



# MINUTES

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## GOVERNANCE COMMITTEE

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

**MONDAY, JANUARY 13, 2014 – 1:07 PM**

**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 George Carlson, Ward 11  
Mayor Hazel McCallion (Ex-officio) (Arrived at 1:14 pm)

Members Absent: Councillor Pat Saito, Ward 9 (Vice-Chair) (Personal)

Non-Members Present: Councillor Nando Iannicca, Ward 7

Staff/Integrity  
Commissioner Present: Janice Baker, City Manager  
Gary Kent, Commissioner, Corporate Services and Chief  
Financial Officer  
Wendy Law, Deputy City Solicitor  
Ivana Di Millo, Director, Communications  
Finola Pearson, Senior Advisor, Media Relations  
Robert Swayze, Integrity Commissioner  
Crystal Greer, Director, Legislative Services and City Clerk  
Diana Rusnov, Manager, Legislative Services and Deputy  
Clerk  
Sacha Smith, Legislative Coordinator

**CALL TO ORDER** - 1:07 PM

**APPROVAL OF THE AGENDA**

Approved (Councillor Fonseca)

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

**DEPUTATIONS**

A. Items 2 and 3 Sebastion Patrizio, Chair, Committee of Adjustment

See discussion under Items 2 and 3.

Mayor McCallion arrived during deputation A at 1:14 pm.

B. Item 3 Dorothy Tomiuk, MIRANET with respect to Rule 7, Section 2 of the Council Code of Conduct

See discussion under Item 3.

C. Item 3 Andrew Gassmann, President, Cooksville Munden Park Homeowner's Organization with respect to Rule 7, Section 2 of the Council Code of Conduct

See discussion under Item 3.

**PUBLIC QUESTION PERIOD** - Nil

**MATTERS CONSIDERED**

1. Approval of Minutes – December 9, 2013

Minutes of the Governance Committee meeting held on December 9, 2013.

Approved (Councillor Carlson)

## 2. Local Board Codes of Conduct and Complaint Protocol

Integrity Commissioner's Report dated November 6, 2013 with respect to Local Board Codes of Conduct and Complaint Protocol.

This report was deferred on November 13, 2013 by the Governance Committee.

Mr. Patrizio referred to Rule 1 section (e) of the Local Board Codes of Conduct and Complaint Protocol and expressed concern about the use of friendships and that committee volunteers would have to be concerned about who they are friends with. The next concern was with conducting business noted in the Non-adjudicative Boards section of the Code and that the same wording does not appear in the Adjudicative Board section. He further noted that the Code restricts members of Adjudicative Boards to work on election campaigns and suggested that there be some wording restricting campaign management or fundraising.

Robert Swayze, Integrity Commissioner commented on Rule 1 section (e) and noted his concern for a Committee member who repeatedly sends someone to represent their application. Mr. Swayze explained his stance with respect to members of adjudicative boards working on election campaigns and the possibility of a member showing favoritism towards members of Council.

### RECOMMENDATION

1. That the Codes of Conduct and Complaint Protocol applicable to Local Boards of the City of Mississauga attached to this Report as Appendix 1 be adopted with effect from January 1, 2015;
2. That staff and the Integrity Commissioner be directed to prepare and hold educational sessions on the Codes of Conduct and Complaint Protocols commencing in 2014 and that all members of Council and Local Board be invited.

Approved (Councillor Crombie)  
Recommendation GOV-0001-2014

3. Council Code of Conduct - Rule 7, Section 2

Council referred the matter concerning the proposed amendment to Rule 7, Section 2 of the Council Code of Conduct to the Governance Committee on November 20, 2013 as per Resolution 0202-2013.

Councillor Tovey, Chair submitted suggested amendments to Rule 7, Section 2 of the Council Code of Conduct for the Governance Committee's consideration.

Mr. Patrizio noted that Councillors should be permitted to appear before the Committee of Adjustment because it is more valuable than a letter and it gives the Committee the opportunity to ask questions.

Ms. Tomiuk appeared before Committee on behalf of MIRANET and advised that MIRANET is in support of the original text in the Council Code of Conduct. She suggested that there be new wording in the Code that ensures there is public notice to both sides of an issue when a Councillor has submitted a letter or e-mail. She further suggested that there should be a more fulsome review of the Code to receive input from Councillors and the public. Such a review should not be scheduled to conflict with the municipal election campaign period.

Mr. Gassmann appeared before Committee on behalf of the Cooksville Munden Park Homeowner's Organization. He noted that the Organization is in support of restrictions for Councillors to make a deputation in person or in writing. He further noted that adjudicative bodies should function without any influence from members of Council.

In response to a question from Councillor Iannicca, Mr. Patrizio advised that he has never felt pressured by members of Council to make a Committee of Adjustment decision in favour of a Councillor's position.

Robert Swayze, Integrity Commissioner spoke to the suggested amendments and noted that it was a good compromise because it suggests that Councillors may attend infrequently. Discussion ensued with respect to public notice of any letter or email submitted by a member of Council.

In response to a question from Mayor McCallion, Ms. Tomiuk clarified MIRANET's position on the matter and noted that the original wording in the Council Code of Conduct is preferable; however there should be public notice of the letter so both sides are aware of the position ahead of time. Mayor McCallion expressed her concerns and noted that it should be decided if members of Council either go or not go to Committee of Adjustment.

