



MINUTES

GOVERNANCE COMMITTEE

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

MONDAY, NOVEMBER 12, 2012 – 1:04 P.M.

COUNCIL CHAMBER, SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

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

Members Absent: Nil

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

CALL TO ORDER - 1:04 P.M.

DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST - Nil

APPROVAL OF THE AGENDA

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

Approved (Councillor Crombie)

DEPUTATIONS

A. Item 2 Don Barber, Resident

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

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

Mr. Barber enquired if the Code of Conduct addresses situations where someone believes they have the right to make a complaint against a councillor where they were denied proper representation or intervention on behalf of residents. Mr. Swayze responded to Mr. Barber’s question and explained that he would have to make a preliminary determination with every complaint and decide if its within his jurisdiction to review. Councillor Tovey further advised Mr. Barber that the Code of Conduct contains commentary under each rule that provides some examples and clarity.

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

RECOMMENDATION

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

Received (Councillor Saito)
Recommendation GOV-0027-2012

PUBLIC QUESTION PERIOD

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

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

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

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

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

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

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

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

Approved (Councillor Crombie)

2. Further Review of Council Code of Conduct

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

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

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

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

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

RECOMMENDATION

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

Approved (Councillor Fonseca)
Recommendation GOV-0028-2012

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

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

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

during deputations.

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

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

RECOMMENDATION

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

Approved (Councillor Saito)
Recommendation GOV-0029-2012

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

4. Council Lunch Recess – Resolution 0108-2011

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

RECOMMENDATION

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

Approved (Councillor Carlson)
Recommendation GOV-0030-2012

5. Governance Committee Outstanding Items List

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

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

RECOMMENDATION

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

Received (Councillor Saito)
Recommendation GOV-0031-2012

6. Correspondence List

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

RECOMMENDATION

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

Received (Councillor Fonseca)
Recommendation GOV-0032-2012

OTHER BUSINESS - Nil

CLOSED SESSION - Nil

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

ADJOURNMENT – 2:53 P.M.