appendix 2;
  3. That the Governance Committee provide direction on appropriate amendments to Rule 3, Councillors Expenses, given that the Commissioner of Corporate Services and Treasurer will be reporting to Council on amendments to the Councillor Expense Policy;
  4. That the Governance Committee provide direction on whether to implement recommendation 27 of Commissioner Cunningham's report respecting the creation of a concise lobbyist code of conduct to be overseen by the Integrity Commissioner.



**BACKGROUND:**

On October 3, 2011 Commissioner Cunningham released his report regarding the Mississauga Judicial Inquiry entitled "Updating the Ethical Infrastructure". That report considered how the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act* and the Council Code of Conduct work together to provide an ethical framework to guide municipal politicians, and recommended substantive changes to both the legislative and proposed changes to the Code of Conduct to strengthen it. This report only addresses the Code of Conduct.

The Governance Committee, at its meeting of December 13, 2011, identified amending the Code of Conduct following the Commissioner's report and the advancement of the RFP concurrently, as a priority item.

Many of Commissioner Cunningham's recommendations are intended to move the Code of Conduct to be a document based on principles and clear, transparent, predictable standards with the objective of improving public trust in local government. Applying these standards will ensure public officials act in the interest of the municipality and not in their own interest. Dean Sossin has noted that following accountability standards sounds easy but can actually be very difficult, as municipal officials are expected to develop policies and laws to facilitate a vision for development and growth and to determine what is in the best interests of the municipality. He has also noted that Codes of Conduct are often developed in response to scandal and as a result tend to be too onerous and rigid to be helpful. Principle-based guidelines that look at what is reasonable are much more realistic and helpful than rigid rules (pgs. 5617 and 5618, 5653). Commissioner Cunningham agrees, noting in Recommendation 15 that "It may be counter-productive for the City to adopt a strict rules-based approach to the Code. Instead, the Mississauga Code should set out strong value statements, followed by a small number of general rules and more detailed commentary about those rules."

Rules are still required to a certain degree, and the Commissioner has made certain recommendations for change. Don Jack, one Counsel at the Inquiry, has also noted that clear rules are also helpful for investors to provide transparency in a way that takes the political risk out of investment decisions.

At its meeting of November 2, 2011 the General Committee considered the report of the City Manager and Chief Administrative Officer entitled "Judicial Inquiry Report – Next Steps". A copy of the chart attached to that report commenting on the Commissioner's recommendations is attached as Appendix 1. The Commissioner comments that the Mississauga Code is useful for many reasons and provides a relatively flexible common framework for all Members of Council to follow.

The Mississauga Code is modelled on the City of Toronto Code of Conduct for Members of Council and its provisions are very similar in many respects.

**COMMENTS:**

The chart attached as Appendix 2 to this report sets out the provisions of the current Code of Conduct, the Commissioner's recommendations followed by proposed changes, and comments where direction is required. The purpose of this chart is to provide Members of the Committee with a single document that can be referred to and will be updated as amendments to the Code of Conduct are agreed upon by the Committee.

To complete this review, direction from the Committee will be required. In addition, Commissioner Cunningham has not made recommendations concerning the provisions of the Code of Conduct that relate to Councillor expenses in Rule number 3. Staff in the Finance Division are presently updating the Elected Officials Expense Policy and that part of the Code of Conduct will be updated once that review is complete and has been approved by City Council.

**Mississauga Council Code of Conduct – Commissioner's  
Recommendations for Change**

Commissioner Cunningham is clear that the Mississauga Code of Conduct is useful for many reasons, including providing an alternative and less costly option to address concerns than an application under the *Municipal Conflict of Interest Act*. He does make a number of recommendations to strengthen the existing Code in the following areas:

### Preamble

Commissioner Cunningham states that the focus of the Mississauga Code of Conduct should be on the spirit, principles and goals underlying its creation, and that it should not be intended to be strictly interpreted (pg. 174). In making this statement Commissioner Cunningham accepts the evidence provided at the Judicial Inquiry by the expert panel and reference is made to this in the footnotes as well as in the report itself.

In setting out his recommendations, it is clear that Commissioner Cunningham accepts many of the points made by the expert panel to the effect that rules can never be complete enough to cover every potential situation that may arise and as a result, focussing the Code of Conduct on principles is a more appropriate way to measure the conduct of Members of Council. The expert panel advised that public confidence is measured by having clear, predictable, transparent standards that are equitably applied, and are subject to independent oversight when concerns arise. It was also noted by counsel for AIM Investments (?) that transparency through a Code of Conduct promotes public confidence and, for third party businesses, takes the political risk out of investment decisions.

### Rule No. 1 - Framework and Interpretation

Commissioner Cunningham has not recommended any of the seven guidelines respecting interpretation be removed however, he has made two recommendations to supplement them by clarifying how the Code of Conduct interacts with the *Municipal Conflict of Interest Act*. As noted on the chart, a provision is added to subsection 6 to address his recommendation that the Code of Conduct clearly states that the *Municipal Conflict of Interest Act* will only override the Code when dealing with an actual complaint under the legislation involving the very same matter. As recommended by the Commissioner, a new subsection has also been added to direct the Integrity Commissioner to suspend an investigation or proceeding where a proceeding under the *Municipal Conflict of Interest Act* has been commenced, until the proceeding under that legislation has been completed.

Commissioner Cunningham has recommended that Rule number 1(b) be deleted and replaced with two stand-alone rules that clearly provide that Members of Council **shall avoid** (his emphasis) the improper use of influence of office and conflicts of interest. The expert panel grappled with the same challenges the City ad hoc committee did in terms of defining conflict of interest. One of the experts, Dean Sossin, has noted that codes of conduct have usually been drafted in response to scandal and tend to be too onerous and rely too much on rigid rules rather than principles. Commissioner Cunningham is recommending that rigid rules in defining family members and others as being in a conflict position should be replaced with general principles based on what a “reasonably well-informed person” would conclude was preferential treatment advancing a private interest. The discussion of these issues with the expert panel during the Judicial Inquiry supports this approach.

The City of Toronto Code of Conduct separates out the provisions of the preamble regarding authority from those respecting the principles that underly the Code. These principles are then set out as short key statements of principle that follow two paragraphs of context. The Code of Conduct sets out the same principles that are in the Toronto preamble, in Rule 1 of the Code. Clarification as to the Commissioner’s intent in this respect has therefore been requested.

#### Rule No. 2 - Gifts and Benefits

The Commissioner has found that the intention of this Rule could be clarified if it were set out as a simple statement of principle instead of a detailed list of what is and is not acceptable. He did see benefit in having detailed commentary in respect of what is and is not acceptable that would be updated whenever the Integrity Commissioner rules on a relevant matter. Rules respecting Gifts and Benefits are also dealt with in the City of Toronto (Rule IV) and the City of Vaughan (Rule 2) Codes of Conduct. After reviewing the discussion with the expert panel and reviewing codes of conduct of other municipalities, in particular the City of Toronto, it is recommended that the statements of principle contained in the first two paragraphs and the list of recognized exceptions, which are essentially the same as those contained in the Toronto and Vaughan codes of conduct, remain as an alternative, the list of recognized exceptions could be reflected as

commentary and the provision of Rule 2.2 which further defines the exceptions in great detail, could be deleted.

#### Rule No. 3 – Councillor Expenses

Commissioner Cunningham has not made any recommendations for amending this Rule. Furthermore, this Rule was not discussed by the expert panel. Referencing the comparators, Toronto and Vaughan do not have provisions in their Code respecting Councillor expenses. Their Councillor expense policies are separate and apart from the Code of Conduct. The Commissioner of Corporate Services and Treasurer is currently undertaking a review of the Councillor Expense Policy for the purpose of updating it and it is therefore recommended that any changes to Rule No. 3 be deferred until such time as Council has adopted a new Councillors' Expense Policy. The Committee charged with drafting the initial Code of Conduct had included Councillor expenses for the purpose of ensuring transparency however, another option might be to merge these provisions into the Councillor Expense Policy.

#### Rule No. 4 – Confidential Information

The Commissioner did not make any recommendations regarding this Rule. This Rule has been included in the Code of Conduct to expand upon the provisions of the Municipal Freedom of Information and Protection of Privacy Act respecting the disclosure of information received in confidence by Members of Council. Similar rules are in place in the City of Toronto (Rule No. V) and City of Vaughan (Rule No. 3) municipal codes.

#### Rule No. 5 – Use of City Staff Property Services and Other Resources

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conducts for the City of Toronto (Rule No. VI) and the City of Vaughan (Rule No. 4).

Rule No. 6 – Election Campaigns

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conducts for the City of Toronto (Rule No. VII) and the City of Vaughan (Rule No. 5).

Rule No. 7 – Improper Use of Influence

Commissioner Cunningham agreed with Dean Sossin's evidence that the current wording of this Rule, providing that no member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties, was not clear. In discussions of the expert panel, Dean Sossin noted that there was a concern that Council had a role in appointing members of some tribunals and also that City staff would be in a quasi-adversarial position to Members of Council who appeared before these tribunals. His concern was that a Councillor could improperly use influence in the outcome. Having said that, Dean Sossin advised that members of Toronto City Council did not share his view in this respect. The City of Toronto Code of Conduct in Rule VIII is very similar to the current Mississauga Code of Conduct as is the Vaughan Code of Conduct (Rule No. 7). Commissioner Cunningham has recommended that the commentary under the Rule be expanded to say that Members of Council cannot make submissions to a municipal adjudicative body, such as a licensing tribunal, on behalf of a member of their ward.

Rule No. 8 – Business Relations

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conducts for the City of Toronto (Rule No. IX) and the City of Vaughan (Rule No. 6).

Rule No. 9 – Conduct of Council at Committee Meetings and When Representing the City

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conducts for the City of Toronto (Rule No. XI) and the City of Vaughan (Rules No. 8 and 11).

Rule No. 10 – Media Communications

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conduct for the City of Vaughan (Rule No. 10).

Rule No. 11 – Respect for the City and its By-laws and Policies

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conduct for the City of Vaughan (Rule No. 13).

Rule No. 12 – Respectful Workplace Policy

The Commissioner did not make any recommendations for change to this Rule.

Rule No. 13 – Conduct Respecting Staff

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conducts for the City of Toronto (Rule No. XII) and the City of Vaughan (Rule No. 16).

Rule No. 14 – Employment of Council Relatives/Family Members

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conduct for the City of Vaughan (Rule No. 17) and policies are in place in this regard as well.

Rule No. 15 – Failure to Adhere to Council Policies and Procedures

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conducts for the City of Toronto (Rule No. XV) and the City of Vaughan (Rule No. 18).

Rule No. 16 – Reprisals and Obstruction

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conducts for the City of Toronto (Rule No. XVI) and the City of Vaughan (Rule No. 19).

Rule No. 17 – Acting on Advice of Integrity Commissioner

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conduct for the City of Toronto (Rule No. XVII).

Rule No. 18 – Compliance with the Code of Conduct

The Commissioner did not make any recommendations for change to this Rule. Similar provisions exist in the Code of Conducts for the City of Toronto (Rule No. XVIII) and the City of Vaughan (Rule No. 20).

Lobbyists

Commissioner Cunningham recommends that:

Recommendation 27

I recommend that Mississauga create a concise lobbyist code of conduct, and that the integrity commissioner be given responsibility for overseeing the lobbyist code and educating third parties about it.

Section 223.3(1) of the *Municipal Act, 2001* provides that a municipality may appoint an integrity commissioner who reports to Council and is responsible for performing, in an independent manner, the functions assigned by the municipalities with respect to the application of a code of conduct for Members of Council and/or local boards as well as the application of any procedures, rules and policies of the municipality governing the ethical behaviour of Members of Council and/or local boards. An argument can be made that the provisions of the legislation respecting the appointment of an integrity



commissioner are broad enough to allow the integrity commissioner to oversee a lobbyist code of conduct, given the need for ancillary changes to the code of conduct for Members of Council with respect to when they are dealing with lobbyists and to create a lobbyist Code of Conduct without a lobbyist registry.

While Commissioner Cunningham recommends that the City of Mississauga create a Lobbyist Code of Conduct, he feels that the expense of a lobbyist registry does not warrant creation of a registry. Footnotes related to this recommendation identify the evidence of Professor David Mullan, who was part of the expert panel who testified at the Judicial Inquiry, as the source of this recommendation. Professor Mullan notes that the lobbyist registry system established by the City of Toronto, which is the only Ontario municipality that has put in place a lobbyist registration system, is extremely complex, and quite expensive.

#### Toronto Lobbyist Model

The City of Toronto was required to establish a lobbyist registry under the *City of Toronto Act, 2006*. This legislative requirement is rooted in Recommendation 97 of the 2005 report on the Toronto Computer Leasing Inquiry prepared by Justice Denise Bellamy. The Toronto lobbying by-law contains substantial provisions respecting the registration of lobbyists. It also contains requirements for a lobbyist to obtain approval from the Office of the Lobbyist Registrar for both the lobbyist and the subject matter that the lobbyist wishes to address. The Toronto Office of the Lobbyist Registrar is also empowered under the by-law to conduct inquiries and investigations, and charges may be laid under the *Provincial Offences Act* for violations of the by-law.

Finally, the Office of the Lobbyist Registrar, similar to the other accountability officers in place in the City of Toronto, provides an educational role, providing information to the public, to Members of Council and to lobbyists in addition to training and other public outreach. In effect, the office of the lobbyist registrar in Toronto operates in a fashion very similar to lobbyist registration offices for the federal and many provincial governments. The lobbyist registrar is part of the network of officials forming the lobbyist registrars and commissioners of Canada as a result, and recognizing that no other

municipalities have similar programs that the Toronto lobbyist registrar could refer to. The cost of the Toronto Office of the Lobbyist Registrar is approximately \$1 million.

### Lobbyist Code of Conduct

A review of lobbyist codes of conduct in Canada and the United States, and several inquiries made regarding this matter, including a lengthy discussion with Commission Counsel, has not provided an example of an environment where a lobbyist code of conduct operates without a lobbyist registry. Referring to the evidence of the expert panel, it appears that the intent of an independent lobbyist code of conduct then would be to provide an elevated level of awareness and understanding respecting what lobbyists should and should not do, rather than providing a comprehensive framework that would regulate the activity of lobbyists in a more fulsome way. As such, a lobbyist code of conduct by-law would be difficult to enforce because there is no practical way of confirming lobbyist activity. Dean Lorne Sossin suggests that consequential changes to the code of conduct for Members of Council when dealing with lobbyists would also be required if a lobbyist code of conduct is to be established (transcript of expert panel, December 16, 2010, p. 5954).

