



# AGENDA

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## GOVERNANCE COMMITTEE

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

**MONDAY, APRIL 14, 2014 – 1:00 PM**

**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  
Mayor Hazel McCallion (Ex-officio)

Contact: Sacha Smith, Legislative Coordinator, Office of the City Clerk  
905-615-3200 ext. 4516 Fax: 905-615-4181  
[sacha.smith@mississauga.ca](mailto:sacha.smith@mississauga.ca)

**CALL TO ORDER**

**APPROVAL OF THE AGENDA**

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

**DEPUTATIONS - Nil**

**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 – March 17, 2014

Minutes of the Governance Committee meeting held on March 17, 2014.

2. Council Code of Conduct – Rule 7

Email dated March 26, 2014 from Andrew Gassmann, President, Cooksville Munden Park Homeowner's Organization with respect to Rule 7 in the Council Code of Conduct.

3. Suggestion for Complaint Process to Integrity Commissioner

Emails dated March 19, 2014 and April 7, 2014 from Irene Gabon, resident providing a suggestion that requests to the Integrity Commissioner for assistance be done in writing and be made available to the public.

4. Introduction of Municipal Recall Election Legislation

Letter dated March 10, 2014 from the Town of Aurora with respect to a Council Resolution regarding the implementation of recall legislation for municipally – elected officials. This matter was referred by Council on April 2, 2014 to the Governance Committee as per Resolution 0053-2014.

5. Discussion Regarding Road Safety Mississauga, Mississauga Cycling Advisory Committee and Active Transportation Committee

Councillor Saito, Vice-Chair has requested discussion with respect to an Active Transportation Committee, Road Safety Mississauga and Mississauga Cycling Advisory Committee.

**OTHER BUSINESS**

**DATE OF NEXT MEETING** – Monday, May 12, 2014 at 1:00 pm

**ADJOURNMENT**



Governance Committee

APR 14 2014

# MINUTES

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## GOVERNANCE COMMITTEE

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

MONDAY, MARCH 17, 2014 – 1:04 PM

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) (Arrived at 1:11pm)  
Councillor Chris Fonseca, Ward 3  
Councillor Bonnie Crombie, Ward 5  
Councillor George Carlson, Ward 11  
Mayor Hazel McCallion (Ex-officio) (Arrived at 1:11pm)

Members Absent: Nil

Non-Members Present: Councillor Ron Starr (Ward 6)

### Staff/Integrity

Commissioner Present: Janice Baker, City Manager  
Gary Kent, Commissioner, Corporate Services and Chief Financial Officer  
Mary Ellen Bench, 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 – 1:04 PM****APPROVAL OF THE AGENDA**

Councillor Tovey requested that an email dated March 12, 2014 from the Integrity Commissioner with respect to letters about the Committee of Adjustment be added to the Agenda.

Approved as Amended (Councillor Crombie)

**DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST - Nil****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 – January 13, 2014

Minutes of the Governance Committee meeting held on January 13, 2014.

Approved (Councillor Crombie)

2. Review of Rule 7, *Council Code of Conduct* re: members attending tribunals such as the Ontario Municipal Board

Integrity Commissioner's Report dated March 6, 2014 with respect to members attending tribunals such as the Ontario Municipal Board.

Robert Swayze, Integrity Commissioner spoke to the difference when a Member of Council appears before a tribunal as a personal property owner or as a Member of Council. He noted that a Member of Council should not appear at the Ontario Municipal Board (OMB) and take a position that is opposite to Council. However, the OMB noted that they have found ward councillors can be helpful with mediation with members of the community. Mr. Swayze suggested that members of Council contact him prior to appearing before a tribunal.

Councillor Carlson spoke in support of Mr. Swayze's recommendation. He further spoke to the importance of notice to residents of the City's policy, because it can be confusing to residents when members of Council can't appear before a tribunal.

### RECOMMENDATION

That the *Council Code of Conduct* be amended by deleting the two sections of Rule 7 highlighted in Appendix 1 and replacing them with the following:

"If Council has taken a position in an Ontario Municipal Board ("OMB") matter and instructed the City Solicitor to appear at a hearing in support of such position, no member of Council who disagrees with such position, shall give evidence at such hearing or otherwise work against the will of Council in such matter. With the consent of the lawyer assigned to represent the City at an OMB hearing, a member of Council who is in support of the Council instructions to such lawyer, may give evidence at an OMB hearing. Notwithstanding the above, if the OMB has decided to mediate a dispute between parties in a matter, any member of Council may offer his or her services to assist with such mediation regardless of his or her position in the matter and participate, if approved by the OMB mediator.

