



AGENDA

GOVERNANCE COMMITTEE

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

MONDAY, JUNE 16, 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
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CALL TO ORDER

APPROVAL OF THE AGENDA

DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST

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 – May 12, 2014**

Minutes of the Governance Committee meeting held on May 12, 2014.

2. **Elected Officials' Records**

Corporate Report dated June 4, 2014 from the Commissioner of Corporate Services and Chief Financial Officer with respect to Elected Officials' Records.

RECOMMENDATION

That the report entitled "Elected Officials' Records", dated June 4, 2014, from the Commissioner of Corporate Services and Chief Financial Officer, be received for information.

OTHER BUSINESS

ADJOURNMENT



Governance Committee

JUN 16 2014

MINUTES

GOVERNANCE COMMITTEE

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

MONDAY, MAY 12, 2014 – 1:05 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)
Councillor Chris Fonseca, Ward 3
Councillor Bonnie Crombie, Ward 5
Councillor George Carlson, Ward 11
Mayor Hazel McCallion (Ex-officio) – arrived at 1:16

Members Absent:

Nil

Staff Present: 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

CALL TO ORDER – 1:05 PM**APPROVAL OF THE AGENDA**

Councillor Saito requested that the Elected Officials' Expense Policy as it relates to sponsorship issues be added to the agenda.

Amended/Approved (Councillor Saito)

DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST – Nil**DEPUTATIONS**

- A. Item 2 Dorothy Tomiuk, MIRANET and Nicole Danesi, Director, Rockwood Homeowners' Association.

See discussion under Item 2.

PUBLIC QUESTION PERIOD – Nil

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

MATTERS CONSIDERED

1. Approval of Minutes – April 14, 2014

Minutes of the Governance Committee meeting held on April 14, 2014.

Approved (Councillor Carlson)

2. Review of Code of Conduct Regarding Social Media

Integrity Commissioner's Report dated May 7, 2014 with respect to a review of the Code of Conduct regarding social media.

Ms. Danesi spoke to the subject report and suggested that the definition for social media in Part 1 of the recommendation should be amended to include "publically available" instead of "freely accessible".

Ms. Tomiuk spoke to the report and asked questions with respect to social media, mailing lists, Ward office and campaign websites. She suggested that a disclaimer explaining that contact information may be re-purposed for the councillor's re-election campaign should be added to all Ward office communication portals, including telephone calls.

Councillor Saito spoke to the matter and noted that she does not agree with prohibiting a member of Council from including that they are a Councillor on their campaign website, the standardization of Ward websites, councillors need to set up a separate campaign website by their registration date. However, she noted that she agrees that City staff should not be referring emails to campaign accounts and that councillors should have separate accounts for their Ward office and campaign. Councillor Saito further spoke to the ownership of councillors' email lists. Mary Ellen Bench, City Solicitor confirmed that the councillors' mailing lists do not belong to the Corporation, with the exception of the Mayor who is part of the Corporation.

Councillor Crombie spoke to the matter and noted that it is difficult to control social media and people have the option of unsubscribing or unfollowing. She further noted that the City should be consistent with Elections Canada.

Councillor Fonseca spoke to social media and having separate accounts for the campaign and Ward office. She noted that campaign related emails that are received in the Ward office are not handled by City staff. She expressed concern with the suggestion that a Councillor should not include information that they are the current Councillor on their campaign website. Ms. Tomiuk provided clarification on the statement regarding sitting councillors including information as the current Councillor on their campaign website.

Councillor Carlson spoke to councillors' social media accounts and websites during the campaign period.

Councillor Tovey spoke to the matter and noted that it is important that all candidates abide by the same rules to have a level playing field on both sides.

Susan Chandler, Resident spoke to the matter and expressed concern with councillors using resident's information for their campaign list. Ms. Bench reiterated that material in the Councillors' offices is property of the Councillors and not the Corporation. She further noted that those matters are outside of the anti-spam legislation.

Robert Swayze, Integrity Commissioner spoke to the report and summarized his recommendations to amend Rule 6 of the Council Code of Conduct.

Councillor Saito noted that the Elected Officials' Expense Policy covers the issue of phones for campaign use and it doesn't need to be included in the Council Code of Conduct. She further noted that she agrees with changing the definition for social media as suggested by Ms. Danesi.

Mayor McCallion expressed concern with the recommendation that incumbents can rent City facilities for campaign purposes. She further expressed concerns of how staff can handle situations if feel they have been placed in a conflicting situation. Janice Baker, City Manager explained that Councillors' staff could go to the Director of Human Resources, the City Clerk or the City Manager. She further explained that all employees have the option to go to Human Resources. Mayor McCallion further spoke to Councillors' staff having the avenue to report when they are in a conflicting situation. Ms. Baker suggested that the matter be referred to staff as there will be a report coming forward that may deal with this and would be a solution for all staff.