A copy of the Toronto Lobbyist Code of Conduct is attached as Appendix 3. The lobbyist code of conduct sets out standards of behaviour and requirements that lobbyists must follow in respect of disclosing the identity of the person on whose behalf they are acting, as well as the reason for the communications, being duly registered, identifying rules for communications respecting procurements or application approvals, identifying prohibited activities and confidentiality requirements, and avoiding improper influence. The lobbyist code of conduct and registration requirements do not apply to government or public sector individuals, not for profit organizations (subject to exceptions), or other individuals or organizations that are identified in the by-law.

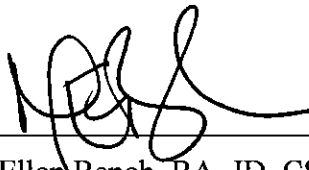
**FINANCIAL IMPACT:** N/A

**CONCLUSION:**

Commissioner Cunningham in his report on the Mississauga Judicial Inquiry titled "Updating the Ethical Infrastructure" made several recommendations respecting legislative change, the Code of Conduct and the role of the Integrity Commissioner. This report addresses the recommendations made by Commissioner Cunningham regarding the Code of Conduct, and seeks direction on these recommendations.

**ATTACHMENTS:**

Appendix 1: Chart from Judicial Inquiry Report – Next Steps  
Appendix 2: Code of Conduct Chart  
Appendix 3: Toronto Lobbyist Code of Conduct



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Mary Ellen Bench, BA, JD, CS  
City Solicitor

*Prepared By: Mary Ellen Bench, City Solicitor*

# APPENDIX 1

## RECOMMENDATIONS MADE BY COMMISSIONER CUNNINGHAM

ENERSOURCE			
Page	Recommendation Number	Summary of Recommendation	Comments
57	1	No informal Council meetings be allowed.	<p>The definition of "meeting" in s.238(1) of the <i>Municipal Act, 2001</i> captures informal meetings of Council, and in so doing requires minutes be kept and meetings be open (subject to the normal exceptions).</p> <p>Legislation no longer allows informal Council meetings and this recommendation is consistent with legislation.</p>
58	2	Minutes should be kept of in camera meetings of Council and distribution controlled to protect confidentiality.	s.239(7) of the <i>Municipal Act, 2001</i> requires a record be kept of all meetings of Council, whether closed or not. This recommendation is consistent with legislative requirements. The City's practice is that all minutes are part of the Council agenda.
59	3	The City Solicitor be involved in negotiations between the City and third parties from the outset and be kept informed at all stages.	This is consistent with current practice, and is reflected in the decision to move Legal Services to the Strategic Policy group and the City Manager's office.
59	4	Public officials should not certify personal familiarity with any document unless that statement is true in all respects.	The Commissioner concludes that requiring the Mayor to certify personal familiarity when she properly relied on staff to review agreements, was not reasonable. This type of certification by municipal officials, is uncommon. Current practice would not see this happen. It is the role of Legal Services to review and stamp agreements as to form. Legal Services will also execute comfort letters concerning authority to enter into such agreements, when required.

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Page	Recommendation Number	Summary of Recommendation	Comments
165	5	<p><b><u>Conflict of Interest</u></b></p> <p>Amend the <i>Municipal Act, 2001</i> to include a minimum term of appointment for an integrity commissioner to ensure security of tenure, and also that municipalities indemnify an integrity commissioner.</p>	<p>Provincial Action Required.</p> <p>Council's action is approving the appointment of an Integrity Commissioner for a five year term reflects a commitment to ensuring independence and appropriate tenure, as recommended by the Commissioner.</p>
166	6	<p>Amend s.223.8 of the <i>Municipal Act, 2001</i> to explicitly require an integrity commissioner to suspend all work relating to a matter that is proceeding before the courts.</p>	<p>Agree. Provincial Action Required.</p> <p>Investigation by an integrity commissioner and court proceedings should not be duplicated.</p>
167	7	<p>Add a preamble to the <i>Municipal Conflict of Interest Act (MCIA)</i> setting out broad overarching principles, as are in the <i>Members' of Integrity Act, 1994</i>.</p>	<p>Agree. Provincial Action Required.</p> <p>The principles found in the <i>Members' Integrity Act, 1994</i> as were discussed with Council by Commissioner Lynn Morrison, as was the role of an Integrity Commissioner.</p>
169	8	<p>Add a statement to the <i>MCIA</i> to strengthen the language around the interests of spouses, parents, children, siblings and other relatives.</p>	<p>Provincial Action Required.</p>
170	9	<p>Extend <i>MCIA</i> beyond pecuniary interests to include "private interests". Reconsider an apparent conflict standard only if lesser sanctions are adopted in the <i>MCIA</i>.</p>	<p>Agree. Provincial Action Required.</p>
171	10	<p>Extend the application of the <i>MCIA</i> to include all meetings attended by Members of Council in their official capacities, including meetings with developers.</p>	<p>Agree. Provincial Action Required.</p> <p>As noted by the Commissioner, case law has held that committee meetings are covered however, clarification would be helpful.</p>

Page	Recommendation Number	Summary of Recommendation	Comments
172	11	Add new lesser sanctions to the <i>MCIA</i> to allow and judge who finds a contravention to suspend, put on probation with oversight by the integrity commissioner or auditor, or public reprimand or apology removal as chair.	Agree. Provincial Action Required.  Current sanction of removal is very severe, and this recognizes the need for other penalties. The potential penalties proposed by the Commissioner remain more significant than the penalties that an integrity commissioner can impose.
172	12	Allow individuals and organizations demonstrably acting in the public interest, and the Attorney General, to bring applications under the <i>MCIA</i> in addition to electors.	Provincial Action Required.  Broadens who can be a public “watchdog” under the <i>MCIA</i> .
173	13	Amend <i>MCIA</i> to recognize the role of integrity commissioner to investigate and report on matters under the <i>MCIA</i> .	Agree. Provincial Action Required.  Avoids duplication.
173	14	Amend <i>MCIA</i> to provide explicit right for member of council to make submissions regarding a finding by an integrity commissioner or a penalty imposed.	Agree. Provincial Action Required.  Consistent with procedural fairness.
174	15	<b><u>Council of Code of Conduct</u></b>  Amend Code preamble to clearly identify underlying values. Instead of rules, set out strong statements, followed by a small number of general rules and more detailed commentary.	Dean Sossin’s comments in his testimony, in this respect are insightful and like all recommendations in this regard, will be considered by the committee when looking at amendments to the Code.
175	16	Replace Rule 1(b) with the following rules;  Members of Council should be committed to performing their functions with integrity. Members shall avoid the improper use of the influence of their office and shall avoid conflicts of interest, both apparent and real.	Commissioner Cunningham has recommended this change to strengthen the rule and clarify that the ban in the Code of Conduct is against both real and apparent conflicts.

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Page	Recommendation Number	Summary of Recommendation	Comments
		Members of Council shall not extend in the discharge of their official duties preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest.	
176	17	Include as commentary after the rules in Recommendation 16 "For greater clarity, this code does not prohibit members of Council from properly using their influence on behalf of constituents.	Question if potential businesses are constituents. The Council Committee will need to explore this further.
176	18	Clarify that the <i>MCIA</i> only takes precedence over the Code when an actual complaint is made under the <i>MCIA</i> .	Agreed.
177	19	Amend the Code to clarify that an integrity commissioner is to suspend any proceeding when a proceeding has been commenced regarding the same matter under the <i>MCIA</i> .	Agreed
177	20	Replace Rule 2 (gifts) with a clear statement that No inappropriate gifts are allowed "that would to a reasonable member of the public appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved."	Our Committee had felt there was a benefit to having a level of detail however, now that Members of Council have had time to work with the Code, this approach should be explored again.
177	21	Expand Rule 7 to clarify that members of council cannot make submissions to a municipal adjudicative body, such as a licensing tribunal on behalf of a member of their ward.	The concern expressed at the hearing was that councillors appoint tribunal members and therefore could appear to have improper influence.
178	22	Amend the code to provide clear guidelines for how municipal politicians may deal with lobbyists.	The expert panel felt lobbyists need to be addressed, but recognize that the Toronto model is expensive. Clarity around

Page	Recommendation Number	Summary of Recommendation	Comments
			what a lobbyist code of conduct without a registry to identify lobbyists would be helpful.
179	23	Amend the Code to provide that complaints under the Code be submitted directly to the integrity commissioner only. Amend Rule 18 to recognize the need to hear from a member before a critical report is adopted or a penalty is imposed and member of council.	The Committee recognized that the Integrity Commissioner will not always have an address to be reached at in the City, so had individual an option that mirrors the way complaints regarding closed meetings are handled, as set out in the <i>Municipal Act, 2001</i> . This is important to residents who do not have access to a computer.
181	24	<b><u>Office of the integrity commissioner</u></b>  The City should create a permanent office of integrity commissioner.	Clarification is required. We have always intended to have a permanent integrity commissioner. From the transcripts, this may mean a more full-time staff position with office space and support.
182	25	The Province require municipalities who create an office of integrity commissioner to identify a source for funding a potential inquiry in the event the integrity commissioner calls one.	Need to look at creating a reserve for this purpose
182	26	AMO create and fund a roster of potential integrity commissioners to provide assistance to municipalities on an on-call basis.	On September 8, 2011 Mayor McCallion received a reply from AMO advising that AMO/LAS have received several requests from municipalities to provide integrity commissioner services, but they have declined to do so.
182	27	Mississauga create a lobbyist code of conduct and that the integrity commissioner be given responsibility to oversee it and to educate third parties.	Would require an amendment to s.223.3 of the <i>Municipality Act, 2001</i> as the legislation currently authorizes an integrity commissioner to only have a role respecting the ethical conduct of members of council or committees. Would need to clarify that an integrity commissioner could also be appointed as a registrar for lobbying and can exercise those powers i.e. wear both hats.

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CONSIDERATIONS, OBSERVATIONS AND OTHER STEPS THAT MIGHT BE TAKEN			
Page	Recommendation Number	Summary of Recommendation	Comments
182	consideration	City Clerk could create a searchable database of all declared or know conflicts of interest, that could be posted on the City Website and accessible to third parties.	Query What is a "known" conflict as opposed to a declared conflict. The <i>MCLA</i> has properly placed responsibility for declaring conflicts on the elected official.
183	consideration	Municipalities could issue "comfort letters" to third parties in commercial transactions, respecting known or declared conflicts of interest. They could be provided by the city solicitor or city clerk.	Staff have concerns with this recommendation.  Comfort letters are most often issued to validate the legal entity executing an agreement and to validate authority of the signing officers, not for this purpose. There is a significant risk in asking staff to provide letters respecting "known" conflicts without a definition of what constitutes a known conflict. It could be very onerous to carry out the level of investigation necessary to do this, and without proper investigation, the letter becomes useless. Experience shows that disclaimer clauses will protect the City to a limited extent.
183	consideration	Amended the "Municipal Councillor's Guide" published by the Province to reflect a broader view of conflicts of interest, as reflected in this report.	Agree. Provincial Action Required.

Comparison of Current and Proposed Code of Conduct

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p><b>Council Code of Conduct April, 2011</b></p> <p>Whereas the <i>Municipal Act, 2001</i> authorizes municipalities to establish a <i>Code of Conduct</i> for Members of Council or local boards of the municipality;</p> <p>And whereas the establishment of a <i>Code of Conduct</i> for Members of Council is consistent with the principles of transparent and accountable government;</p> <p>And whereas the establishment of a <i>Code of Conduct</i> for Members of Council is also reflective of the City's core values of Trust, Quality and Excellence in public service;</p> <p>And whereas the elected officials of the City of Mississauga have and continue to recognize their obligation to serve their constituents in a conscientious and diligent manner recognizing that as leaders of the community, they are held to a higher standard of behaviour and conduct;</p> <p>And whereas ethics and integrity are at the core of public confidence in government and in the political process, and elected officials are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence, avoids the improper use of influence of their office and conflicts of interests, both apparent and real and the need to uphold both the letter and the spirit of the law including policies adopted by Council;</p>	<p><b>Recommendation 15, p.174</b></p> <p>I recommend that the preamble to the Mississauga Code be revised to clearly identify the values which underlie it and the mischief the scheme is set up to address. It may be counterproductive for the city to adopt a strict rules-based approach to the Code. Instead, the Mississauga Code should set out strong value statements, followed by a small number of general rules and more detailed commentary about those rules.</p>	<p>Clarification on the intentions of the Commissioner in respect of the difference between Principles in Rule 1 and Values to be clarified in the Preamble has been requested, and will be reported on once received. Currently these principles are set out in Rule 1 of the Code of Conduct. The Commissioner has not commented on the principles in Rule 1, except for Rule 1(b) however, Professor David Mullan, of the expert panel commented favourably on their placement.</p>

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>And whereas a <i>Code of Conduct</i> ensures that Members of Council share a common basis and understanding for acceptable conduct extending beyond the legislative provisions governing the conduct of Members of Council as set out in the <i>Municipal Act, 2001</i>; <i>Municipal Conflict of Interest Act</i>; <i>Municipal Elections Act, 1996</i>; and the <i>Municipal Freedom of Information and Protection of Privacy Act</i>.</p> <p>Now therefore the Council of the City of Mississauga adopts certain rules in the form of a Council <i>Code of Conduct</i> that further underscore the requirement that elected officials be independent, impartial, and duly responsible in serving their constituents.</p>		
<p><b><u>Application</u></b></p> <p>This <i>Code of Conduct</i> applies to the Mayor and all Members of Council ("Members")</p>		
<p><b><u>Framework and Interpretation</u></b></p> <p>1. The <i>Code of Conduct</i> is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document the Code of Conduct will be brought forward for review at the end of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues</p>		<p>Consistent with Recommendation 15 that the Code is a set of principles and values.</p>

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
to be a useful guide to Members of Council.		
2. Commentary and examples used in this <i>Code of Conduct</i> are illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document and supplementary materials may also be produced by the Integrity Commissioner as deemed appropriate.		
3. Where an elected official discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice provided by the Integrity Commissioner. The Integrity Commissioner will be bound by the advice given, as long as the facts remain unchanged, in the event that he or she is asked to investigate a complaint.		
4. Elected officials seeking clarification who are provided advice in a general way, cannot rely on advice given by the Integrity Commissioner to the same extent as advice given in respect of specific facts. Advice that is general in nature is subject to change when applied to specific facts that may not have been known at the time the general advice was provided.		
5. Elected Officials seeking clarification of any part of this <i>Code</i> should consult with the Integrity Commissioner.		