Generally, members of Council should not take part in the proceedings of any other tribunal where the City is a party unless such participation is approved by the Integrity Commissioner"

Approved (Councillor Carlson)  
Recommendation GOV-0007-2014

Mayor McCallion and Councillor Saito arrived in the Council Chamber at 1:11pm.

### 3. Transportation Committee Review

Corporate Report dated March 3, 2014 from the Commissioner of Corporate Services and Chief Financial Officer with respect to a review of the Transportation Committee.

Mayor McCallion suggested that the review of the Transportation Committee should take place in 2014 with the current members of Council to provide comments prior to the end of the Council term. The new term of Council could review the comments and make the decision.

Gary Kent, Commissioner, Corporate Services and Chief Financial Officer explained that the logic was to have more experience with the Committee and noted that the review could be completed with the current term of Council and present the recommendations to the new Council in 2015.

Councillor Crombie expressed concern with the current three-week Council meeting cycle and the structure of the Transportation Committee. She noted that the Transportation Committee should be structured more like an advisory committee.

Janice Baker, City Manager commented on the current structure of the Transportation Committee and noted that the thought was there would be more activity at the Provincial level around some of the transit and transportation agenda.

Councillor Saito noted that she had hoped that the Transportation Committee would be structured to have a mixture of internal and external members to meet with members of Council to discuss transportation issues and education. She noted that she agrees with the suggestion to move items to General Committee if the agenda items for Transportation Committee appear to be limited. She suggested that the recommendation be amended to include that staff further review the suggestion of a transportation advisory committee.

Mayor McCallion spoke to the issues that should be considered by the Transportation Committee. Ms. Baker advised that reports regarding cycling, road maintenance, snow clearing, movement of goods and people are all being placed on the Transportation Committee agenda.

Mr. Kent noted that staff could report back on the review, get input from the current Council and provide a final report to the new Council. Councillor Fonseca suggested that staff get feedback from some of the advisory committees. Ms. Baker noted that staff could review the feedback in the Council Committee Structure Review Survey from advisory committee members.

#### RECOMMENDATION

1. That the report entitled, "Transportation Committee Review", dated March 3, 2014, from the Commissioner of Corporate Services and Chief Financial Officer, be received for information.
2. That staff undertake a further review of the Transportation Committee early in 2015 after the Committee has had one full year of operation to

determine its effectiveness and need to continue.

3. That staff be directed to review the original suggestion of a transportation advisory committee.

Amended/Approved (Councillor Fonseca)  
Recommendation GOV-0008-2014

4. Elected Officials Expenses Policy (04-05-04)

Corporate Report dated March 10, 2014 from the Commissioner of Corporate Services and Chief Financial Officer with respect to the Elected Officials Expenses Policy.

RECOMMENDATION

That the recommended change to the Elected Officials Expenses Policy (04-05-04) as outlined in the Corporate Report dated March 10, 2014 from the Commissioner of Corporate Services and Chief Financial Officer titled "Elected Officials Expenses Policy (04-05-04)" be approved.

Approved (Councillor Crombie)  
Recommendation GOV-0009-2014

At this time Councillor Saito requested clarification on Item #4 in the January 13, 2014 Governance Committee Minutes. She noted that there are controversial planning issues in her ward that will require regular updates to residents by email or letter. Robert Swayze, Integrity Commissioner confirmed that it would be acceptable to send information to residents that relates to meeting dates and the progress of the planning issues. He further explained that his concerns are with newsletters and "electioneering" in letters.

5. Integrity Commissioner's Response with respect to Letters about the Committee of Adjustment

Email dated March 12, 2014 from Robert Swayze, Integrity Commissioner with respect to letters about the Committee of Adjustment that were tabled at the February 26, 2014 General Committee meeting.



**RECOMMENDATION**

That the email dated March 12, 2014 from Robert Swayze, Integrity Commissioner providing a response to Councillor Jim Tovey with respect to letters about the Committee of Adjustment that were tabled at the proceedings of General Committee on February 26, 2014, be received for information.

Received (Councillor Crombie)

Recommendation GOV-0010-2014

**OTHER BUSINESS**

Mayor McCallion enquired about the difference in accepting gift cards versus cash under \$500. Robert Swayze, Integrity Commissioner spoke to the matter and explained that gift cards are traceable whereas cash could put a member of Council at risk. He further noted that if items are not taken home and become the property of the Corporation it is not seen as a gift to a member of Council.

