



AGENDA

GOVERNANCE COMMITTEE

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

MONDAY, OCTOBER 22, 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 Pat Saito, Ward 9 (Vice-Chair)
Councillor Chris Fonseca, Ward 3
Councillor Bonnie Crombie, Ward 5
Councillor George Carlson, Ward 11

Contact: Sacha Smith, Legislative Coordinator, Office of the City Clerk
905-615-3200 ext. 4516 Fax: 905-615-4181
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**

Minutes of the Governance Committee meeting held on September 17, 2012.

2. **City Committees of Council Structure Review**

Karen Spencer, Project Lead to present an update on the City Committees of Council Structure Review.

3. **Proposed Amendments to Council Procedure By-law 421-03 as amended**

Corporate Report dated October 15, 2012 from the Commissioner of Corporate Services and Treasurer with respect to proposed amendments to the Council Procedure By-law.

RECOMMENDATION

1. That direction be provided with respect to the options identified in the report dated October 15, 2012, from the Commissioner of Corporate Services and Treasurer, titled "Operational Efficiencies and Proposed Amendment to Council Procedure By-law 421-03, as amended".
2. That a By-law be prepared incorporating amendments to Council Procedure By-law 421-03, as amended, in accordance with the direction provided at the Governance Committee meeting of October 22, 2012, and as outlined in the report dated October 15, 2012, from the Commissioner of Corporate Services and Treasurer.

3. That prior to enactment of the By-law by Council, public notice be given of the proposed amendments to the Council Procedure By-law 421-03, in accordance with the Notice By-law and the Council Procedure By-law 421-03.

4. Governance Committee Outstanding Items List

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

5. Correspondence List

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

OTHER BUSINESS

CLOSED SESSION

(Pursuant to Subsection 239 (2) of the *Municipal Act, 2001*)

Personal matters about an identifiable individual, including municipal or local board employees – Code of Conduct for Citizen Members of Committees

DATE OF NEXT MEETING – Monday, November 12, 2012 at 1:00 P.M.

ADJOURNMENT



Governance Committee

OCT 22 2012

MINUTES

GOVERNANCE COMMITTEE

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

MONDAY, SEPTEMBER 17, 2012 – 1:02 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) (Arrived at 1:34 pm)

Members Absent: Nil

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

CALL TO ORDER – 1:02 P.M.**DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST - Nil****APPROVAL OF THE AGENDA**

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

Approved (Councillor C. Fonseca)

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

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

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Meeting

Minutes of the Governance Committee meeting held on June 11, 2012.

Approved (Councillor G. Carlson)

2. First Report of the Integrity Commissioner

Report dated September 7, 2012 from the Integrity Commissioner providing a first report of the Integrity Commissioner.

Robert Swayze, Integrity Commissioner spoke to the report and explained his recommendations for changes to the Council Code of Conduct.

Members of Governance Committee spoke to the report and noted the following:

- The new draft of the Code of Conduct should be available for public input before it is endorsed by Council.
- The importance of members of Council having the ability to advocate for the community they represent.
- There should be a section in the Code of Conduct relating to how a member of Council interacts with a lobbyist.

- Wording in the gifts and benefits section of the Code of Conduct needs to be clarified on what needs to or not be reported and what can be accepted. For example, members of Council that are appointed to external boards, are they required to report tickets to functions that they are required to attend as a member of that external board.

Mr. Swayze spoke to the concerns regarding members of Council advocating for their community and spoke to the possible influence at the Committee of Adjustment meetings. Councillor Pat Saito expressed concern with respect to the idea that members of Council would not have the opportunity to advocate for their communities at the Committee of Adjustment. Mr. Swayze noted that he would review the matter and report back to the Committee.

Mr. Swayze noted that councillors will speak with lobbyists because its part of their job functions. Councillor George Carlson spoke to his concerns in getting caught up with the expense of setting up a lobbyist registry.

Mr. Swayze noted that he would report back to the Committee on gifts and benefits. He further noted that external boards are not within his jurisdiction as they may have their own policies. Therefore, the Code of Conduct should not address members of Council receiving tickets for dinners as part of their membership.

Councillor Carlson asked for clarification on the disclosure of councillors' names when seeking advice. Mr. Swayze noted that names would not be disclosed unless the matter was obviously linked to a specific member of Council. Councillor Carlson further enquired about abstention voting. Mr. Swayze explained that members of Council should be able to declare other conflicts such as personal conflicts.

Mayor Hazel McCallion arrived at 1:34 p.m.

Councillor Crombie suggested that limits be reviewed for gifts and requested that the Mr. Swayze review if there are any limits at other municipalities. She further requested that Mr. Swayze review the ability for members of Council to sit on a private board with respect to Rule Number 1.