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>6. The <i>Municipal Act, 2001</i> is the primary piece of legislation governing municipalities however there are other statutes that govern the conduct of elected municipal officials. It is intended that the <i>Code of Conduct</i> operate together with and as a supplement to the following legislation:</p> <ul style="list-style-type: none"> <li>• <i>Municipal Act, 2001</i>;</li> <li>• <i>Municipal Conflict of Interest Act</i>;</li> <li>• <i>Municipal Elections Act, 1996</i>;</li> <li>• <i>Municipal Freedom of Information and Protection of Privacy Act</i>;</li> <li>• <i>Criminal Code of Canada</i>.</li> </ul>	<p><b>Recommendation 18, p. 176</b></p> <p>I recommend that the Mississauga Code clarify further that the <i>Municipal Conflict of Interest Act</i> (MCIA) takes precedence over the Mississauga Code only when an actual complaint is made under the MCIA involving the very same matter.</p>	<p>6. The <i>Municipal Act, 2001</i> is the primary piece of legislation governing municipalities however there are other statutes that govern the conduct of elected municipal officials. It is intended that the <i>Code of Conduct</i> operate together with and as a supplement to the following legislation:</p> <ul style="list-style-type: none"> <li>• <i>Municipal Act, 2001</i>;</li> <li>• <i>Municipal Conflict of Interest Act</i>;</li> <li>• <i>Municipal Elections Act, 1996</i>;</li> <li>• <i>Municipal Freedom of Information and Protection of Privacy Act</i>;</li> <li>• <i>Criminal Code of Canada</i>.</li> </ul> <p>Add:</p> <p>The Municipal Conflict of Interest Act takes precedence over the Code of Conduct only when an actual complaint is made under that legislation involving the very same matter.</p>
<p>7. In carrying out his or her responsibilities regarding the <i>Code of Conduct</i>, the Integrity Commissioner is not limited to looking at the pecuniary interest of the Member, and for clarity the Integrity Commissioner is specifically authorized to investigate issues of conflict in a broad and comprehensive manner.</p>	<p><b>Recommendation 19, p. 177</b></p> <p>I recommend that the Mississauga Code contain a provision requiring the integrity commissioner to suspend his or her own investigation or proceedings when a proceeding under the <i>Municipal Conflict of Interest Act</i> (MCIA) has been commenced with respect to the same matter, until the process under the MCIA has been completed.</p>	<p>7. In carrying out his or her responsibilities regarding the <i>Code of Conduct</i>, the Integrity Commissioner is not limited to looking at the pecuniary interest of the Member, and for clarity the Integrity Commissioner is specifically authorized to investigate issues of conflict in a broad and comprehensive manner.</p> <p>Add new:</p> <p>8. When a proceeding has been commenced under the</p>

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
		<p><i>Municipal Conflict of Interest Act</i> with respect to the same matter, the Integrity Commissioner shall suspend his or her investigation or proceeding until the process under the <i>Municipal Conflict of Interest Act</i> has been completed.</p>
<p><u>Definitions</u></p> <p>a. In the <i>Code of Conduct</i> the terms “child”, “parent” and “spouse” have the same meanings as in the <i>Municipal Conflict of Interest Act</i>:</p> <p>“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;</p> <p>“parent” means a parent who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;</p> <p>“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage;</p> <p>b. “Family Member” means a spouse, common-law partner, or any other person with whom the person is living as a spouse outside of marriage;</p>		<p>Commissioner Cunningham recommends that the references to “Family Member” and organizations with which Councillors are actively involved be replaced with more general language of a “reasonably well informed” person would conclude there was preferential treatment. This definition could therefore be deleted.</p>

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<ul style="list-style-type: none"> <li>child, includes step-child and grand-child;</li> <li>siblings.</li> </ul> <p>c. "Member" means a member of the Mississauga City Council, including the Mayor.</p> <p>d. "staff" includes the City Manager and Chief Administrative Officer, Commissioners, Directors, Managers, Supervisors and all non-union and union staff whether full-time, part-time, contract, seasonal or volunteers.</p> <p>e. "Nomination Day" means the last day for filing or withdrawing a nomination as provided for by the <i>Municipal Elections Act, 1996</i>.</p>		
<p><b>Rule No. 1</b></p> <p><b><u>Key Principles that Underlie the Code of Conduct:</u></b></p> <p>a. <b>Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.</b></p>		
<p><u>Commentary</u></p> <p>Members of Council recognize the public's right to reasonable access to information in relation to how decisions are made. The public's right to access however must be</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.</p>		
<p><b>b. Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members of Council shall not extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.</b></p>	<p><b>Recommendation 16, p. 175</b></p> <p>I recommend that the Mississauga Code be amended by replacing Rule No. 1(b) with the two following stand-alone rules:</p> <p>Members of Council should be committed to performing their functions with integrity, Members <b>shall avoid</b> the improper use of the influence of their office and <b>shall avoid</b> conflicts of interest, both apparent and real [emphasis added].</p> <p>Members of Council shall not extend in the discharge of their official duties preferential treatment to <b>any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest</b> [emphasis added].</p>	<p>Delete and replace with:</p> <p><b>b.</b> i. Members of Council should be committed to performing their functions with integrity, Members <b>shall avoid</b> the improper use of the influence of their office and <b>shall avoid</b> conflicts of interest, both apparent and real [emphasis added by Commissioner Cunningham].</p> <p>ii. Members of Council shall not extend in the discharge of their official duties preferential treatment to <b>any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was advancing a private interest</b> [emphasis added by Commissioner Cunningham].</p> <p>Replace "Family Member" with "family member"</p>
<p><u>Commentary</u></p> <p>Members of Council have a common understanding that in carrying out their duties as a Member of Council, they will not participate in activities that grant, or appear to grant, any</p>	<p><b>Recommendation 17, p. 176</b></p> <p>I recommend that Mississauga City Council include a commentary following these two stand-alone rules:</p>	<p>Replace "a Family Member or an" with "any"</p>



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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.</p> <p>Members of Council are governed by the <i>Municipal Conflict of Interest Act</i> and the provisions of that statute take precedence over any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the <i>Municipal Conflict of Interest Act</i>.</p>	<p>For greater clarity, this Code does not prohibit members of Council from properly using their influence on behalf of constituents.</p> <p>Commissioner Cunningham has adopted the recommendations of Professor Mullan that instead of being stand-alone rules, Rules number 1(d), (e), (f) and (g) should form commentary under the new Rule 1(b) because they are really examples of conduct covered by the new Rule 1(b)</p>	
	<p>This clarification is now in section 6.8 under Framework and Interpretation</p>	<p>Add:</p> <p><u>Commentary</u></p> <p>For great clarity this Code does not prohibit Members of Council from properly using their interest on behalf of constituents.</p>
<p><b>c. Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.</b></p>		<p>Commissioner Cunningham also recommends that Rules 1(d), (e), (f) and (g) should form commentary under the new Rule 1(b).</p> <p>The Commissioner agrees with Professor Mullan that these rules are really examples of the new Rule 1(b). They are meant to ensure that public officials act in the public interest, and not for personal gain.</p>

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p><u>Commentary</u></p> <p>Members of Council may seek conflict of interest advice, including a written opinion, from the Integrity Commissioner however, where members choose to seek external legal advice on conflict of interest issues, these fees will not be reimbursed by the City of Mississauga and cannot be charged to any office account.</p>		
<p><b>d. Members of Council shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.</b></p>		<p>Delete as Rules and move to Commentary under Rule 1(b).</p>
<p><b>e. Members of Council, while holding public office, shall not engage in the management of a business carried on by a corporation and shall not profit directly or indirectly from a business carried on by a corporation that does or has contracted with the City of Mississauga.</b></p>		<p>Delete as Rules and move to Commentary under Rule 1(b).</p>
<p><b>f. Despite subsection e., a Member of Council may hold office or directorship in an agency, board, commission or corporation where the Member has been appointed by City Council or by the Council of the Regional Municipality of Peel or by the Federal or Provincial government.</b></p>		<p>Delete as Rules and move to Commentary under Rule 1(b).</p>

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p><b>g. Despite subsection e., a Member of Council may hold office or directorship in a charitable, service or other not-for-profit corporation subject to the Member disclosing all material facts to the Integrity Commissioner and obtaining a written opinion from the Integrity Commissioner approving the activity, as carried out in the specified manner, which concludes that the Member does not have a conflict between his/her private interest and public duty. In circumstances where the Integrity Commissioner has given the Member a qualified opinion, the Member of Council may remedy the situation in the manner specified by the Integrity Commissioner.</b></p>		<p>Delete as Rules and move to Commentary under Rule 1(b).</p>
<p><u>Commentary</u></p> <p>Examples of exceptions include hospital boards, charitable boards, police services boards, community foundations, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, service clubs such as the Rotary Club, Lions Club and other not-for-profit organizations. Members should exercise caution if accepting such positions if the organization could be seeking a benefit or preferential treatment from the City at any time.</p>		
<p><b>h. Members of Council shall perform official duties and arrange their private affairs in a manner that</b></p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p><b>promotes public confidence and respect and will bear close public scrutiny.</b></p>		
<p><u>Commentary</u></p> <p>Members of Council shall not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to an individual which is not available to every other individual member of the public. For example, Members shall remain at arm's length when City staff or Council is asked to consider a matter involving a Family Member or a prominent supporter of the Member of Council.</p>		<p>Replace "Family Member" with "family member"</p>
<p><b>i. Members of Council shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and by City Council.</b></p>		
<p><u>Commentary</u></p> <p>The provisions of this <i>Code</i> are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour set out in current federal and provincial statutes.</p> <p>To ensure the <i>Code</i> remains a living document that will remain current and continue to be a beneficial guide, the <i>Code</i></p>		

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shall be brought forward for review at the end of each term of Council, with any changes to be implemented at the start of the following Council session.		
j. In fulfilling their roles as elected officials, Members of Council shall respect the role of staff in the administration of the business affairs of the City and in so doing will comply with the City's <i>Respectful Workplace</i> policy.		
<p><u>Commentary</u></p> <p>Decision-making authority lies with Council, and not with an individual Member. Members of Council recognize that it is the role of the officers and employees of the City to implement Council's decisions and to establish administrative practices and procedures to carry out Council's decisions. Council is the source of all legislative authority and will make decisions on whether and to what extent to delegate this authority to others, including the Mayor, committees and to staff. Only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information in order to fulfill its decision-making duties and oversight responsibilities however, individual Members of Council must also recognize that the information they receive in their capacity as elected officials, is subject to confidentiality and disclosure rules contained in federal and provincial legislation and City policies.</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p><b>Rule No. 2</b></p> <p><b><u>Gifts and Benefits:</u></b></p> <p>1. No Member shall accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of his/her duties of office unless permitted by the exceptions listed below. No Member shall accept the use of property or facilities, such as a vehicle, office or vacation property at less than reasonable market value or at no cost.</p> <p>For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to a Family Member or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties, is deemed to be a gift to that Member.</p> <p>The following are recognized as exceptions:</p> <ol style="list-style-type: none"> <li>compensation authorized by law;</li> <li>such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;</li> <li>a political contribution otherwise reported by law, in the case of Members running for office;</li> <li>services provided without compensation by</li> </ol>	<p><b>Recommendation 20, p. 177</b></p> <p>Rule No. 2 of the Mississauga Code, which addresses the permissibility of a councillor accepting gifts and benefits, contains a fairly detailed list of exceptions. I recommend that, instead of setting out such a list, an overarching principle be articulated in the Mississauga Code: No inappropriate gifts are allowed "that would to a reasonable member of the public appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved." The simplicity of such a rule is attractive, and it could be supplemented with a detailed commentary, as well as future "cases" decided by the integrity commissioner.</p>	<p>The Commissioner has found that the intention of this Rule could be clarified if it was set out as a simple statement of principle, instead of a detailed list of what is and is not acceptable. He did see benefit in having detailed commentary in respect of what is and is not acceptable that would be updated whenever the Integrity Commissioner rules on a relevant matter.</p> <p>Committee could consider whether the current rules should be turned into examples, or whether the level of detail is still too great.</p> <p>Replace "Family Member" in paragraph 2 with "family member"</p>

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<p>persons volunteering their time;</p> <p>e. a suitable memento of a function honouring the Member;</p> <p>f. food, lodging, transportation and entertainment provided by Provincial, Regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;</p> <p>g. food and beverages consumed at banquets, receptions or similar events, if:</p> <ul style="list-style-type: none"> <li>i. attendance serves a legitimate business purpose;</li> <li>ii. the person extending the invitation or a representative of the organization is in attendance; and</li> <li>iii. the value is reasonable and the invitations infrequent;</li> </ul> <p>h. communication to the offices of a Member, including subscriptions to newspapers, and periodicals; and</p> <p>i. sponsorships and donations for community events organized or run by a Member or by a third party on behalf of a Member and subject to the limitations set out in the <i>Code of Conduct</i> respecting Council Member-organized community events, where all costs are incurred and where all</p>		

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such events occur on or before Nomination Day.		
<p><u>Commentary</u></p> <p>Members should be transparent in their dealings with the public, and neither a Member of Council or the City should handle funds on behalf of any organizations. Members should remain at arm's length from the financial aspects of these events and initiatives.</p> <ul style="list-style-type: none"> <li>a) Members may use their office expense budget to run or support local charities and community events subject to the terms of the <i>Elected Officials' Expenses</i> policy;</li> <li>b) Members may urge constituents, businesses and other groups to support community events put on by others in the Member's ward or elsewhere in the City;</li> <li>c) Members may work with community groups to assist them in finding sponsors and participants to support community events put on by the community group in the Member's ward or elsewhere in the City.</li> <li>d) Members may play an advisory or membership role in any organization that holds community events in the Member's ward; and</li> <li>e) Members may collaborate with the City and its agencies to hold community events and may participate in the</li> </ul>		

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City's Festival Funding Review Committee and other events approved by City Council.		
<p>2. In the case of exceptions claimed under categories 1. b, e, f, g, h and i,</p> <p>a) where the value of the gift or benefit exceeds \$500, or if the total value received from any one source during the course of a calendar year exceeds \$500, the Members shall within 30 days of receipt of the gift or reaching the annual limit, list the gift or benefit on a Councillor Information Statement in a form prescribed by the Integrity Commissioner, and file it with the Integrity Commissioner.</p> <p>b) Subsection a) does not apply to the receipt of up to two tickets to a dinner or fundraising, as long as the Member is attending only one such event with the same individual or corporation within any calendar year.</p> <p>c) For clarification, Members are authorized to receive gifts, mementos and benefits which are common to receive in the normal course of fulfilling their duties. Members are not obliged to list on a Councillor Information Statement or anywhere else, a record of their receipt, unless the total value of such gifts or benefits received from any one source in a calendar year exceeds \$500.</p>		

