



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.**