Mayor Hazel McCallion expressed concern about the use of the term "friend" in the Code of Conduct. Mr. Swayze spoke to the matter and noted that you have to look at are you impartial when voting and when people look at it will they look at it as impartial.

Discussion ensued with respect to a moratorium on accepting complaints during an election year. It was noted that the matter should be deferred to a future meeting date. Mr. Swayze noted that he could review the matter further and look at how it is handled at other municipalities.

RECOMMENDATION

1. That the mandate of the Integrity Commissioner not be expanded to include investigations of members of City staff;
2. That Corporate Policy 02-02-03 be rescinded;
3. That Council approve the amendments to the Council Code of Conduct as set out in Appendix 1 to the Integrity Commissioner's Report dated September 7, 2012;
4. That Council adopt the Council Code of Conduct Complaint Protocol in the form attached as Appendix 2 to the Integrity Commissioner's Report dated September 7, 2012;
5. That Procedural By-law 421-03 as amended, be further amended by replacing section 56(1) with the new section set out in the Integrity Commissioner's Report dated September 7, 2012;
6. That the commentary provided by the Governance Committee with respect to the Council Code of Conduct be referred to the Integrity Commissioner to report back to the Governance Committee on proposed changes to the Council Code of Conduct.
7. That the matter regarding a moratorium on accepting complaints during an election year be deferred to a future Governance Committee meeting.

APPROVED (Councillor P. Saito)
Recommendation GOV-0018-2012

3. Governance Committee Proposals

Email dated June 28, 2012 from Alan Kan, Resident providing suggestions regarding Council meeting times and Public Question Period.

Crystal Greer, City Clerk noted that the matter could be included in the review. She clarified that Public Question Period is for a total of 15 minutes as Mr. Kan was unsure as to the time period.

There was discussion that the attendance does not increase with evening meetings and it may affect the attendance of councillors at other events. In addition, it was noted that Council meetings are streamed live online so that the meetings are more accessible to residents.

Mayor Hazel McCallion suggested that the Clerk prepare data on the history of night meetings and prepare a letter for her response to Mr. Kan.

RECOMMENDATION

That the email dated June 28, 2012 from Alan Kan, resident providing suggestions regarding Council meeting times and Public Question Period be received.

Received (Councillor B. Crombie)
Recommendation GOV-0019-2012

4. Governance Committee Outstanding Items List

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

Janice Baker, City Manager and Crystal Greer, City Clerk spoke to the outstanding items list for the committee.

Councillor Pat Saito noted that Council should be aware of gifts that senior staff may have received as they make recommendations to Council.

RECOMMENDATION

That the City Manager report back to the Governance Committee on a reporting structure for senior staff to report gifts and benefits that have been received.

Approved (Councillor P. Saito)
Recommendation (GOV-0021-2012)

Councillor Bonnie Crombie enquired about future agenda items for the Governance Committee. Ms. Greer spoke to the matter and noted that up to this point the Committee Structure Review and the Integrity Commissioner have been the focus. Councillor Jim Tovey noted that the Chair and Vice-Chair could meet with the Clerk's Office to discuss the future agenda items.

Councillor Crombie noted that she would like to have the following issues discussed by the Committee prior to the next municipal election: elections oversight body, elections spending, review of donations and tax receipts and electronic voting.

RECOMMENDATION

That the Governance Committee Outstanding Items List for the September 17, 2012 Governance Committee meeting, be received.

Received (Councillor P. Saito)
Recommendation (GOV-0020-2012)

OTHER BUSINESS - Nil

ADJOURNMENT – 2:18 P.M.



Corporate Report

Clerk's Files

Originator's
Files

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DATE: October 15, 2012

TO: Chair and Members of Governance Committee
Meeting Date: October 22, 2012

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

SUBJECT: **Proposed Amendments to Council Procedure By-law 421-03 as amended**

Governance Committee

OCT 22 2012

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- RECOMMENDATION:**
1. That direction be provided with respect to the options identified in the report dated October 15, 2012, from the Commissioner of Corporate Services and Treasurer, titled "Operational Efficiencies and Proposed Amendment to Council Procedure By-law 421-03, as amended".
 2. That a By-law be prepared incorporating amendments to Council Procedure By-law 421-03, as amended, in accordance with the direction provided at the Governance Committee meeting of October 22, 2012, and as outlined in the report dated October 15, 2012, from the Commissioner of Corporate Services and Treasurer.
 3. That prior to enactment of the By-law by Council, public notice be given of the proposed amendments to the Council Procedure By-law 421-03, in accordance with the Notice By-law and the Council Procedure By-law 421-03.