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<p>3. On receiving a Councillor Information Statement, the Integrity Commissioner shall examine it to determine whether the receipt of the gift or benefit might, in the opinion of the Integrity Commissioner, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, he/she shall call upon the Member to justify receipt of the gift or benefit.</p>		
<p>4. Should the Integrity Commissioner determine the receipt was inappropriate, the Integrity Commissioner may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or the Integrity Commissioner may order the Member to forfeit the gift or remit the value of any gift or benefit already consumed to the City, or a City agency, board or commission. Any such direction ordered by the Integrity Commissioner shall be a matter of public record.</p>		
<p>5. Beginning April 30, 2011 and quarterly thereafter, each Member shall file a Councillor Information Statement with Integrity Commissioner and all such statements shall be a matter of public record.</p>		

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<p><u>Commentary</u></p> <p>Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and is considered part of their role. Business-related entertainment and gift-giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.</p> <p>The practical problems that nominal gifts and benefits create require a <i>Code of Conduct</i> that provides clarity and transparency. Personal integrity and sound business practices require that relationships with developers, vendors, contractors or others doing business with the City be such that no Member of Council is perceived as showing favouritism or bias toward the giver. There will never be a perfect solution.</p> <p>Each Member of Council is individually accountable to the public and is encouraged to keep a list of all gifts and benefits received from individuals, firms or associations, with estimated values, in their offices for review by the Integrity Commissioner in the event of a complaint.</p> <p>Those gifts or benefits that exceed \$500 or the annual limit of \$500 for one source, need to be kept on a form prescribed by the Integrity Commissioner and filed with the Integrity</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>Commissioner on a quarterly basis to ensure transparency.</p> <p>Examples of gifts that are required to be listed on the Councillor Information Statement may include:</p> <ul style="list-style-type: none"> <li>i) property (i.e. a book, flowers, gift basket, painting or sculpture, furniture, wine);</li> <li>ii) membership in a club or other organization (i.e. a golf club) at a reduced rate or at no cost;</li> <li>iii) an invitation to and/or tickets to attend an event (i.e. a sports event, concert, play) at a reduced rate or no cost;</li> <li>iv) or an invitation to attend a gala or fundraising event at a reduced rate or at no cost.</li> </ul> <p>Use of real estate or significant assets or facilities (i.e. a vehicle, office, vacation property) at a reduced rate or at no cost is not an acceptable gift or benefit. Having said that, it has to be recognized that Members of Council will have friends and will develop friendships with individuals who may from time to time have business relationships that will involve the City in some way. The purpose of the <i>Code</i> is not to prohibit Members from accepting all invitations to socialize at a vacation property of personal friends.</p> <p>Proper caution and diligence must however be exercised when a social function occurs within close proximity to the individual having an issue before City Council or staff for approval. It is always prudent to consult with the Integrity Commissioner before accepting or attending at any such</p>		

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<p>engagements.</p> <p>Any doubts about the propriety of a gift should be resolved in favour of not accepting it or not keeping it. It may be helpful to consult with the Integrity Commissioner when a Member chooses to decline a gift as well as when a recipient may opt to keep a gift.</p> <p>An invitation to attend a function where the invitation is directly or indirectly with the Member's duties of office is not considered to be a gift but is the fulfillment of an official function or duty. An invitation to attend a function with a developer or supplier, however, could be seen as allowing the giver an opportunity to influence the elected official. Such invitations should only be accepted if the invitation is within the scope of permissible gifts and benefits, meaning that Members should not consistently accept invitations from the same individual or corporation and should avoid any appearance of favouritism.</p> <p>For clarification, an invitation to an event celebrating the successful completion of a development or project or the opening of a new business within the Member's ward on the other hand could serve a legitimate business purpose and be seen as part of the responsibilities of office provided the person extending the invitation or that person's representative is in attendance.</p> <p>An invitation to attend a charity golf tournament or fund-</p>		

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<p>raising gala, provided the Member of Council is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Likewise, accepting invitations to professional sports events, concerts or dinners may serve a legitimate business purpose. Where a Member is uncertain in regards to whether an invitation is or is not appropriate, it may be prudent to consult with the Integrity Commissioner before attending any such event.</p> <p>Regular invitations to lunch or dinner with persons who are considered friends of Members of Council is acceptable in situations where the Member pays their portion of the meal expense <u>and</u> treats it as a personal expense, meaning a claim is not made under the <i>Elected Officials' Expenses</i> policy. Proper caution and diligence not to discuss matters before the City for a decision must be exercised at all times. Again, when in doubt it is prudent to consult with the Integrity Commissioner.</p>		
<p><b>Rule No. 3</b></p> <p><b><u>Councillor Expenses:</u></b></p> <p><b>There are a range of expenses that support a Member's role in community development and engagement activities within their ward. For federal and provincial elected officials, these expenses are often paid for by Riding Association funds. Municipal elected officials do not have</b></p>	No Recommendations	<p>It is recommended to defer consideration of amending this Rule until such time as the Commissioner of Corporate Services and Treasurer has reported to City Council on revisions to the Councillor Expense Policy.</p>

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<p>this benefit. Subject to the <i>Elected Officials' Expenses</i> policy, this section of the Council <i>Code of Conduct</i> deals with community expense-events, will indicate allowable expenses for reimbursement and provide guidelines for Members of Council respecting community expenses related to a Member's role in community development, and reflecting which expenses are eligible for reimbursement from a Member's office expense budget.</p> <ol style="list-style-type: none"> <li>1. Raffle tickets, table prize tickets and other gaming tickets are not eligible for reimbursement.</li> <li>2. Sponsorship of teams or individuals, such as the provision of uniforms or equipment, are not eligible for reimbursement.</li> <li>3. Expenses incurred by Members working during normal meal periods serve a legitimate public duty purpose, provided that the expenses incurred are reasonable and appropriate in the circumstances. Reasonable and appropriate expenses are those that are incurred for an official duty or function; are modest and represent the prudent use of public funds; and do not involve the purchase of alcoholic beverages.</li> <li>4. Official duties or functions include those activities that are reasonably related to a Member's office, and must take into consideration the different interests, the diverse profiles of their wards, their different roles on</li> </ol>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>committees, agencies, boards and commissions. Municipal elected officials will be expected or required to extend hospitality to external parties as part of their official duties and functions, and it is legitimate for expenses to be incurred for this purpose. It is legitimate for Members to incur hospitality expenses for meetings that include:</p> <ul style="list-style-type: none"> <li>a. engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;</li> <li>b. providing persons from national, international and charitable organizations with an understanding and appreciation of the City of Mississauga or the workings of its municipal government;</li> <li>c. honouring persons from the City of Mississauga in recognition of exceptional public service and staff appreciation events;</li> <li>d. recognition events for various agencies, boards and commissions of the City;</li> <li>e. ratepayers associations, minor league sports associations and other community groups.</li> </ul>		

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<p>5. Hospitality expenses may be incurred while extending hospitality in the course of travelling on a duty or function or as a Member of Council, provided the expenses are reasonable and appropriate in the circumstances.</p> <p>6. As community leaders, Members may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups monies raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group and Members of Council should not handle any funds on behalf of such organizations.</p> <p>Members of Council routinely perform important work in supporting charitable causes and in so doing, there is a need for transparency respecting the Member's involvement. The following guidelines shall apply:</p> <p>a. Members of Council should not directly or indirectly manage or control any monies received relating to community or charitable organizations fundraising;</p> <p>b. Members of Council or persons acting on behalf of a Member shall not solicit or accept support in any form from an individual, group or corporation,</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>with any pending significant planning, conversion or demolition variance application or procurement proposal before City Council, which the Member knew or ought to have known about.</p> <p>c. With reference to member-organized community events, Members of Council must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event.</p> <p>d. Where a Member of Council sponsors and/or lends support to a community or charitable event, this <i>Code</i> recognizes that all donations are subject to the <i>Elected Officials' Expenses</i> policy.</p> <p>e. No donation cheques should be made payable to a Member of Council or to the City of Mississauga. Members of Council may only accept donation cheques made payable to a Business Improvement Association, charity or community group and only for the purpose of passing the cheques on to such group.</p> <p>f. Members of Council should not handle any cash on behalf of any charitable organization, not-for-profit or community group, and should always remain at arm's length from the financial aspects of these community and external events. If a</p>		

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<p>Member of Council agrees to fundraise on behalf of a charity or community group, the Member should ensure that payment is received by a means that does not involve cash, including bank draft, money order, credit card or cheque made payable to the applicable group or organization.</p> <p>7. Nothing included herein affects the entitlement of a Member of Council to:</p> <ul style="list-style-type: none"> <li>i) use the Member's office expense budget to run or support community events subject to the terms of the <i>Elected Officials' Expenses</i> policy section relating to Community Expense events;</li> <li>ii) urge constituents, businesses or other groups to support community events and advance the needs of a charitable organization put on by others in the Member's ward or elsewhere in the City;</li> <li>iii) play an advisory ex officio, honorary or membership role in any charitable or non-profit organization that holds community events in the Members' ward; and</li> <li>iv) collaborate with the City of Mississauga and its agencies, boards or commissions to hold community events.</li> </ul>		

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<p><u>Commentary</u></p> <p>By virtue of the office, Members of Council will be called upon to assist various charities, service clubs and other non-profits as well as community associations, by accepting an honorary role in the organization, lending their name or support to it or assisting in fundraising. Transparency and accountability are best achieved in today's era by encouraging contributors to make donations to such organizations on-line through a website or where that is not possible through a cheque made payable directly to the organization. Cash should never be accepted.</p>		
<p><b>Rule No. 4</b></p> <p><u>Confidential Information:</u></p> <p>Confidential Information includes information in the possession of, or received in confidence by, the City of Mississauga that the City is either prohibited from disclosing, or is required to refuse to disclose, under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> ("MFIPPA"), or any other legislation.</p> <p>MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.</p>	No Recommendations	

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<p>The <i>Municipal Act, 2001</i> allows information that concerns personnel, labour relations, litigation, property acquisitions and security of the property of the City or a local board, and matters authorized in other legislation including MFIPPA, to remain confidential. For the purposes of the <i>Code of Conduct</i>, "confidential information" includes this type of information.</p> <p>1. As elected officials, Members of Council will receive highly sensitive and confidential information concerning residents who need their assistance. This is consistent with the nature of the Members' duties. In accordance with the City's <i>Elected Officials' Records</i> policy, Councillor constituency records are at all times under the control of the Member and are not subject to any municipal disclosure requirements.</p>		
<p>2. The following are examples of the types of information that a Member of Council must keep confidential:</p> <ul style="list-style-type: none"> <li>• items under litigation, negotiation, or personnel matters;</li> <li>• information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);</li> <li>• price schedules in contract tender or request for proposal submissions if so specified;</li> <li>• information deemed to be "personal information"</li> </ul>		

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<p>under the <i>Municipal Conflict of Interest Act</i>; and</p> <ul style="list-style-type: none"> <li>• statistical data required by law not to be released (e.g. certain census or assessment data)</li> </ul>		
<p>3. Where it is clear that a communication was not made in a confidential manner (i.e. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labelling it "Confidential", such communication will not be given any higher level of confidentiality than any other communication. The words "Privilege", "Confidential" or "Private" will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication.</p>		
<p>4. Under the <i>Council Procedure By-law</i>, a matter that has been discussed at an <i>in-camera</i> (closed) meeting remains confidential, until such time as a condition renders the matter public.</p> <p>a. No Member shall disclose the content of any such matter, or the substance of deliberations, of the <i>in-camera</i> meeting until the Council or Committee discusses the information at a meeting that is open to the public or releases the information to the public.</p>		

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<p>b. No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by law or authorized by Council to do so.</p> <p>c. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. For example, no Member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.</p> <p>d. Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and is not prohibited by Council policy.</p>		
<p><b>Rule No. 5</b></p> <p><b><u>Use of City Staff, Property, Services and Other Resources:</u></b></p> <p>1. No Member shall use for personal purposes any City staff services, property, equipment, services, supplies, websites, webboards, or other City-owned materials, other than for purposes connected with the discharge of City duties.</p>	<p>No Recommendations</p>	

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<p>2. No Member shall obtain personal financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations or any other item capable of being patented. Members acknowledge and do not dispute that all such property remains exclusively that of the City of Mississauga.</p>		
<p>3. No Member shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his or her official duties.</p>		
<p><u>Commentary</u></p> <p>Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their City duties as public officials. While most of this property is provided within the confines of their office, much of it is transportable or may be provided for home use, given the nature of the demands placed on Members in carrying out their duties and in recognition of the fact that the City does not provide constituency offices to Members of Council. Members are held to a higher standard of behaviour and conduct and therefore should not use such property for any purpose other than for carrying out their official duties. For clarity, this Rule is intended to prohibit the use of City resources for purposes such as running a home business. It is not intended to prohibit occasional personal</p>		

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<p>use, but it should be subject to practical limitations.</p> <p>Careful attention should be given to the provisions of the City's <i>Elected Officials' Expenses</i> policy which identifies approvable allowable expenses. During election campaigns, the provisions of rules 6 and 7 will apply.</p>		
<p><b>4. No Member shall use the services of City staff, or make requests for document or information from City staff, unless such information is required for the purpose of carrying out their duties as public officials.</b></p>		
<p><b>Rule No. 6</b></p> <p><b><u>Election Campaigns:</u></b></p> <p><b>1. Members are required to follow the provisions of the <i>Municipal Elections Act, 1996</i> and Members are accountable under the provisions of that statute.</b></p>	<p>No Recommendations</p>	
<p><b><u>Commentary</u></b></p> <p>Staff should not interpret or provide advice to Members regarding the requirements placed on candidates for municipal office.</p>		
<p><b>2. No Member shall use the facilities, equipment, supplies, services or other resources of the City</b></p>		

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

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<p><b>polling station.</b></p>		
<p><u>Commentary</u></p> <p>The restriction on booking facilities ensures election-related functions, or those that could appear to be election-related, will not occur at any time there is an advance or regular poll at the facility. The need to set up in advance means that election night parties cannot be held in the same facilities that polling stations are located in. Members should not authorize any event that could be perceived as the City providing them with an advantage over other candidates.</p> <p>It is the personal responsibility of Members to ensure that any use of facilities or the services of municipal staff are carried out in accordance with applicable legislation. Staff are not responsible for monitoring and advising Members or any other candidates, in this regard.</p>		
<p><b>5. Members shall be respectful of the role of the City Clerk in managing the municipal election process and meeting all statutory requirements in respect thereof. The Clerk must ensure all candidates are treated equally and no candidate for elected office should interfere with how the Clerk carries out these duties.</b></p>		
<p><u>Commentary</u></p> <p>The <i>Municipal Elections Act, 1996</i> clearly states that it is the</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
responsibility of the City Clerk to conduct the election and take all necessary actions to ensure municipal elections meet all statutory requirements.		
<b>6. No Members shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.</b>		
<b>Rule No. 7</b> <b><u>Improper Use of Influence:</u></b> <b>1. No member shall use the influence of his or her office for any purpose other than for the exercise of his/her official duties.</b>	Commissioner Cunningham has recommended that the commentary under the Rule be expanded to say that Members of Council cannot make submissions to a municipal adjudicative body, such as a licensing tribunal, on behalf of a member of their ward.	
<u>Commentary</u> <p>Examples of prohibited conduct are the use of one's status as a Member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's Family Member, or friends. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of a future advantage through a Member's supposed influence within Council in return for present actions or inaction.</p>		Replace "Family Member" with "family member".