Councillor Carlson spoke to the matter and noted that the Committee of Adjustment works well and did not want to burden the process. He further noted that sometimes Councillors want to appear at the Ontario Municipal Board and the Heritage Advisory Committee.

Councillor Iannicca spoke to the importance of a member of Council attending the Committee of Adjustment to explain or provide background on a contentious issue. He noted that he agrees that a Councillor's attendance should be infrequent under the guidance of the Integrity Commissioner and that the public should be aware of their attendance.

Mr. Gassmann spoke further to the matter and noted that Councillors should not be permitted to address issues to the Committee of Adjustment in writing or in person.

Councillor Crombie noted that there may be rare occasions where a Councillor may need to provide the historical background and put it into context. Mr. Swayze suggested wording that would include notice be given to the Secretary of Committee of Adjustment and that members of Council consult with the Integrity Commissioner.

Members of Committee further spoke to the matter and staff were directed to prepare a motion for Council that includes notice to the Secretary of the Committee of Adjustment for attendance at a meeting and consultation with the Integrity Commissioner.

RECOMMENDATION

That staff be directed to consult with the Integrity Commissioner to prepare a motion for Council's consideration to amend the Council Code of Conduct Rule 7, Section 2 - Improper Use of Influence regarding attendance at adjudicative board meetings.

Approved (Councillor Carlson)  
Recommendation GOV-0002-2014

4. Newsletters during an Election

Integrity Commissioner report dated January 8, 2014 with respect to Council newsletters following June 30<sup>th</sup> of a municipal election year.

Robert Swayze, Integrity Commissioner clarified that members of Council can provide notifications to residents electronically or in writing providing they are not newsletters.

Councillor Fonseca enquired about the availability of providing immediate information such as an app or residents registering on the City website. Ivana Di Millo, Director, Communications advised that staff are working on a tool to provide 2-way communication to residents and will provide an update at a General Committee meeting.

Councillor Carlson noted that after June 30<sup>th</sup> notifications should be restricted to special notices such as flood warnings and meeting notices and members of Council could run their notifications by the Integrity Commissioner prior to distribution. Mr. Swayze advised that he could review any notifications from members of Council.

RECOMMENDATION

That the Council Code of Conduct and the Complaint Protocol for the City of Mississauga be amended in accordance with Appendix 1 attached to the report of the Integrity Commissioner to the Governance Committee meeting of January, 13, 2014.

Approved (Mayor McCallion)  
Recommendation GOV-0003-2014

5. Endorsement of Local Sport Teams by Members of Council

Integrity Commissioner to provide a verbal update with respect to the endorsement of local sport teams by Members of Council.

Robert Swayze, Integrity Commissioner spoke to the matter and noted his concern with the use of public funds used to support a private entity. He noted that he wasn't recommending any change to the Council Code of Conduct and that members of Council could support private teams, but should not use public funds to buy tickets. Gary Kent, Commissioner, Corporate Services clarified that the Elected Officials' Policy notes that financial support to teams would not be reimbursed.

Mr. Swayze clarified that sending letters to ask for support for local teams is acceptable.

RECOMMENDATION

That the verbal update provided by the Integrity Commissioner with respect to the endorsement of local sport teams by Members of Council be received for information.

Received (Councillor Crombie)  
Recommendation GOV-0004-2014

6. Review of Committee of Adjustment

Councillor Tovey, Chair has requested discussion with respect to the consideration of a review of the Committee of Adjustment.

Councillor Tovey noted that approximately 45% of the Committee of Adjustment applications are for Wards 1 and 2. He requested that staff prepare a report on how the Committee of Adjustment is working and the implications of implementing 2 Committee of Adjustments.

Councillor Fonseca noted that the concern about the process of how the communication gets out to the public should be included in the review.

Councillor Carlson spoke to a terms of reference that would define the mandate for the review of the Committee of Adjustment. Mayor McCallion noted that the

report should go to General Committee and not the Governance Committee. She further noted that there should be more detail in the reports and Planning staff should comment before the Committee of Adjustment. Sebastian Patrizio, Chair, Committee of Adjustment clarified that two Planners attend every meeting and there are circumstances where they do provide clarification on applications.

Mr. Patrizio noted that rarely do Councillors attend Committee of Adjustment and that the Committee is not influenced by Council and decisions are made independently.

Andrew Gassmann, President, Cooksville Munden Park Homeowner's Organization and Chris Mackie, President, Cranberry Cove Port Credit Ratepayer's Association spoke to the matter of Planning staff at meetings and the importance of their recommendations.

#### RECOMMENDATION

That staff be directed to prepare a terms of reference to conduct a review of the Committee of Adjustment and report back to General Committee.

Approved (Councillor Fonseca)  
Recommendation GOV-0005-2014

#### 7. Governance Committee Outstanding Items List

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

Received (Councillor Carlson)  
Recommendation GOV-0006-2014

#### **OTHER BUSINESS - Nil**

**DATE OF NEXT MEETING** – Monday, February 10, 2014 at 1:00 pm

**ADJOURNMENT** - 3:15 PM