**REPORT
HIGHLIGHTS:**

- Amendments to the Council Procedure By-law are proposed with the intent of improving operational efficiencies, and clarifying procedures.
- Specific amendments are proposed with respect to the Order of

Business of Council meetings, and provisions for calling Special meetings of Council and passing Motions to Reconsider a Matter.

- Direction is sought from the Governance Committee with respect to options for managing deputation requests.

BACKGROUND:

At the Governance Committee meeting held on May 14, 2012, the City Clerk was requested to report back on proposed options on how Council and its Committees can operate more efficiently. At the same time, the Council Committee Structure Review was initiated by the City Manager's Office. As a result, the Clerk's Office has coordinated with the City Manager's Office to avoid duplication in the matters addressed in this report.

Section 238 of the Municipal Act, 2001, requires the municipality to pass a procedure by-law for governing the calling, place and proceedings of meetings. The current Council Procedure By-law 421-03, was enacted by Council on October 22, 2003, with subsequent amendment in 2008, 2009 and 2010.

COMMENTS:

The operations of Council and its Committees as contained in the Procedure By-law, have been reviewed with the intent of identifying operational improvements and efficiencies, and clarifying procedures.

Proposed Efficiencies:Order of Business

The Order of Business for all regular meetings of Council is defined under heading established by the Procedure By-law. Several changes are proposed to the Order of Business and are outlined below.

In 2008, a heading titled "approval of the agenda" was added to accommodate any additions or deletions to the agenda, early in the meeting. The "approval of the agenda" was added following "declarations of direct or indirect pecuniary interest". This has on occasion caused issue, as a member of Council was unaware that a matter was being added to the agenda, and as a result, did not declare an interest at the appropriate time. It is proposed that the "approval of the agenda" be moved to the first order of business ahead of the "declarations of direct or indirect pecuniary interest" to avoid this situation.

The Integrity Commissioner has recommended that Council amend Section 56(1) of the Procedure By-law to reflect the declaration of a personal conflict on a matter. As a result, and for further clarity, it is suggested that the heading titled "Declarations of Direct or Indirect Pecuniary Interest" be renamed "Declarations of Conflict of Interest".

The Order of Business lists "Notices of Motion" near to the conclusion of the meeting, just prior to "Closed Session". Should the member of Council who presented the Notice of Motion seek to have the motion dealt with at the Council meeting, it would be more efficient to have the Notice of Motion discussed prior to the "Motions" heading.

Deputations

A substantial amount of Council meeting time is spent on deputations. In the past Council has expressed concern with the number of deputations scheduled for each meeting. Unfortunately, it is difficult to determine a reasonable number of deputations for each meeting because the requests vary depending on the issues scheduled for consideration, and the time of year.

Instead of determining a maximum number of deputations, the Clerk's Office has surveyed other municipalities with regard to the length of time allowed for deputations. The results of the survey are attached as Appendix 1. The majority of municipalities surveyed limit the length of deputations to 5 minutes. This time does not include comments or questions from members of Council. Some municipalities allow 5 minutes for deputations at Council with an increase to 10 minutes for deputations made to a Committee. It is also noted that some municipalities such as Toronto, Hamilton and London, restrict deputations to Committee meetings only and do not permit deputations at Council.

The experience in Mississauga is that the majority of requests are received to make a deputation at a Council meeting. Occasionally, requests to make a deputation to Council will be received regarding reports and issues that have been addressed at other Committees such as General Committee or Planning and Development Committee.

In addition, several Advisory Committees request to appear before Council annually to provide an overview of their activities. Given that Advisory Committees report to Council through General Committee, the established practice could be amended and the Procedure By-law changed to direct that Advisory Committee deputations be made to General Committee.

Council could chose to include provisions in the Procedure By-law to restrict the length of time permitted for deputations, to deny requests for deputation to Council, or to include a restriction that deputations relating to matters that have appeared on a previous Committee agenda will only be heard with the approval of Council. Direction is sought with respect to potential amendments to the Procedure By-law with respect to deputations.

Clarifying Procedures:
Special Meetings of Council

The provisions of the current By-law indicate that the Mayor may summon a special meeting of Council on 24 hours notice, however, the Procedure By-law requires 48 hours written notice of all special meetings of Council. This is contradictory and should be clarified by amending the Procedure By-law to delete reference to 24 hours notice, given the established practice of providing 48 hours notice.

However, a clause should be added to the By-law to provide that in the event that the City has declared an emergency under the provisions of the City's Emergency Plan, the Mayor may summon a special meeting of Council and waive the requirement for written notice.