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>2. Pursuant to corporate policy, the City Manager and Chief Administrative Officer directs City Commissioners, who in turn direct City staff. City Council and not individual Members of Council appropriately give direction to the City administration.</p>		
<p>Rule No. 8</p> <p><u>Business Relations:</u></p> <p>1. No Member shall allow the prospect of his/her future employment by a person or entity to affect the performance of his/her duties to the City, detrimentally or otherwise.</p>	<p>No Recommendations</p>	
<p>2. No Member shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publically traded and who is regularly in the business of lending money, such as a credit union.</p>		
<p>3. No Member shall act as a paid agent before Council or a committee of Council or any agency, board or committee of the City.</p>		
<p>4. No Member shall refer a third party to a person, partnership or corporation in exchange for payment</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
or other personal benefit.		
<p>Rule No. 9</p> <p><b><u>Conduct of Council at Committee Meetings and When Representing the City:</u></b></p> <p><b>1. Members shall conduct themselves at Council and committee meetings with decorum in accordance with the provisions of the <i>Council Procedure By-law</i>.</b></p>	No Recommendations	
<p><u>Commentary</u></p> <p>A Member recognizes the importance of cooperation and strives to create an atmosphere during Council and committee meetings that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behaviour in relation to all of those in attendance.</p>		
<p><b>2. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session, and in so doing, allow the public to view the process</b></p>		

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>and rationale which was used to reach decisions and the reasons for taking certain actions.</p>		
<p><u>Commentary</u></p> <p>Various statutes, the <i>Council Procedure By-law</i> and decisions by courts and quasi-judicial tribunals including the Information and Privacy Commission, establish when City Council can discuss issues in closed session. Transparency requires that Council apply these rules narrowly so as to best ensure that decisions are held in public session as often as possible. Unless prohibited by law, Members should clearly identify to the public how a decision was reached and the rationale for so doing.</p>		
<p><b>3. Members shall make every effort to participate diligently in the activities of the committees, agencies, boards, commissions and advisory committees to which they are appointed by the City or by virtue of being an elected official.</b></p>		
<p><u>Commentary</u></p> <p>Individual Members are appointed to committees, agencies, boards and commissions based on their various backgrounds and their ability to contribute to matters before them, bringing</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
their expertise and experience.		
<p>4. Given that Council and committee meetings are scheduled far in advance to accommodate the many activities of elected office of a Member, to participate diligently means that a Member shall not be absent from Council or committee meetings, or from those of agencies, boards and commissions to which they are appointed by virtue of their status as a Member, without reasonable justification (for example, illness of the Member, family circumstance, Regional business) for more than three consecutive scheduled meetings or on a regular basis.</p>		
<p><b>Rule No. 10</b></p> <p><b><u>Media Communications:</u></b></p> <p>1. Members of Council will accurately communicate the decisions of Mississauga City Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.</p>	No Recommendations	
<p>2. Members of Council will keep confidential information confidential, until such time as the matter can properly be made public.</p>		

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p><u>Commentary</u></p> <p>A Member may state that he/she did not support a decision, or voted against the decision. A Member should refrain from making disparaging comments about other Members of Council or about Council's processes and decisions.</p> <p>When communicating with the media, a Member should at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions as a Member of Council.</p> <p>While openness in government is critical, governments also must respect confidentiality when a matter must remain, at least for a period of time, confidential. Breaches of confidentiality by Members erodes public confidence.</p>		
<p><b>Rule No. 11</b></p> <p><b><u>Respect for the City and its By-laws and Policies:</u></b></p> <p><b>1. Members shall encourage public respect for the City and its by-laws.</b></p>	<p>No Recommendations</p>	
<p><u>Commentary</u></p> <p>A Councillor must not encourage disobedience of a City by-law in responding to a member of the public, as this undermines confidence in the City and in the Rule of Law.</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>2. Members shall conduct themselves with appropriate decorum at all times.</p>		
<p><u>Commentary</u></p> <p>As leaders in the community, Members are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.</p>		
<p><b>Rule No. 12</b></p> <p><b><u>Respectful Workplace Policy:</u></b></p> <p>1. Members are governed by the City's <i>Respectful Workplace</i> policy. All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.</p>	No Recommendations	
<p>2. Upon receipt of a complaint that relates to the City's <i>Respectful Workplace</i> policy and involves a Member, the Integrity Commissioner shall forward the</p>		

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>information subject to the complaint to Human Resources who will refer it for an independent investigation.</p>		
<p><u>Commentary</u></p> <p>It is the policy of the City of Mississauga that all persons be treated fairly in the workplace in an environment free of discrimination or personal and sexual harassment.</p> <p>The City of Mississauga's <i>Respectful Workplace</i> policy ensures a safe and respectful workplace environment and provides for the appropriate management of any occurrences of harassment and discrimination as those terms are defined in the policy.</p> <p>The City of Mississauga's <i>Respectful Workplace</i> policy applies equally to members of staff and Members of Council. It will provide guidance to an independent investigator when a complaint is received involving a Member.</p>		
<p>3. Upon receipt of the findings of the independent investigator, the Integrity Commissioner shall make a determination on the application of this <i>Code of Conduct</i> and the merits of the investigation respecting the conduct of the Member subject to the complaint. The findings of the Integrity Commissioner shall be reported to City Council as per the normal procedure respecting such matters.</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
4. The <i>Ontario Human Rights Code</i> applies in addition to the City's <i>Respectful Workplace</i> policy.		
<p>Rule No. 13</p> <p><u>Conduct Respecting Staff:</u></p> <p>1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.</p>	No Recommendations	
2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.		
3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.		
4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the City.		

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p><u>Commentary</u></p> <p>Under the direction of the City Manager, staff serve the Council as a whole, and the combined interests of all Members as evidenced through the decisions of Council. Only Council as a whole has the authority to approve budget, policy, committee processes and other matters. Accordingly, Members shall direct requests outside of Council-approved budget, process or policy, to the Budget Committee or directly to Council.</p> <p>In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles include dealing with constituents and the general public, participating as standing committee members and as chairs of standing committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff in both the carrying out of their responsibilities and in dealing with the Council. Staff are expected to provide information to Members that they are entitled to. City staff are accountable to the City Manager who is accountable to City Council. Sometimes the line between staff duties and activities that are political in nature is not clear. Members of Council must respect the difference between the two in making requests of staff.</p>		

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>Members of Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalty of persons in power, or their personal opinions.</p> <p>The City's <i>Respectful Workplace</i> policy applies to Members of Council. Staff and Members of Council are all entitled to be treated with respect and dignity in the workplace.</p>		
<p>5. It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager. Any such attempts should be reported to the Integrity Commissioner.</p>		
<p>Rule No. 14</p> <p><u>Employment of Council Relatives/Family Members:</u></p> <p>1. No Member shall attempt to influence the outcome, or to influence any City employee to hire or promote a Family Member.</p>	No Recommendations	<p>Replace "Family Member" with "family member"</p>

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
2. No Members shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any Family Member.		Replace "Family Member" with "family member"
3. No Member shall supervise a Family Member, or be placed in a position of influence over a Family Member.		Replace "Family Member" with "family member"
4. No Member shall attempt to use a family relationship for his or her personal benefit or gain.		
5. Every Member shall adhere to the City's <i>Candidate Selection Process</i> policy.		
<u>Commentary</u>  If a Family Member of a Councillor is an applicant for employment with the City or is a candidate for promotion or transfer, the Family Member will proceed through the usual selection process pursuant to the City's hiring policies, with no special consideration.		Replace "Family Member" with "family member"
<b>Rule No. 15</b>  <b><u>Failure to Adhere to Council Policies and Procedures:</u></b>  1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to	No Recommendations	

Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
them.		
<u>Commentary</u>  Members of Council are required to observe the policies and procedures established by City Council at all times, and are directed to pay special attention to, and comply strictly with, the <i>Council Procedure By-law</i> and the <i>Elected Officials' Expenses</i> policy. In exceptional circumstances, a Member may request Council grant an exemption from any policy.		
<b>Rule No. 16</b>  <u>Reprisals and Obstruction:</u>  1. It is a violation of the <i>Code of Conduct</i> to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.	No Recommendations	
2. No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the <i>Code of Conduct</i> , or against a person who provides information to the Integrity Commissioner in any investigation.		
3. It is also a violation of the <i>Code of Conduct</i> to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where		

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Current Code of Conduct	Commissioner's Recommendations and Related Drafting Comments	Proposed Code of Conduct Changes
<p>the Integrity Commissioner has determined there has been a violation of the <i>Code of Conduct</i>, impose either of two penalties:</p> <ul style="list-style-type: none"> <li>i) a reprimand; or</li> <li>ii) suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days</li> </ul>		
<p>2. The Integrity Commissioner may also recommend that Council take the following actions:</p> <ul style="list-style-type: none"> <li>i) removal from membership of a committee;</li> <li>ii) removal as chair of a committee;</li> <li>iii) repayment or reimbursement of monies received;</li> <li>iv) return of property or reimbursement of its value;</li> <li>v) a written and/or verbal request for an apology to Council, the complainant, or both.</li> </ul>		
<p><u>Commentary</u></p> <p>Members are accountable to the public through the election process. Between elections they may become disqualified and lose their seat if convicted of an offence under the <i>Criminal Code of Canada</i> or for failing to declare a conflict of personal interest under the <i>Municipal Conflict of Interest Act</i>, or for certain violations of the <i>Municipal Elections Act, 1996</i>.</p>		

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

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LOBBYING

§ 140-37

- C. If the Registrar refuses to accept, suspends or revokes a return or other document under Subsection A or B, the Registrar shall inform the individual who submitted it of the refusal, suspension or revocation and the reason for the refusal, suspension or revocation in the manner that the Registrar determines.
- D. Despite the provisions of this chapter respecting times for filing a return or submitting another document, if a return or other document is refused by the Registrar under Subsection A and the individual cannot reasonably submit another by the time set out in this chapter for filing or submitting it, the Registrar shall provide the individual with a reasonable extension of time to file another return or submit another document.

**§ 140-37. Removal from registry.**

- A. The Registrar may remove a return from the registry if the individual who filed the return:
  - (1) Fails to advise the Registrar of changes to information contained in the return or the contact information provided to the Registrar within the period required by § 140-17 or 140-24;
  - (2) Fails to give the Registrar any additional information or contact information requested relating to the return within the period specified by § 140-16, 140-18, 140-23 or 140-25; or
  - (3) Fails to advise the Registrar of the matters required by § 140-19 or 140-26 within the period required by the section.
- B. When a return is removed from the registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this chapter, not to have filed the return.

ARTICLE VI  
**Lobbyists' Code of Conduct****§ 140-38. Standard of behaviour.**

- A. Lobbyists shall comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this article when lobbying public office holders.
- B. Lobbyists shall observe and comply with the highest ethical and professional standards.
- C. The Code of Conduct in this article sets out minimum standards of behaviour for lobbyists in their dealings with the City government, including local boards and public office holders.

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LOBBYING

§ 140-39

**§ 140-39. Honesty.**

Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

**§ 140-40. Disclosure of identity and purpose.**

- A. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.
- B. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

**§ 140-41. Compliance with policies restricting communication.**

- A. Lobbyists shall not communicate in relation to a procurement process except as permitted by applicable procurement policies and procurement documents.
- B. Lobbyists shall not communicate in relation to an application for approval and the associated review process, except as permitted by applicable policies and procedures.

**§ 140-42. Prohibited activities.**

- A. Lobbyists shall not undertake to lobby in a form or manner that includes offering, providing or bestowing entertainment, gifts, meals, trips or favours of any kind.
- B. Lobbyists shall not request public office holders to endorse or recommend their services.
- C. Lobbyists shall not conduct lobbying activities at a charitable event, community or civic event, or similar public gathering.

**§ 140-43. Information; confidentiality.**

- A. Lobbyists shall inform their client, employer or organization of the obligations under this chapter.
- B. Lobbyists shall provide information that is accurate and factual to public office holders.
- C. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

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LOBBYING

§ 140-44

- D. Lobbyists shall be open and frank about their lobbying activities, while respecting confidentiality.
- E. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- F. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

**§ 140-44. Competing interests.**

- A. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- B. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

**§ 140-45. Improper influence.**

- A. Lobbyists shall avoid both the deed and the appearance of impropriety.
- B. Lobbyists shall not place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.
- C. Lobbyists shall not propose or undertake any action that would bestow an improper benefit or constitute an improper influence on a public office holder.

ARTICLE VII  
**Offences and Penalties**

**§ 140-46. Offences.**

**[Amended 2008-01-30 by By-law No. 87-2008<sup>77</sup>]**

Every person who contravenes a provision of this chapter is guilty of an offence.

**§ 140-47. Penalty.**

Every person convicted of an offence under this chapter is liable on a first conviction to a fine of not more than \$25,000 and on each subsequent conviction to a fine of not more than \$100,000.

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<sup>77</sup> Editor's Note: This by-law came into force 2008-02-11.

# Corporate Policy and Procedure



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4.

TAB: FINANCE AND ACCOUNTING  
SECTION: BUSINESS EXPENSES  
SUBJECT: ELECTED OFFICIALS' EXPENSES

**Governance Committee**

**JAN 23 2017**

**POLICY STATEMENT** Expenses incurred by elected officials, while acting as members of Council, are paid by the City.

**PURPOSE** Elected officials are accountable to the public, and are responsible for ensuring that their expenses are reasonable, appropriate, and within budgeted amounts.

This policy establishes the types of expenses which will be paid by the City and specific restrictions which apply to those expenses, and identifies those expenses which will not be paid by the City.

**SCOPE** This policy applies to all expenses incurred annually, unless otherwise noted in this policy, by the Mayor and councillors while conducting official City business and performing their duties as elected officials. Expenses are classified as either current budget expenses or capital budget expenses.