Mayor McCallion spoke to the issue of an Integrity Commissioner at the Region of Peel and each Region of Peel municipality. Discussion ensued with respect to the difference in the Council Code of Conduct between the Regional municipalities and the feasibility of the Integrity Commissioner for each Regional municipality also governing Regional Councillors.

**DATE OF NEXT MEETING** – Monday, April 14, 2014 at 1:00 pm

**ADJOURNMENT** – 1:51 PM

APR 14 2014

2.

**Sacha Smith**

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**From:** Andrew Gassmann  
**Sent:** 2014/03/26 4:41 PM  
**To:** Robert Swayze; Hazel McCallion; Jim Tovey; Pat Mullin; Chris Fonseca; Frank Dale; Bonnie Crombie; Ron Starr; Katie Mahoney; Pat Saito; Sue McFadden; George Carlson; LT; Dave Martin  
**Cc:** Nando Iannicca; Crystal Greer; Sacha Smith; Dorothy Tomiuk (MIRANET)  
**Subject:** Committee of Adjustment File 'A' 91/14 for tomorrow Thurs. March 27, 2014 & Governance issue  
**Attachments:** Nando Fitmss Inst Letter March 2014.pdf; Letter from Councillor Iannicca - rec'd via email March 26.pdf

Dear Integrity Commissioner, Governance Committee and General Council,

Attached please find a notice to the community from our councillor. We forward this to you as an example of the concerns that our ratepayers group (CMPHO) raised to Council and Governance Committee earlier this year and last on the subject of inappropriate influence on the Committee of Adjustment's decision-making. The notice is written in such a way as to presume the decision of the Committee of Adjustment, even though the item is not scheduled to be heard until tomorrow, and thus the committee has not made a decision yet. Such a notice could be seen as influencing the committee's decision-making.

Further, it is our understanding that, since this notice was distributed, some question has arisen about the committee's jurisdiction to even consider this matter due to zoning issues. This also points to the need to allow matters to be heard by the committee before councillors make statements presuming the decision of the committee. (***see attached letter emailed today, March 26, 2014 from Councillor Iannicca's Office***). Please note that Councillor Iannicca is suggesting that we support him and the developer tomorrow in passing this decision swiftly, however proper process and protocol should be followed. Since Gemini Corp is now asking for another change to zoning, it should go before Planning & Development Committee.

We have brought this matter to your attention in hopes that the Integrity Commissioner and the Governance Committee will review this and perhaps strengthen Rule 7, Use of Undue Influence, of the City's Code of Conduct, so as to not permit this type of conduct in the future.

Regards,  
Andrew Gassmann  
President CMPHO (Cookeville Munden Park Homeowner's Organization)

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Andrew,

*On behalf of Councillor Iannicca, I have emailed the following to you; please ensure distribution to the Executive Members. With thanks.*

Dear Members of Cooksville Munden Park Homeowners' Organization,

I bring to your attention a matter in which I am relatively certain you will share the same fear and concern as I.

In having been successful in removing the last piece of medium density development on the site in question in favour of additional townhomes, the professional staff at the City of Mississauga is now taking rather a hard-line arguing this should not be before the Committee of Adjustment but should be done by way of an official re-zoning.

Under normal circumstances, I would not have great difficulty with this suggestion but given the history on this site the concern I have is that if the developer is now faced with an 18 month delay and cost to bring a new application to officially down-zone what might otherwise be done this Thursday then a lot of things can go wrong and a lot of reconsiderations can be made over those 18 months.

So while I respect the position of staff, they are really at no risk in this process. But as the elected official in this community who has just sent out 2,000 notices with overwhelming support for the outcome we may have achieved, with not one single objection, I simply can't stand by and watch defeat snatched from the jaws of victory.

As a result, my main purpose in writing is the belief that you share my position and, if so, I would strongly urge you to let your thoughts be known in writing to the Committee prior to their deliberations this Thursday at 1:30 p.m.

Regards,

Councillor Nando Iannicca

Barbara Johnstone  
Executive Assistant, Ward 7  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON  
L5B 3C1

phone: 905-615-4614

email: [barbara.johnstone@mississauga.ca](mailto:barbara.johnstone@mississauga.ca)

# FITNESS INSTITUTE FINAL UPDATE



**Nando Iannicca**  
 Mississauga Councillor – Ward 7  
 nando.iannicca@mississauga.ca  
 Tel.: 905-896-5700 Fax: 905-896-5463



**2041 Cliff Road  
 Northeast Corner of Cliff Road and North Service Road  
 Committee of Adjustment Application 'A' 91/14  
 Thursday, March 27, 2014 – 1:30 p.m.**

Dear Area Residents:

It is with great pride, and much gratitude to so many people involved, that I can provide this final update on the ultimate outcome of the development application on the site we in Cooksville Munden Park commonly know as the Fitness Institute property.