Motion to Reconsider

The Procedure By-law contains a provision that no matter after being decided by Council shall be reconsidered during one year of the decision of Council. The next clause of the By-law states that a motion to reconsider may not be made at the same meeting that the decision proposed for consideration was made. These provisions have been interpreted to mean that a matter cannot be reconsidered within a year, without first, Council passing a motion to reconsider the matter. To provide clarity, the By-law should be amended.

This would also provide clarity that Council does not need to pass a motion to reconsider a matter after a considerable time has passed.

FINANCIAL IMPACT: Not applicable.

CONCLUSION: At the direction of the Governance Committee, the City Clerk has reviewed the operations of Council and its Committees and has proposed options for amendment to the Council Procedure By-law. It is anticipated that further amendments to the Council Procedure By-law may result from the Council Committee Structure Review initiated by the City Manager's Office, and these amendments will be addressed in future reports to the Governance Committee.

Prior to enacting any changes to the Council Procedure By-law, notice is required to be given at a previous meeting of Council and by posting notice on the City's website for a 2 week period.

ATTACHMENTS: Appendix 1: Comparison of Deputation Time Limits in other Municipalities



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

Prepared By: Crystal Greer, Director of Legislative Services/City Clerk

Comparison of Deputation Time Limits

Municipality	Deputation Time Limits	Comments
Mississauga	15 minutes	Deputations may take place at City Council and committees of Council.
Brampton	5 minutes	<p>Additional speaking time may be requested at the committee meeting.</p> <p>Deputation requests to address City Council are up to the discretion of the Clerk.</p>
Burlington	10 minutes (Standing Committees) 5 minutes (Council)	Each deputation is allowed one spokesperson.
Hamilton	5 minutes	<p>Deputations from organizations should have one or two people chosen to represent the organization to speak.</p> <p>Deputations may only address Council at a Committee meeting.</p>
London	5 minutes	<p>Deputations may only address Council at a Committee meeting.</p> <p>There are no time limits for the public that wish to address Planning Committee due to statutory public meetings.</p>
Oakville	10 minutes	
Toronto	5 minutes	Members of the public can provide their input during committee and community council meetings.
Region of Peel	5 minutes (Council) 10 minutes (Committee)	If additional time is requested, it is at the Chief Administrative Officer's discretion.

Governance Committee-Outstanding Items List

Issue	Last Discussed on	Who	Status
1. Amendments to the Council Code of Conduct	September 17, 2012	Integrity Commissioner	Integrity Commissioner to report back at the November 12, 2012 meeting date on proposed amendments to the Council Code of Conduct.
2. Proposed options for standing committees with respect to the City Council Committee Structure Review	January 23, 2012	Karen Spencer	Will be reported as part of the Committees of Council Structure Review.
3. Proposed amendments regarding the Councillors' severance package to cover the cost of a by-election, where a councillor forfeits their seat to run for provincial or federal office	April 16, 2012	City Solicitor	Coming to a future meeting date.
4. Public Question Period at committees of Council	May 14, 2012	Karen Spencer	Will be reported as part of the Committees of Council Structure Review.
5. Council Committee Structure Review	May 14, 2012	Karen Spencer	Research is on-going. Update presentation is on the October 22, 2012 agenda.
6. Wording for resolutions regarding the use of electronic devices during Council meetings and lunch break at Council	May 14, 2012	City Clerk	To be presented at the November 14, 2012 Council meeting.

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Governance Committee-Outstanding Items List

<p>7. Proposed options on how Council and its Committees can operate efficiently</p>	<p>May 14, 2012</p>	<p>City Clerk</p>	<p>Corporate Report on the October 22, 2012 agenda.</p>
<p>8. Reporting Structure for senior staff to report gifts and benefits</p>	<p>September 17, 2012</p>	<p>City Manager</p>	<p>Coming to a future meeting date.</p>

Correspondence List

Who	Meeting Date	Matter	Status
Edna Toth Chair Peel Poverty Action Group	January 23, 2012	Municipal Election Funding	Proposed for January 2013
John F. Walmark	January 23, 2012	Composition of committee membership	Response provided to Mr. Walmark on February 14, 2012
David Culham	January 23, 2012	Review of committee structure	Review of committee structure is underway
Grant Isaac	April 16, 2012	Suggestion for appointment of Integrity Commissioner	Completed
Ernest Price	May 14, 2012	Council Code of Conduct	Advised that proposed amendments to Council Code of Conduct will be considered on November 12, 2012
Alan Kan	September 17, 2012	Review Council meeting times and Public Question Period	Response to be provided to Mr. Kan

Governance Committee
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