**Elected Officials' Salaries and Support Staff** This policy does not apply to elected officials' salaries and related payroll costs, or to expenses incurred by elected officials' support staff (wages, salaries and related payroll costs, mileage, staff training and development, office supplies, office equipment rental, etc.)

**Personal Expenses** Expenses for goods or services of a personal nature are the responsibility of the individual elected official and will not be paid by the City.

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# Corporate Policy and Procedure



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## CURRENT BUDGET EXPENSES

As part of the annual current budget, Council establishes a fixed budget for expenses. The budget is then allocated to specific accounts for each elected official. Accounts are monitored by the Finance Division, Corporate Services Department. A statement of account is provided to the Mayor and councillors on a monthly basis, and is reported to Council annually.

Current budget expense accounts are intended to cover all expenses incurred by each elected official, while conducting City business or promoting the City, including: expenses related to the management of the elected official's office, communication with constituents, sponsorships of a nominal value, business entertainment and staff recognition, promotion, local travel, and attendance at functions on City business.

### Office Expenses

Office consumables (stationery, office supplies, printer cartridges/toners, diskettes/memory keys/USB storage devices, organizers, etc.) required for the elected official's office operations may be charged to a corporate current budget account. Office accessory items (desk lamps, picture/certificate framing, etc.), briefcases, purchased publications (maps, magazines, newspapers, etc.) will be charged to the elected official's individual account.

### Communication with Constituents

Expenses incurred in the communication of City and/or ward issues or items of interest to constituents are paid by the City. One newsletter will be charged to a corporate account each year; second and subsequent newsletters will be charged to the particular elected official's individual account.

Eligible expenses include, but are not limited to: mailings (printing, copying, postage, address lists), advertisements and inserts, room rentals, newspaper columns and television appearances, community association memberships, floral tributes or charitable donations in lieu of a floral tribute (to a maximum of



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\$500 per term), greeting cards, etc.

Costs of communications lines (telephone, cell phone, fax, Internet) and related services will be paid when the use is dedicated to City business.

## Campaign Expenses

Expenses incurred to produce or distribute campaign literature or materials will not be paid for by the City. Newsletters may not be distributed after June 30 of an election year. However, all other communication processes will remain unchanged.

The City will continue to pay expenses related to communications services (e.g. residential phone lines, cell phones, pagers, fax lines, Internet) required by the elected official to carry out the duties of his or her elected office during an election year. However, the City will not fund communications services expenses incurred for election campaigning purposes. Published telephone, pager or fax numbers, or a published Internet or e-mail address in conjunction with campaign information and communications are considered use of the services for campaigning purposes. Elected officials are responsible for declaring any communications services expenses which have been paid by the City, but used for campaigning purposes, and the City must be reimbursed.

## Sponsorship

Formal sponsorship of groups or organizations is available through the Corporate Grant Program or the Sponsorship Program. However, elected officials may charge nominal expenses related to the sponsorship of local groups to their particular current budget account. Examples of "nominal expenses" include the purchase of fund-raising items, or the cost of a room rental or refreshments. Expenses related to the sponsorship of teams or individuals, such as the provision of uniforms or equipment, or on-going financial support are not considered "nominal expenses" and will not be reimbursed.

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## Business Entertainment/ Staff Recognition

Reasonable expenses associated with the entertainment of business contacts or the recognition of staff, such as business lunches or tickets to events, will be reimbursed when such entertainment is considered to be either necessary for the advancement of the interests of the City, or appropriate as a means of rewarding the efforts of staff. Requests for reimbursement must include the purpose of the function, and the name(s) of the individual(s) being entertained or recognized. To meet this requirement when pre-paid season tickets to an entertainment facility are used as business entertainment or staff recognition, the elected official may either provide a list of intended recipients of the tickets with the request for reimbursement, or request reimbursement as each ticket is distributed. A spouse or companion may be included as a guest when claiming business entertainment expenses, at the discretion of the elected official.

## Promotion

City souvenir items are available for distribution at the discretion of each elected official and may be ordered on a charge-back basis from Central Stores. Campaign materials cannot be charged to the City.

## Local Travel Allowance

Councillors receive a fixed monthly car allowance, as provided by the City's by-law governing elected officials' remuneration and expenses. The Mayor is provided with a City-leased vehicle, and does not receive an allowance. Refer to Corporate Policy and Procedure – City Vehicles Provided for Business and Personal Use.

Highway toll charges, including the cost of a transponder, will be paid based on invoices approved by the councillors.

Parking charges will be reimbursed upon submission of receipts.

Insurance coverage is a personal responsibility, and is not

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provided by the City.

## Attendance at Functions

Expenses incurred to attend functions on City business, including transportation, parking, trip cancellation insurance, registration fees or tickets, meals and accommodation, and incidental expenses (such as tips, currency exchange fees, etc.) will be paid. Receipts, if normally provided, are required.

The following restrictions and exceptions apply to payment of expenses while attending functions on City business:

- Regardless of any other supporting documentation that is required to support expense claims, a copy of the registration form for conferences, conventions, seminars, etc. must be attached to the request for reimbursement. The copy of the registration form will be used to confirm dates of required travel and/or accommodation, eligibility for per diem payments, etc.
- Transportation by air, rail or bus will be reimbursed at the lowest available price. For flights in excess of five hours, elected officials may choose business class travel. Claims for air travel must be supported by boarding passes.
- Car rentals for use while on an out-of-town business trip will be reimbursed only if the cost of the rental does not exceed the cost of taxi fares for the same purpose. A cost justification for the rental car must be included with the claim.
- Expenses incurred when using a personal vehicle for travel to functions located at least 100 km (60 mi.) from the City will be reimbursed at the standard car allowance rate established for City staff.
- Accommodation will be reimbursed at the lesser of the room

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rate charged for the function or the hotel's rate for a standard room.

- Meals and miscellaneous expenses will be reimbursed at actual costs upon submission of appropriate receipts. Alternatively, when an overnight stay is required, these expenses may be reimbursed on a per diem basis, with no receipts required, at a maximum rate of \$60.00 per day including travel days (US\$60.00 if the function takes place outside Canada).
- The expenses of a spouse or companion will not be reimbursed unless the expense is associated with business entertainment as described in the "Business Entertainment" section of this policy.

## CAPITAL EXPENSES

The costs of capital equipment (office furniture and furnishings, computer and communications equipment) are charged to the appropriate Information Technology or Facilities and Property Management capital budget account.

To ensure eligibility of the expense, requests for furniture or furnishings must be forwarded to the Director of Facilities and Property Management and requests for computer or communications equipment must be forwarded to the Director of Information Technology.

### Civic Centre Offices

Capital equipment is provided to elected officials' offices within the Civic Centre, in accordance with standard City practices.

### Home Offices

The following furniture will be supplied for home offices through the Facilities and Property Management Division, at City standards:

- one workstation/desk including keyboard tray;
- one chair;

# Corporate Policy and Procedure



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- one printer stand;
- one three-drawer filing cabinet.

Alternatively, elected officials may purchase furniture of their choosing and request reimbursement by the City. Reimbursement will be limited to a maximum of the cost of the equivalent item at City standards, as determined by the Commissioner of Corporate Services.

The following computer and communications equipment, and set up and installation, will be supplied for home offices through the Information and Technology Division, at City standards:

- one computer and related hardware and software;
- one multi-function printer/fax/photocopier/scanner;
- one business telephone line and phone set;
- one cellular telephone and related in-car installation;
- one fax line; and
- one blackberry or pager.

Technical support for City-standard equipment and software will be provided by the Information and Technology Division.

## Replacement/Upgrade/ Refurbishment of Capital Equipment and Furniture

Capital equipment and furniture will be replaced, upgraded, or refurbished in accordance with City standards. For the purposes of replacement/upgrade/refurbishment and depreciation, all furniture will be deemed to have a 12-year life span; computer and communications equipment will be deemed to have a four-year life span. All capital equipment and furniture provided by the City will remain the property of the City until it has been fully depreciated.

Replacement of any City-standard capital item prior to reaching its full life span is contingent upon the return to the City of the item to be replaced, unless the Director of Information Technology or the Director of Facilities & Property Management,

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# Corporate Policy and Procedure



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as appropriate, deems the item to have no value to the City.

Where an elected official is reimbursed for non-standard furniture, the furniture need not be returned to the City. However, if the furniture is to be replaced or refurbished prior to the expiry of the 12-year life span, the elected official will be required to repay a percentage of the amount previously reimbursed. To facilitate this repayment, the reimbursement of the costs of new furniture or the costs of refurbishing existing furniture will be reduced by the amount of the repayment. The amount of the repayment will be determined by the following formula:

$(A \div 12) \times B$  (where  $A$  = the amount previously reimbursed and  $B$  = the number of years remaining in the 12-year life span)

## Elected Official No Longer in Office

When the elected official is no longer in office, capital equipment and City standard furniture must be either returned to the City or purchased at its depreciated value as determined by the Finance Division in consultation with the Facilities and Property Management Division or the Information Technology Division, as appropriate. Where the City has reimbursed an elected official for non-standard furniture, the elected official will be required to repay a percentage of the amount that had been reimbursed, according to the repayment formula above.

## HOW TO CLAIM

Detailed procedures for obtaining services offered in-house and for submitting incidental expense claims are available from the Finance Division, Corporate Services Department. General information is provided below.

## Internal Charge-back for Services Provided by the City

Expenses related to services provided in-house, such as City facility rentals, printing and photocopying, and the purchase of items through the City's R/3 financial system will be charged to the account number provided with the requisition. No additional reporting is required.

# Corporate Policy and Procedure



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## Reimbursement of Out of Pocket Expenses

Out-of-pocket expenses for items such as business meals, parking, communications charges, and the purchase of maps, directories, or tickets to community events are paid by reimbursement.

Expense claim forms should be submitted to Accounts Payable no later than the 15th of the month following the month in which the expense was incurred.

Original receipts from the vendor are required for all expenses unless otherwise noted, or unless a receipt is not normally provided for the expense. To avoid duplicate payments, copies of receipts are not acceptable. If a receipt is not normally provided by the vendor (e.g. for public transportation, tips, etc.) reasonable expenses may be claimed provided an explanation of the purpose of the expense is included on the expense claim form. Copies of invoices, credit card slips or statements, or Interac receipts alone are not acceptable as receipts.

Requests for reimbursement of out-of-pocket expenses may be made using Form E2421 - Incidental Expense Report. Mileage expenses associated with the use of a personal automobile while attending a function on City business may be claimed using Form 180 - Car Allowance.

## Cheque Requisition

Goods or services which are not ordered through the City's R/3 financial system (such as registrations, subscriptions, etc.) may be paid for by cheque issued directly to the vendor. Form 195 - Cheque Requisition must be submitted to Accounts Payable, with supporting documentation.

## Travel Advance/ Overnight Stay when Conducting City Business

Travel expenses to attend functions on City business may be paid as an advance using Form 461 - Request for Travel Advances and Statement of Expenses. If an advance is provided, the actual expenses must be reconciled with the advanced amount, and the form returned to Accounts Payable, within 10 days of returning

# 4: Corporate Policy and Procedure



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from the function. The elected official is responsible for reimbursing the City for any funds which were advanced in excess of eligible expenses. Whether or not advances are made, when an overnight stay is required, the expense claim must be made using Form 461. If no payments are made in advance, and if an overnight stay is not required by the function, the expenses may be reported using an Incidental Expense Report - Form E2421.

## Approval

All reimbursements of incidental and travel expenses for the Mayor must be approved by the City Manager or, in the absence of the City Manager, by the Commissioner of Corporate Services and Treasurer. All reimbursements of incidental and travel expenses for councillors must be approved by the Commissioner of Corporate Services and Treasurer.

Claims in excess of budgeted amounts will not be reimbursed without the approval of Council. In the event that an overpayment is made, the elected official will be required to repay the amount to the City.

## REFERENCE:

GC-0299-2006 – 2006 04 26  
CA-0112-2009 – 2009 05 27  
2011-03-16 Housekeeping – revise Form 180a to E2421

## LAST REVIEW DATE:

April, 2006

## CONTACT:

For more information contact Financial Services and Administration, Finance Division, Corporate Services Department.



# Memorandum



5.

**TO:** Chair and Members of the Governance Committee

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

**Governance Committee**

JAN 23 2012

**DATE:** January 17, 2012

**SUBJECT: City Council Committee Structure Review:  
Further Information on Funding for Proposed Review**

On January 11, 2012, General Committee considered a report entitled, City Council Committee Structure Review, which described in general terms, a proposal for review of the City's many Committees of Council. Three recommendations were proposed in that report, which were:

1. That the report entitled, City Council Committee Structure Review, dated December 12, 2011, from the City Manager and Chief Administrative Officer, be approved for implementation.
2. That staff be directed to develop an RFP for consultant services, as generally described in the report entitled, City Council Committee Structure Review, dated December 12, 2011, from the City Manager and Chief Administrative Officer, which will be reviewed by the Governance Committee for acceptance before it is issued for tender.
3. That the hiring of an external consultant and other ancillary project costs be approved and all necessary by-laws be enacted with funding from Contingency Reserve Account No. 305125, to an upset limit of \$75,000.

Recommendations #1 and #2 were approved by General Committee and recommendation #3 was deferred to the Governance Committee for further discussion. This memo provides the Governance Committee with additional information on the funding request as proposed in recommendation #3.

Through the initial research that was undertaken for the pending review, benchmarking of twelve large cities across Canada was conducted. All of these cities had completed some type of review of their governance and/or committee structures. The benchmarking indicated that these governance reviews varied widely in what was reviewed, how the review was conducted and who was involved; few commonalities were found between these twelve cities. (please refer to the attached chart for a summary of this information)

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**Funding Request:** The \$75,000 request for the City Council Committee Structure Review was based on the following:

- External Benchmarking: Of the limited information obtained through the benchmarking exercise on consultant fees, the most applicable example came from the City of Windsor's 2010 'ABC Governance Review' who hired an external consultant for approx. \$100,000, to work with staff to handle a variety of aspects of the project (stakeholder engagement, research, governance expertise, etc.).
- Recent City (internal) Reviews: The City of Mississauga hires external consultants to support staff in projects. In reviewing a number of recent projects (similar in nature to the City Council Committee Structure Review) we found the consultant costs and scope of work in line with our funding request. The City projects looked at were the Communications Master Plan, the Economic Development Strategy and the LAC / Meadowvale Theatre Study – all of which had a significant stakeholder engagement phase within the consultant's scope of work and which required third-party objectivity in the analysis and recommendation development.