Many of you will remember it was almost eight years ago when we received a massive redevelopment proposal for this property that proposed two 33-storey towers, and additional medium-density which would have created more than 600 new homes in addition to several commercial blocks and almost 1,000 parking spaces.

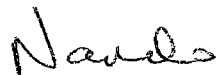
It am delighted to now advise you that if the Committee of Adjustment application noted above, which I fully support, is approved at the hearing on March 27<sup>th</sup> then what we will actually end up with is only townhomes, a refurbished fitness facility and medical offices, and absolutely no highrise dwellings of any kind.

The last piece of the puzzle that is now falling into place is the matter before the committee on Thursday in which the originally proposed and zoned seniors' building on the northwest corner of the site, is to be down-zoned and converted to additional townhomes in conformity with the rest of the townhomes.

As it turns out, the only mid-rise building that was approved as part of the final re-zoning can't seem to find support in the marketplace and so I strongly encouraged the developer to trade-down in favour of more townhomes with a promise that I would do everything possible to move this along before the Committee of Adjustment. After some time and consideration the Developer agreed and so now we have the final product which I have detailed above.

And so it is with great delight that I advise you of this final chapter and the matter going before the Committee on Thursday. My thanks to the Mayor and Members of Council, your Ratepayer Executive and area residents, and the Developer for ending up with something far more in keeping with the character of our community than two 33-storey condominium apartments.

Kindest personal regards,



Nando Iannicca, Councillor, Ward 7

3.

**Sacha Smith**

**To:** Irene Wojcik Gabon  
**Subject:** RE: REQUEST RE GOVERNANCE COMMITTEE OF ADJUSTMENT  
ITEM/REVIEW/complaint

Governance Committee  
APR 14 2014

**From:** Irene Wojcik Gabon  
**Sent:** 2014/04/07 5:20 PM  
**To:** Sacha Smith  
**Cc:** Irene Gabon  
**Subject:** Re: REQUEST RE GOVERNANCE COMMITTEE OF ADJUSTMENT ITEM/REVIEW/complaint

Hello Sacha and thank you so much for your assistance. I have read the recommended pages as suggested, but I find the following, and which are reasons why the matter first written in this email should be brought to the attention of Governance and kept on the Agenda.

1. This is not the usual "complaint" as outlined in the Code .
2. Councillor Tovey spoke at a public Council Meeting about an email received from the vice chair of the Committee of Adjustments, and his Motion to have council refer it to the Integrity Commissioner failed. The email was verified a public document. by city solicitor .
2. Councillor Tovey said he was going to go to the Integrity Commissioner as he felt his integrity was maligned ( my words, I do not have my speed notes available) as well as that of his residents./ratepayers. He was seeking a retraction and an apology, for reasons I do not comprehend, but that is another matter. ( the contents of Mr. David George's email)
3. Councillor Tovey by his own admission said he had telephoned the I. G. with some concerns. to which
4. The Integrity Commissioner replied in an email/letter to Councillor Tovey.

So what we have here is a public document in question by Councillor Tovey, who contacts the i.G. gets a response. and which becomes a public document attached to the public Agenda. But the questions asked verbally are not public? Why not? My question was What was this in response to? What questions were asked. We have an answer, but we do not have the question. I do not believe that the phone call which is untraceable is a good format to follow. The forms for lodging a complaint are on the last two pages of the Code , but this case does not fall under the general scope of the Code.

The request for considering this matter by Governance Committee at their April 2014 meeting stands.  
Thank you, and the favour of a reply from Governance is respectfully requested.

Regards,  
Irene Gabon

For the record, I do not know Mr. David George of the C of A. nor do I have any applications before the C of A.

----- Original Message -----

**From:** Sacha Smith  
**To:** j  
**Sent:** Monday, April 07, 2014 11:47 AM  
**Subject:** FW: REQUEST RE GOVERNANCE COMMITTEE OF ADJUSTMENT ITEM/REVIEW/complaint

Hello Irene,

I reviewed your suggestion that "when a situation merits the assistance of the Integrity Commissioner that it be done in writing, with appropriate people copied and that information be made available to the public ." Please note that in the Council Code of Conduct on pages 36-38 it speaks to the requirements under the *Municipal Act* for confidentiality and the process for complaints. Here is the link to the Council Code of Conduct: [http://www7.mississauga.ca/documents/CityHall/pdf/CouncilCode\\_Conduct.pdf](http://www7.mississauga.ca/documents/CityHall/pdf/CouncilCode_Conduct.pdf)

Please let me know if you still wish to bring your suggestion forward to the Governance Committee.

