



MINUTES

GOVERNANCE COMMITTEE

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

MONDAY, JANUARY 23, 2012 – 1:09 P.M.

COUNCIL CHAMBER, SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

Members Present: Councillor Jim Tovey, Ward 1 (Chair)
Councillor Chris Fonseca, Ward 3
Councillor Bonnie Crombie, Ward 5
Councillor Pat Saito, Ward 9 (Vice-Chair)
Councillor George Carlson, Ward 11
Mayor Hazel McCallion (ex-officio)

Members Absent: Nil

Staff Present: Janice Baker, City Manager and CAO
Brenda Breault, Commissioner, Corporate Services and
Treasurer
Mary Ellen Bench, City Solicitor
Ivana Di Millo, Director, Communications
Crystal Greer, Director, Legislative Services and City Clerk
Karen Spencer, Advisor
Sacha Smith, Legislative Coordinator

CALL TO ORDER - 1:09 P.M.**DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST - Nil****APPROVAL OF THE AGENDA**

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

Approved (Councillor P. Saito)

DEPUTATIONS - Nil**PUBLIC QUESTION PERIOD - Nil**

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

MATTERS CONSIDERED:**1. Approval of Minutes of Previous Meeting**

Minutes of the Governance Committee meeting held on December 13, 2011

Approved (Councillor C. Fonseca)

2. Draft Terms of Reference for Approval – Mayor Hazel McCallion

Draft Terms of Reference for the Committee's approval.

Councillor Pat Saito noted the importance of the draft minutes to be circulated to members of Council and suggested that the Terms of Reference be amended to reflect the distribution of the minutes. Crystal Greer, Director, Legislative Services and City Clerk confirmed that the minutes could be distributed in draft form by email to members of Council.

RECOMMENDATION

That the draft Terms of Reference for the Governance Committee be approved as amended to include that the minutes of the Governance Committee meetings will be circulated to members of Council when available.

Amended/Approved (Mayor H. McCallion)
Recommendation GOV-0001-2012

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.”

Mary Ellen Bench, City Solicitor explained that Appendix 2 to the report focuses on the recommendations from Commissioner Cunningham with respect to the Code of Conduct. She noted that recommendations from the Commissioner that pertain to the Integrity Commissioner would be addressed in a future report as discussion on how to amend the Code of Conduct would have an effect on how these matters are carried out. She explained the Commissioner’s recommendations and the proposed changes to the Code of Conduct.

Councillor Bonnie Crombie spoke to the language in the proposed changes for the Code of Conduct and noted that it seemed to be subjective. Ms. Bench advised that the language was intended to be subjective. Discussion ensued with respect to the wording in the Code of Conduct and its appropriateness.

Councillor Pat Saito commented on the definition of a “reasonably well informed person” and suggested that it be reworded for the intent to remain in place. Ms. Bench advised that she would come back to the committee with options to address the definition. Councillor George Carlson expressed concern with the proposed change for recommendation 16 as there may be issues with defining preferential treatment. Councillor Chris Fonseca noted her concerns with respect to a “reasonably well informed person”.

Ms. Bench spoke to Rule No. 2 with respect to gifts and benefits, as the Commissioner has recommended that the matter should be listed as detailed commentary. Councillor Saito noted that the wording in this section should be clarified for better understanding of the exemptions and what needs to be declared. Councillor George Carlson expressed concern with the wording in the gifts and benefits section. Councillor Saito further noted that there are situations as a Board member, councillors are expected to attend events as a member and that it should be addressed in the Code of Conduct.

Ms. Bench advised that Rule No. 3 in the Code of Conduct includes councillor expenses and noted that typically councillor expenses are not included in a Code of Conduct as there is an expense policy. She suggested that Rule No. 3 be deleted and moved to the Councillor Expense Policy to avoid overlap. Members of Committee discussed donations/ sponsorships to organizations and how it is addressed in the Code of Conduct and the Councillor Expense Policy. Councillor Saito suggested that the Councillor Expense Policy be listed as commentary in the Code. Councillor Fonseca suggested that the word sponsorship in Rule No. 3 should be reviewed for further clarification.

Councillor Saito referred to the Commissioner's recommendation for Rule No. 7 and expressed concern. Mayor McCallion spoke in support of the Commissioner's recommendation for Rule No. 7. Ms. Bench advised that she could clarify the Commissioner's recommendation where appearing before a tribunal as an advocate would be an issue, but writing a letter would be acceptable. Discussion ensued with respect to a definition for "official duties" as noted in Rule No. 7.

Councillor Saito suggested that the Code of Conduct should reflect what a member of Council should do or can't do with a lobbyist instead of what a lobbyist can do. Councillor Bonnie Crombie suggested that the Code should address who a lobbyist is and what they do. Councillor Chris Fonseca suggested clarification on the financial stipulations for the municipality with implementing a Lobbyist Code. Councillor Carlson supported Councillor Saito's comments with respect to the code of conduct addressing the behavior of councillors with lobbyists. In response to the direction that was requested in the report, there was a general consensus that the Code of Conduct include the conduct of members of Council with lobbyists and not the conduct of lobbyists.