**Scope of Work:** The RFP has not been developed but, in general terms, the review will include:

Consultant:

- Governance expertise, best-practice knowledge and third-party objectivity – provided throughout the project
- Stakeholder engagement:
  - one-on-one meetings with Council, senior staff, key stakeholders (approx. 25)
  - meetings with all Sub-Committees of Council, including staff that support these committees (approx. 20)
  - engagement with the general public (the extent to be determined)
- research, analysis and provide assistance in the development of recommendations
- documentation and presentation of results and recommendations
- revisions editing and final report delivery

Project Lead:

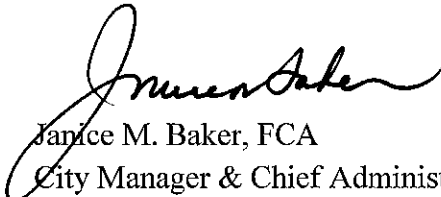
- develop the RFP and assist in the hiring process
- provide direction to the consultant including accompanying them for all stakeholder interviews and meetings

- handle the analysis of the staff resources, work, budgets, etc. that support the City Council Committees
- research, analysis and development of recommendations
- handle all logistics, financial aspects, etc.
- participate in the report writing and presentations,
- liaison to all stakeholders in this review

**Project Budget Breakdown:** Assuming a ceiling budget of \$75,000, the following is the expected breakdown for this review:

- Consultant fees and expenses: \$60,000
- Ancillary costs: \$5,000 (costs to hold meetings, travel, printing, Communications support, etc.)
- Contingency: \$10,000 (to support requests beyond the scope of this review such as looking at various aspects of the Boards and Councillor supported committees beyond the scope of this review).
- Project Lead secondment: a 9-month secondment of the Project Lead, will require coverage. This is a \$75,000 (plus fringe) cost which can be accommodated within the City Manager Department's existing budget.

The City Council Committee Structure Review is an important undertaking which is rarely undertaken in our corporation, and it is hoped this additional information will support the approval of recommendation #3.



Janice M. Baker, FCA  
City Manager & Chief Administrative Officer

## City Council Committee Structure Review – Benchmarking Information

Overview: This chart provides a quick overview of the benchmarked Canadian cities regarding their governance/committee structure reviews.

Description	Cost and Time to complete review	Consultation Activities (i.e. apart from presentation of reports/recommendations to Council during regular Council meetings)
<b>Winnipeg</b>		
<p><u>Organizational Review and Performance Assessment (1997)</u></p> <p>In 1997, the City Council, adopted a recommendation of the Executive Policy Committee for an independent Organizational Review and Performance Assessment. A consultant (<a href="#">George B. Cuff &amp; Associates</a>) was retained to conduct the review/assessment, which was broad in scope and included a review of governance structure.</p>	<ul style="list-style-type: none"> <li>• 4 months</li> <li>• Budget “not to exceed \$175,000”</li> </ul>	<ul style="list-style-type: none"> <li>• The review did not involve public consultation activities.</li> <li>• The review looked at both the governance and administrative structures</li> </ul>
<b>Windsor</b>		
<p><u>ABC Governance Review – review of the City’s Agencies, Boards and Committees (2010)</u></p> <p>KPMG was hired to conduct the review. The consultants interviewed members of Council, staff and agency leaders. Recommendations based on Regina’s model.</p>	<ul style="list-style-type: none"> <li>• 5 months</li> <li>• \$150,000 budget but final cost was less (\$100,000)</li> </ul>	<ul style="list-style-type: none"> <li>• Stakeholder engagement</li> <li>• Research</li> <li>• Municipal ‘governance’ expertise</li> <li>• Recommendations</li> <li>• Presentations</li> <li>• Documentation of final report</li> </ul>

## City Council Committee Structure Review – Benchmarking Information

Description	Cost and Time to complete review	Consultation Activities (i.e. apart from presentation of reports/recommendations to Council during regular Council meetings)
<b>Calgary</b>		
<p><u>Legislative Governance Review Project (2003)</u></p> <p>Current review underway to revisit Standing Policy Committees structure and review boards, commissions and committee structure; previous review in 2003 “Legislative Governance Review Project”</p> <p>The bulk of the 2003 review was conducted by external consultants: <a href="#">Kogawa Consulting Ltd</a> conducted initial interviews with the City's Aldermen (Councillors). Turnkey Management Consultants were then retained to assist the City's Audit sub-committee with a review of the City Council's governance and committee structure (96 committees) as identified by the City Clerk and to make recommendations to Council.</p>	<ul style="list-style-type: none"> <li>• 5 months</li> <li>• Budget information unavailable</li> </ul>	<ul style="list-style-type: none"> <li>• The review included did not involve public consultation activities.</li> </ul>
<b>Edmonton</b>		
<p><u>Governance Review (2007)</u></p> <p>Review conducted by the City Auditor</p>	<ul style="list-style-type: none"> <li>• Not stated</li> </ul>	<p>The scope of the review was fairly narrow – focused on improving efficiency of Council:</p> <ul style="list-style-type: none"> <li>• reducing number of council/committee meetings;</li> <li>• reducing number of agenda items;</li> <li>• clarification of roles &amp; responsibilities;</li> <li>• interviews with Mayor, Councillors, senior City staff</li> <li>• no public consultation.</li> </ul>



## City Council Committee Structure Review – Benchmarking Information

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Description	Cost and Time to complete review	Consultation Activities (i.e. apart from presentation of reports/recommendations to Council during regular Council meetings)
<b>Vancouver</b>		
<p><u>Roles, Relationships and Responsibilities Review (2006)</u></p> <p>Review committee, appointed by Council, included 5 citizen members with government/corporate/community leadership expertise (e.g. former City Councillors, Political Science Professor, etc)</p>	<ul style="list-style-type: none"> <li>• 5 months</li> <li>• Budget of \$10,000 to support the work of the review committee.</li> </ul>	<ul style="list-style-type: none"> <li>• no public consultation activities.</li> </ul>
<b>London</b>		
<p><u>Governance Task Force Review (2009)</u></p> <p>The Governance Task Force (GTF) was appointed by Council to conduct a governance review in 2007-2008. The GTF was Chaired by a citizen member and included citizen members/stakeholders (e.g. Chamber of Commerce) and 3 City Councillors. The GTF's final report and recommendations were presented to City Council in November 2008.</p> <p>Subsequently, a Governance Working Group (GWG) was established to monitor and "refine" the changes to governance structure that were implemented as a result of the GTF recommendations. The GWG consists of appointed members of Council and has been assisted by external consultants (<a href="#">Tim Dobbie Consulting</a> and Winther Consulting Services).</p>	<ul style="list-style-type: none"> <li>• 13 months</li> <li>• Budget information unavailable</li> </ul>	<ul style="list-style-type: none"> <li>• 9 public participation meetings held;</li> <li>• All meetings of the GTF were open to the public;</li> <li>• public invited to submit comments by mail or online;</li> <li>• blog site to inform citizens;</li> <li>• the subsequent Governance Working Group (GWG) did not have citizen members, but invited citizens views through public participation meetings.</li> </ul>

## City Council Committee Structure Review – Benchmarking Information

Description	Cost and Time to complete review	Consultation Activities (i.e. apart from presentation of reports/recommendations to Council during regular Council meetings)
<b>Toronto</b>		
<p><u>Governing Toronto Review (2005)</u></p> <p>A 3-member external advisory panel was appointed by Council to contribute on an advisory basis and to provide third-party objectivity. The panel consisted of three volunteer members with government/ community/corporate leadership expertise. The members conducted their work on a public-service basis and were not paid for their contribution. The panel was supported by the City Manager and necessary city staff.</p>	<ul style="list-style-type: none"> <li>• 4 months</li> <li>• Budget information unavailable</li> </ul>	<ul style="list-style-type: none"> <li>• interviews with the Mayor and Councillors, staff;</li> <li>• input from community organizations;</li> <li>• online and written input from citizens;</li> <li>• online and media communications to inform the public of the review;</li> <li>• roundtables with civic leaders, sector leaders and governance experts;</li> <li>• Meetings with community groups, general public.</li> </ul>
<b>Ottawa</b>		
<p><u>Governance Review (current) and 2009 Mid-Term Governance Review</u> (A governance review is conducted at the end/beginning of each Term of Council and at the mid-point of each term)</p> <p>Regular reviews of governance structure are conducted by the City Clerk. In 2010, however, the current Council appointed a Governance Renewal Subcommittee comprised of the Mayor and members of Council to undertake a more comprehensive review. It is expected that outside expertise will be required for the more comprehensive review to be lead by the Subcommittee (not yet in progress).</p>	<ul style="list-style-type: none"> <li>• In-house work at this time</li> <li>• Consultant still to be hired</li> </ul>	<ul style="list-style-type: none"> <li>• Regular reviews did not involve public engagement activities, but Mid-term 2009 review was lead by Mayor's Task Force (was a citizen task force, but member were citizens with specialized expertise – primarily Deans and professors of universities and lawyers).</li> <li>• Chairs and Co-Chairs of Citizen Advisory Committees were consulted for the 2010-2014 governance review due to intention to undertake a more comprehensive review of citizen engagement.</li> </ul>



## City Council Committee Structure Review – Benchmarking Information

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Description	Cost and Time to complete review	Consultation Activities (i.e. apart from presentation of reports/recommendations to Council during regular Council meetings)
<b>Halifax</b>		
<p><u>Review of Advisory and Ad-hoc Committees of Council. (2006-2010)</u></p> <p>Review conducted by Administrative Committee of Council and supported by staff from the Clerk's Office – looked at reviews undertaken by Regina and Ottawa</p>	<ul style="list-style-type: none"> <li>• 20 months (9 months for 1<sup>st</sup> report &amp; 11 months for supplementary report)</li> <li>• Budget information unavailable</li> </ul>	<ul style="list-style-type: none"> <li>• The review did not involve public consultation activities.</li> </ul>
<b>Regina</b>		
<p><u>Council Committee Structure Review (2008-2009)</u></p> <p>Council has a bylaw, that the committee structure will be reviewed following a general election.</p> <p>At the direction of the City Council, an external consultant was retained to conduct a review of the Council Committee Structure and make recommendations. The consultant (T. Bakkeli Consultants) conducted the review. The City Manager and the City Clerk had an administrative/co-ordination role to facilitate the consultant's review.</p>	<ul style="list-style-type: none"> <li>• 7 months</li> <li>• Budget information unavailable</li> </ul>	<ul style="list-style-type: none"> <li>• interviewed members of citizen advisory committees,</li> <li>• did not involve public consultation activities.</li> </ul>
<b>Kitchener</b>		
<p><u>Governance Structure Review (2009)</u></p> <p>City Clerk's Office conducted this review</p>	<ul style="list-style-type: none"> <li>• Not stated</li> </ul>	<ul style="list-style-type: none"> <li>• No consultants were hired</li> </ul>





# Corporate Report

Clerk's Files

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Files

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**DATE:** December 12, 2011

**TO:** Chair and Members of General Committee  
Meeting Date: January 11, 2012

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

**SUBJECT:** City Council Committee Structure Review

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GENERAL COMMITTEE

JAN 11 2012

- RECOMMENDATION:**
1. That the report entitled, City Council Committee Structure Review, dated December 12, 2011, from the City Manager and Chief Administrative Officer, be approved for implementation.
  2. That staff be directed to develop an RFP for consultant services, as generally described in the report entitled, City Council Committee Structure Review, dated December 12, 2011, from the City Manager and Chief Administrative Officer, which will be reviewed by the Governance Committee for acceptance before it is issued for tender.
  3. That the hiring of an external consultant and other ancillary project costs be approved and all necessary by-laws be enacted with funding from Contingency Reserve Account No. 305125, to an upset limit of \$75,000.

**BACKGROUND:** The City of Mississauga has not undergone a fulsome review of the existing City Council Committees for many years. Over the past few years, a number of new Committees of Council have been created and rarely are any retired. Many Council members have expressed interest in undertaking a review of the Committees of Council to ensure they operate efficiently, effectively and in the best interests of the public,

Benchmarking ten large Canadian municipalities shows nine out of ten of these cities have completed broad reviews of their governance and committee structures within the past decade. Also, many municipalities have policies in place regarding the regular review their committee structures. An analysis of these recent reviews reveal that over half engaged paid consultants (who were generally tasked to provide third-party objectivity and governance expertise), a couple of cities engaged unpaid citizen volunteers to lead the review, and the rest handled their reviews with staff resources.

The Legislative Services division, Corporate Services Department, has previously advanced the idea for a review of city committees, through their budget request #284 of the Business Plan (2011 – 2014).

**COMMENTS:**

City Council Committees are an important avenue for education on municipal issues, decision-making, public engagement and ultimately, in the case of 'Council as a Whole', ensuring the corporation's business decisions are confirmed.

The purpose of the City Council Committee Structure Review is: 'To undertake a review of the administration, mandate and structure of the existing and potential City of Mississauga Committees of Council, to ensure the processes, terms of references, procedures, and budgets and staff support of these Committees are effective, efficient and meet the needs of City Council, citizens and the Corporation of the City of Mississauga, and make specific recommendations for Council approval.'

As of the writing of this report, the list of City Council Committees include:

- Accessibility Advisory Committee
- Advertising Review Panel
- Audit Committee
- Budget Committee
- Citizen Appointments
- Committee of Adjustment
- Committee of Revision
- Council
- Election Campaign Finances Committee

- Environmental Advisory Committee
- General Committee
- Heritage Advisory Committee
- Incidents in City Facilities Appeal Committee
- International Design Competition 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
- Shark Finning Committee

The list of committees is not fixed and new committees may be added, or existing committees expired, during this review which will be accommodated in the work plan. The committees, as listed above, are a mix of many types of committee structures, from 'Committee(s) of the Whole' (ie. Council, Budget, etc.), to legislated committees (ie. Heritage Advisory Committee), to ad-hoc committees (ie. International Design Competition Committee). The work to analyze these committees will vary depending on the nature of the individual committees' purpose, structure, membership, staff resources, budget, etc.

Also, as stated in the purpose statement above, the research and analysis that will be undertaken may reveal potential new committees that may need to be created; for example, the need for a Transit Committee has been expressed by some Councillors.

The objectives of this review are:

- To analyze Council and the Committees of Council for:
  - the purpose of the committee and how effectively it meets that purpose, aligns with the City's Strategic Plan and corporate values;
  - the membership of the committee;

- the citizen engagement opportunities;
  - the administration of the committee including time commitment, the decision-making framework, work processes, staff role, products and budgets;
  - the history of the committee, including significant revisions over time;
  - the mechanisms and opportunities to delegate authority.
- To benchmark the City of Mississauga against other large cities regarding its Committee structure and administration.
- To gather information and opinions from and appropriately engage key stakeholders.
- To determine if the overall Council and Committees of Council structure is appropriate, rigorous and transparent and if any specific Committees should be changed (or retired) and/or if new Committees should be established.
- To update the existing committees' Terms of Reference documents to ensure a consistent approach and criteria are generally maintained.
- To examine the existing administrative budgets associated with this work and determine if efficiencies, including technical advances, can be found in the administration of the committees.
- To make any necessary changes to the Procedural By-law and corporate policies to ensure conformity with the accepted recommendations of this review.
- To complete this review by December 2012. This review will be considered completed when the recommendations are formally approved by Council. It is important to note that the implementation of the approved recommendations, by December 2014 (which is the start of the next term of Council), is considered a separate project which will be carried out by the Legislative Services Division.