Thanks

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**Sachia Smith**

Team Leader - Legislative Coordinator  
Legislative Services Division  
905-615-3200 ext. 4516  
[sachia.smith@mississauga.ca](mailto:sachia.smith@mississauga.ca)



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**From:** Irene Wojcik Gabon  
**Sent:** 2014/03/19 8:55 AM  
**To:** Irene Wojcik Gabon; Crystal Greer; Jim Tovey  
**Subject:** Re: REQUEST RE GOVERNANCE COMMITTEE OF ADJUSTMENT ITEM/REVIEW/complaint

Good morning

Thank you Jim for the phone call yesterday at 3:44 p.m during which you advised me there is no written correspondence/reference by you to the Integrity Commissioner , but that it was done orally via telephone. So there is no record, except for the Commissioner's written response to you. This was/is disappointing . May I suggest that if and when a situation merits the assistance of the Integrity Commissioner that it be done in writing, with appropriate people copied and that that information be made available to the public .

Can this suggestion by a resident be put on the next Governance Agenda, please.

I interpreted Mr. David George's ( who I do not know) email made available to General Committee of 26 February 2014 , one way, you interpreted it another way and Mr. Swayze interpreted it another way.

There are still questions I have having read the Commissioner's response, because I do not know what was asked of him. and the reference to the City of Toronto ( *City of Toronto Act*) is perhaps irrelevant to the Committee of Adjustments matter and Vice-Chair George's "comments".

Thank you for giving me that 22 minutes yesterday, but I believe this matter is not a done deal yet. and you know I dig deep ( Eastern/Greenfield).

Best regards,  
Irene

4.



COUNCIL AGENDA  
APR 02 2014

Warren Mar  
Director Legal and Legislative  
Services/Town Solicitor  
905-727-3123 ext. 4758  
wmar@aurora.ca  
Town of Aurora  
100 John West Way, Box 1000  
Aurora, ON L4G 6J1

March 10, 2014

C03-C14-06

Governance Committee  
APR 14 2014

Hon. Kathleen Wynne, Premier  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

via email: premier@ontario.ca

Dear Premier Wynne:

**Re: Introduction of Municipal Recall Election Legislation**

Please be advised that this matter was considered by Council at its meeting held on February 11, 2014 and in this regard Council adopted the following resolution:

WHEREAS there are few means to remove an elected official from office other than through the election process; and

WHEREAS the time between municipal election periods has grown to four years; and

WHEREAS significant damage can be caused in a four-year period should an elected official act to the detriment of the municipality; and

WHEREAS it is not the most effective use of time for municipal representatives to police one another through Codes of Conduct and Integrity Commissioners; and

WHEREAS the penalties that can be imposed through Codes of Conduct are relatively minor; and

WHEREAS there is a problem with Codes of Conduct and Integrity Commissioners being used for political purposes; and

WHEREAS Codes of Conduct have proven ineffective in curtailing detrimental behaviour; and

WHEREAS establishing Codes of Conduct and employing Integrity Commissioners can be an expensive endeavour; and



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WHEREAS the detrimental behaviour of some elected officials reflects poorly upon all elected officials, especially if they are not held accountable for this behaviour; and

WHEREAS it is incumbent upon all elected representatives to maintain a high standard of integrity; and

WHEREAS Progressive Conservative MPP Randy Hillier has introduced a Private Member's Bill to introduce recall elections for provincially-elected officials but omits municipally-elected officials

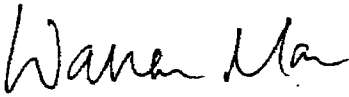
NOW THEREFORE BE IT HEREBY RESOLVED THAT the Town of Aurora formally requests that the Government of Ontario consider the implementation of recall legislation for municipally-elected officials; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to every municipality in the province of Ontario for endorsement; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to every Member of Provincial Parliament in the province of Ontario.

The above is for your information and any attention deemed necessary.

Yours truly,



Warren Mar  
Director of Legal & Legislative Services/Town Clerk (Acting)

WM/rm

Copy: Every Municipality in Ontario  
Every MPP in Ontario  
Mr. Geoffrey Dawe, Mayor, Town of Aurora  
Mr. Paul Pirri, Councillor, Town of Aurora

<input checked="" type="checkbox"/> Receive	<input type="checkbox"/> Resolution
<input checked="" type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services	For
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Approval / Action
<input type="checkbox"/> Planning & Building	<input type="checkbox"/> Information
<input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply
	<input type="checkbox"/> Report