Mayor McCallion requested that there be a statement at the beginning of the Code of Conduct that the members of Council pledge their support to participate in any investigation by the Integrity Commissioner. Ms. Bench suggested that it be included in Rule No. 1.

RECOMMENDATION

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 and that the commentary on the proposed amendments to the Council Code of Conduct be referred to the City Solicitor to report back to the Governance Committee.

Approved (Councillor P. Saito)
Recommendation (GOV-0002-2012)

Discussion ensued with respect to public input in the proposed changes to the Code of Conduct and that following review of the next draft there should be discussion on including public input.

4. Review of Councillors' Expenses

Mayor McCallion suggested that the committee review the Region of Peel's expense policy so that the residents are aware that the members of Council have two policies to adhere to. Janice Baker, City Manager explained that the Councillor Expense Policy needs to be amended to align with the Code of Conduct. Brenda Breault, Commissioner, Corporate Services advised that staff are working on a draft of changes to the Policy. Mayor McCallion suggested that the expenses of Councillors be posted on the City website.

Councillor Pat Saito noted concerns with the interpretation of statements in the Councillor Expense Policy. Ms. Breault advised that a draft of the Policy could be available by the next meeting date. Councillor Crombie noted that clarification in the Policy is needed for: Councillor websites under office expenses, the number of newsletters per year, legal expenses and electronic devices for home offices. Councillor Chris Fonseca noted that the Policy needs clarification on what is allowed with websites, business entertainment, sponsorship and staff recognition. Ms. Breault explained that the expense Policy for the Region of Peel is structured differently from the City of Mississauga, as the City's policy is more specific.

RECOMMENDATION

That the matter regarding the Elected Officials' Expense Policy be referred to staff for a report back to the Governance Committee on proposed changes to the Policy.

Deferred (Mayor H. McCallion)
Recommendation GOV-0003-2012

5. City Council Committee Structure Review

Janice Baker, City Manager spoke to the matter and noted that direction is needed from the committee as to what resources can be used to conduct the review and determine the scope of work. She further noted that a consultant would provide an independent opinion and their experience with other municipalities. Discussion ensued with respect to the methodology to review the Council and Committee Structure.

Mayor McCallion noted that there was no urgency with the matter and suggested that the City Manager look into feedback on the current structure. Councillor Saito suggested that there be a review of the standing committees of Council first and that it be reviewed separately from the other committees. She noted that Crystal Greer, City Clerk could provide options to the committee on how to improve and maximize efficiency of the committees. Councillor George Carlson suggested that Councillors and committee members be consulted on any changes to the structure. Councillor Bonnie Crombie noted that she would be interested in best practices with other municipalities.

RECOMMENDATION

1. That the City Clerk be directed to report back to the Governance Committee with proposed options for standing committees with respect to the City Council Committee Structure Review.
2. That staff be directed to come back with a proposed survey and circulation of the survey for the City Council Committee Structure Review at the next Governance Committee.

Approved (Mayor H. McCallion)
Recommendation GOV-0004-2012

6. Correspondence6.1 Municipal Election Campaign Funding

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

Mayor McCallion noted the importance of the matter and that the committee should review it at some point. Councillor Saito noted that staff should respond to Ms. Toth in writing on behalf of the Mayor to advise her that the matter is in the committee's work plan.

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.

Councillor Saito suggested that staff respond to Mr. Walmark on behalf of the Mayor explaining that there is a process that was established for public input in the committee's terms of reference.

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.

Councillor Saito suggested that staff respond to Mr. Culham that there is a review of the current Council committee structure.

RECOMMENDATION

That the Letter dated December 8, 2011 from Edna Toth, Chair, Peel Poverty Action Group with respect to municipal election campaign funding be received and referred to a future Governance Committee agenda when the subject matter is reviewed.

GOV-0005-2012

RECOMMENDATION

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

GOV-0006-2012

RECOMMENDATION

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

GOV-0007-2012

Received (Councillor P. Saito)

Recommendation GOV-0005-2012 – GOV-0007-2012

OTHER BUSINESS

Mayor McCallion noted that as a result of some candidates not being re-elected, records in the Ward office are discarded. She further noted that this is an issue that needs to be addressed. Mary Ellen Bench, City Solicitor noted that there are privacy concerns and that she could bring material back to the committee on this matter.

Councillor Pat Saito enquired about the RFP for an Integrity Commissioner. Janice Baker, City Manager noted that material could be brought back to another meeting date on the RFP that was used for the interim Integrity Commissioner. She further noted that the Code of Conduct would help with determining the depth of work involved.

ADJOURNMENT - 3:50 p.m.