On December 13, 2011, at the first meeting of the new Governance Committee, the purpose and objectives of the City Council Committees Structure Review were tabled for the Governance Committee's information. The Governance Committee was very supportive of this review being undertaken and suggested that the protocol that should be followed would be for decisions and recommendation approval of this review, to be presented to the Governance Committee before proceeding to Council for approval. There were also comments made regarding other types of public and organizational committees that should, or should not, be looked at within the scope of this review. This list includes:

- Enersource
- Living Arts Centre
- Library Board
- Region of Peel committees
- External Committees with City Councillors as members, which include, but not limited to:
  - Conservation Authorities (TRCA, CVC)
  - Airport committees (GTAA)
  - Business Improvement Associations
  - Tourism & Arts Committees (Mississauga West Tourism, Orchestras Mississauga)
  - Economic Development, Education, Marketing (EDAC, GTMA)
  - Foundations (Heritage) and Safety (Safe City)
- Governance Committee

Except for the Governance Committee, the list above are committees and entities that are not under the full control of the City of Mississauga Council, therefore it will be difficult to follow the same research and analysis methods to formulate recommendations for approval. However, there may be some specific work that can be undertaken within the City Council Committee Structure Review to define such things as roles and responsibilities of Council members within those external committees. It is expected that the external consultant, who will be hired to assist on this review, will help define the extent to which we examine these external committee structures. The consultant will also help scope the best approach for citizen engagement for this review.

The staff who will oversee the work of this Review are:

- City Manager and Leadership Team will advise and approve final recommendations to the Governance Committee and Council
- Steering Committee:
  - Gary Kent, Director, City Strategy and Innovations
  - Mary Ellen Bench, City Solicitor
  - Crystal Greer, City Clerk
- Project Lead: Karen Spencer, Advisor, City Strategy and Innovations

The general timeline for the City Council Committee Structure Review:

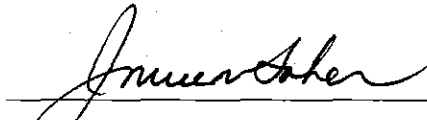
- Develop a Request for Proposal for an external consultant to assist in this Review – for approval by the Governance Committee – and retain consultant – March, 2012.
- Stakeholder engagement, interviews, research, analysis completed by July, 2012.
- Draft recommendations to Governance Committee – October, 2012.
- Revisions and approval by Council – December, 2012

As noted above, the approved recommendations will transfer to the Legislative Services division, to make operational for the next term of Council (December 2014). However, if some recommendations are requested to be put in place on a faster timetable, staff will make all effort to do so, within existing resources.

**FINANCIAL IMPACT:** The financial impact for an external consultant, to be retained to assist staff throughout the City Council Committee Structure Review, is estimated at an upset limit of \$75,000, to be budgeting from reserves as a one-time expense. This budget would also support any ancillary costs such as focus group meetings, printing, etc. There will also be a requirement to second a person as coverage for the Project Lead's position; funding for this secondment is within existing budgets.

**CONCLUSION:**

The City Council Committees Structure Review is an important undertaking to ensure that by the next term of Council, beginning in December 2014, the structure, purpose and operation of all City Committees support the engagement and needs of the local residents, the decisions and directions of City Council and the overall work of the corporation, in an effective and efficient manner that meets the needs of the City of Mississauga now and into the future.



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

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

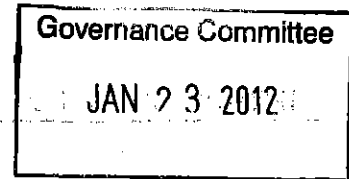
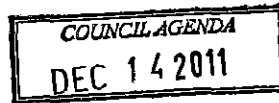
# PEEL Poverty Action Group

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6.1

8<sup>th</sup> December, 2011

Mississauga City Council  
City Clerk  
Mississauga Civic Centre  
300 City Centre Drive  
Mississauga ON L5B 3C1



To: Members of Mississauga City Council

On July 7, 2010, Peel Poverty Action Group presented a series of "asks" to Council, dealing chiefly with issues of affordable housing.

Council referred the "asks" to the Planning and Building Department for response, which was received by Council dated 31<sup>st</sup> August, 2010, Corporate Report CD.06.AFF Response to Peel Poverty Action Group "asks".

The response referred to various housing reports, plans and legislation, much of it in process at the time.

The report did not deal with the following "ask":

**that Mississauga councillors agree not to accept election campaign funding from corporations or trade unions;**

**that Mississauga Council ask the Ontario government for powers similar to those granted to Toronto, imposing restraints on all candidates for council;**

Peel Poverty Action Group requests that council address the issue of municipal election campaign funding.

Respectfully submitted,

Edna Toth  
Chair  
Peel Poverty Action Group  
Mississauga Citizen of the Year

Attached: Peel Poverty Action Group "asks", July 7, 2010



6.1a

PEEL POVERTY ACTION GROUP (PPAG)  
presentation to City of Mississauga Council, 7th July, 2010.

Peel Poverty Action Group has presented these ASKS to the Councils of  
Town of Caledon  
City of Brampton  
City of Mississauga

## ASKS

PPAG asks:

The City of Mississauga to find ways of increasing the housing supply including:

**more flexibility in zoning;**

requiring all new housing, public and private, and including single-family homes, to provide **wide doorways that would give access to people with disabilities, plus a possibility of ramps** being added. This would enable families as they age, to remain in their own homes, in neighbourhoods with which they are familiar;

**in new houses, all basements to be half-above ground**, thus addressing some of the safety issues around basement apartments; such a move would enable homeowners encountering hard times to rent out part of their homes. *[At our Brampton presentation, a fire department officer told PPAG privately that if sprinklers are added before basement ceilings are finished, the cost is only \$400 to \$300. He said that would save 100 lives across Ontario in a year.]*

PPAG asks:

that Mississauga Council **endorse MPP Cherie DiNovo's Bill 58, An Act to Amend the Planning Act with respect to Inclusionary Housing**. This Act, when passed, gives municipal councillors added clout to negotiate with developers to include a percentage of social housing in their plans; we ask that you inform Rev. DiNovo, Premier Dalton McGuinty, and all MPPs serving Peel Region, that you endorse Bill 58.

that Mississauga Council **support MP Libby Davies Bill C-304, An Act to Ensure Secure, Adequate, Accessible and Affordable Housing** for Canadians, in accordance with the United Nations definition of basic human rights. The Bill would also require the government to set up a national housing strategy in consultation with all levels of government; we ask that you inform Ms. Davies, Prime Minister Stephen Harper, and MPs serving Peel Region, that you endorse Bill C-304.

PPAG asks:

that **Mississauga councillors agree not to accept election campaign funding from corporations or trade unions;**

that Mississauga Council **ask the Ontario government for powers** similar to those granted to Toronto, imposing restraints on all candidates for council;

that the City of Mississauga **post on its website all election campaign information** to which the public is entitled, including lists of contributors of more than \$100 to municipal election campaign funds;

that Mississauga City staff responding to inquiries about election campaign funding, be instructed to mention that **some information is available on the website**

**<http://votetoronto.ca>**

**Sacha Smith**

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**To:** Sacha Smith  
**Subject:** RE: Governance Committee make up

Governance Committee

JAN 23 2012

6.2

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**From:** John F Walmark [mailto:']  
**Sent:** 01/10/2012 12:36 PM  
**To:** Hazel McCallion  
**Subject:** Governance Committee make up

I understand there is no private Citizen as a member of this Committee? Seems like having a fox guard the chicken coop.....

Please confirm in writing if this is the case, the reasons citizens are excluded and finally advise how a citizen can apply to be part of this committee?

*John F Walmark*  
*Resident and member of Orchard Heights Homeowners Assoc.*

6.3  
**RECEIVED**

**Carol Horvat**

**REGISTRY No.** 4937

**From:** David Culham [davidculham@rogers.com]  
**Sent:** 12/03/2011 6:53 PM  
**To:** Hazel McCallion  
**Cc:** Katie Mahoney  
**Subject:** 11dec1MississaugaTaxFreeEndss.doc

**DATE** DEC 05 2011

**Governance Committee**

JAN 23 2012

**YORS OFFICE**

Mayor McCallion  
Dear Hazel

My concern is that this great increase in the capital replacement of roads etc comes right after additional funds from the Provincial and Federal stimulus funds. Many of those funds were directed to 6 pool replacements rather than the utility replacement of roads etc. This was a huge programme greater than in any one year period in our history.

In addition, past policy dictated that capital funds in Public Works were directed to 75% new roads and a 25% in capital replacement of existing road that needed to be replaced. What happened with this policy framework as it seems, like many things, it is lost? Why is it so precipitant now?

Miranet suggestions are worth considering but I do not think it should be strictly a budget chief but a Chair of a standing Finance Committee as the issue is more broadly based. You already have the standing committee of Planning and Environment.

In the past Council would be sitting with the staff over the direction for the coming year in September. Standing committees focus on policy and program performance with fewer agenda items and a very focused attention on the area of the city operations. Those on the committee are responsible for performance. I do not see that now.

I think it is time to reconsider Standing Committees of Public Works, Recreation & Parks, as well as Finance and possibly Transit.

General committee is great for on going operational approvals as it gives Council a sense of what is going on operationally. It does not allow for the necessary focusing and leaves it up to staff to lead.

General Committee has far to many different issues with little focus. It is impossible to have policy direction or exploration in that forum. Councillors and the Mayor are "keep busy" and distracted by a mass of information. The chair of each standing committee in contrast, has a responsibility with the committee member to deeply explore policy options and alternatives.

In 1981, you will remember, such an arrangement brought the first wide spread reconsideration of the capital budget redirecting the 25% to replacement. In 1980, the "roads needs study" showed that 0% went to capital replacement as the city was overly concerned with arterial road construction because of traffic build up. In 1981, we changed that to 8% and then upwards in the years to come. We also expanded the road levee to cover all arterial road expansion.

One of my campaign initiatives in 1980 election was the study and creation of a computerized traffic signal system. In 1981, the Public Works committee approved a study after detailed discussion. You heartily supported this move. It arose out of "graph theory" in which you could evaluate a network of nodes and links. Getting movement through intersections was suggested as more important than building 6 lanes behind them. I thought at minimum that we could smooth out the roads capital budget at least by 15% giving us a little flexibility. The eventual study showed that we could gain a 35% efficiency and we did when we installed them in 1985.

Another initiative that came out of such discussion, was the smoothing out of winter snow ploughing and maintenance with the creation of a reserve with the budget determined by a 5 year running average. Bad years we would dip into the reserve, other years we would put savings in. In additions, such review brought about 3 and 5 year contracts providing better performance from contractors. I remember one councillor argued against more "reserves" but this was a focused and disciplined budgeting to smooth out the cyclical weather.

There are many more examples of focused responsibility and discussion leading to innovation and reform through concentrated oversight and partnering with staff arising out of such an approach, the audit committee being one of those. There were reasons to move away from this but I think we need a much better stewardship of our resources.  
Respectfully given.

6.3a

djc

**Mississauga's tax freeze finally thaws** Adrian morrow Globe and Mails Thursday, Dec. 01, 2011

If anyone needed tangible proof of Mississauga's maturation, it came this week with the revelation the municipality will have to borrow \$20-million next year. The amount isn't much, but it is a highly symbolic loan for the suburban metropolis, which hasn't gone into debt in more than 30 years.

Meanwhile, a presentation from city staff projects that, in order to fund services in the new year, the city's portion of the property tax bill will have to rise 10.8 per cent. When weighted against taxes levied by the Region of Peel, which provides some of Mississauga's services, the overall tax hike would be roughly double the 2.5 per cent contemplated by Toronto.

That number is by no means final – staff will submit a report Dec. 12 with a recommended 2012 tax rate – but it is a striking figure in a city that once boasted eight straight years of frozen taxes.

For most of its history, Mississauga used levies paid by developers to fund the construction of roads and utilities. Now, there is little empty land left to build on while the city's aging infrastructure is due for repair. Added to that are more routine expenses, like rising costs of diesel and electricity.

"It's a difficult year for all municipalities," said finance director **Patti Elliott-Spencer**. "We try to maintain services with keeping taxes reasonable."

The \$20-million is the first tranche of a \$446-million loan the city will be taking out over the next eight years. Mississauga was initially set to start borrowing in 2013, but a project to retrofit streetlamps with energy-efficient LED lights prompted staff to move the date forward. Later increments of the loan will help finance, among other things, the construction of a bus rapid transit corridor.

Other 905 municipalities, meanwhile, have much in common with the Mississauga of two decades ago.

"Our pressures are always the result of growth. We're going to have a billion dollars worth of construction this year," said **Vaughan Councillor Alan Sherman**, the city's budget chair. "We've opened kilometres of new roads, we're adding new services. We're building, literally, a new fire station every year."

But the city is taking a different fiscal route than Mississauga did. There is nothing wrong with borrowing small amounts of money to fund specific projects, Mr. Shefman argued. He also said it is "ridiculous" to keep tax increases at zero when the city must cope with inflation. Still, he said he was determined to cut back the 4.6-per-cent increase proposed by staff.

Vaughan is also planning for the day it is in Mississauga's current situation: starting next year, a percentage of property tax revenues will be set aside to pay for infrastructure upgrades decades down the line.

In Brampton, rapid growth led staff to suggest a rise of 3.9 per cent in city taxes, which would translate into a total of about 2.6 per cent once the regional portion of the bill is factored in.

These budgets are far from finalized. Each one must still be scrutinized by councillors.

6.3b

Mississauga's largest residents' association argues this method itself is flawed. Instead of staff submitting budget requests and having council scramble to pare them back in the final weeks of the process, Miranet says councillors should give directives on the size of any tax increase early in the year so staffers themselves can create a budget that achieves it.

"As it is now, at the end of the process, councillors come in and take a machete to the budget," said **Miranet** member Dorothy Tomiuk.

The group is also calling for the city to appoint a councillor as budget chief. While such a position is common elsewhere, Mississauga councillors do not take responsibility for specific policy areas.

"The budget is a year-long process," Ms. Tomiuk said. "But no one pays attention to it until the last month."