RECOMMENDATION

1. That the following definition be added to the Definition section of the Council Code of Conduct:

"Social Media" means publically available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

2. That Rule 6 of the Council Code of Conduct as set out in Appendix "A" to this report be deleted and replaced by the following:

Rule No. 6

Election Campaigns:

1. *Members are required to follow the provisions of the Municipal Elections Act, 1996 and Members are accountable under the provisions of that statute.*

2. *No Member shall use the facilities, equipment, supplies, services, staff or other resources of the City (including Councillor newsletters, individual websites linked through the City's website and social media accounts used for ward communication) for any election campaign or campaign-related activities and all such sites shall not use the City of Mississauga logo.*
 - a) *If a member of Council uses any social media account for campaign purposes, such account must not be created or supported by City resources or use the City logo. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers.*
 - b) *To avoid confusion with any website or social media accounts used for Council Member work, Council members who choose to create or use social media accounts for campaign communications must include, for the duration of the campaign, a clear statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes.*
 - c) *Despite the foregoing, Members are allowed to place campaign phone numbers, websites and E-mail addresses on the election pages on the City's website, which is available and authorized for use by all candidates for municipal and school board office.*
3. *In a municipal election year, commencing on June 30th until the date of the election, Members may not publish Councillor newsletters or distribute them in municipal facilities. All newsletters distributed through the mail must be post-marked by no later than June 30th in an election year. Members of Council may, during such period, use City facilities to communicate important notifications to the residents of their ward by E-mail in normal Outlook format or by letter on the Councillor's stationery.*
4. *In a municipal election year, commencing on the date of registration by any candidate for municipal elected office, until the date of the election, no such candidate including Members, may directly or indirectly, book any municipal facility for any purpose that might be perceived as an election campaign purpose.*

5. *Members shall be respectful of the role of the City Clerk in managing the municipal election process and meeting all statutory requirements in respect thereof. The Clerk must ensure all candidates are treated equally and no candidate for elected office should interfere with how the Clerk carries out these duties.*

Commentary

Staff should not interpret or provide advice to Members regarding the requirements placed on candidates for municipal office.

The restriction on booking facilities ensures that election-related functions, or those that could appear to be election-related, will not occur at any time there is an advance or regular poll at the facility. The need to set up in advance means that election night parties cannot be held in the same facilities that polling stations are located in. Members should not authorize any event that could be perceived as the City providing them with an advantage over other candidates. It is the personal responsibility of Members to ensure that any use of facilities or the services of municipal staff are carried out in accordance with applicable legislation. Staff are not responsible for monitoring and advising Members or any other candidates, in this regard.

The Municipal Elections Act, 1996 clearly states that it is the responsibility of the City Clerk to conduct the election and take all necessary actions to ensure municipal elections meet all statutory requirements.

6. *No Members shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.*
7. *The Integrity Commissioner may at any time be consulted with regard to complying with any part of Rule 6 and in particular may rule on whether any activity by staff in a Councillor's office during an election year is prohibited election work or permitted activity sufficiently unrelated to the election.*

3. That any changes to computer facilities used by a member of Council running in the 2014 municipal election required by the amendments to the Code of Conduct recommended in the Integrity Commissioner's report or as may be directed by Council, be implemented by June 30th, 2014.

Amended/Approved (Councillor Crombie)

Recommendation GOV-0016-2014

2. Elected Officials' Expense Policy

Councillor Saito noted that clarification is needed in the Elected Officials' Expense Policy with respect to sponsoring teams and individuals. She explained that there are occasions where Members of Council sponsor individuals for walks/runs and the donation goes to a charity.

Gary Kent, Commissioner, Corporate Services and Chief Financial Officer verbally provided wording that would provide clarification in the Policy.

Councillor Crombie expressed concern with the wording and noted that sponsorships should be a personal expense.

Janice Baker, City Manager explained that the intent of the wording is to provide clarification that in some occasions the donation to the charity may happen by sponsoring an individual for a walk/run.

Chris Mackie, Resident expressed concern that members of Council use their councillor expense accounts to make charitable donations.

Councillor Carlson noted that he agrees with the clarification as the donation is going to a charity and is not a sponsorship of an individual.

RECOMMENDATION

That the Elected Officials' Expenses Policy 04-05-04 be amended to include the following wording in the Contribution and Donation section for clarification:

"Where a donation is made to a charity through an individual participating in an event held in Mississauga and the funds are payable directly to the charity, these expenses are allowable."

Approved (Councillor Crombie)

Recommendation GOV-0017-2014

At this time Item 2 was re-opened.

Mayor McCallion reiterated her concerns that no candidate should book City facilities for campaign related activities after registration.

The Committee re-voted on Item 2 to amend the recommendation to prohibit candidates from booking City facilities for campaign related activities after they have registered.

Gary Kent, Commissioner, Corporate Services and Chief Financial Officer noted that it may be difficult to enforce.

OTHER BUSINESS

Direction was given to the City Clerk to outline how Mayor's and Councillors' records are handled after an election at the next Governance Committee meeting.

DATE OF NEXT MEETING – Monday, June 16, 2014 at 1:00 pm

ADJOURNMENT - 2:58 PM



Corporate Report

Clerk's Files

Originator's
Files

DATE: June 4, 2014

TO: Chair and Members of Governance Committee
Meeting Date: June 16, 2014

Governance Committee

JUN 16 2014

FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: Elected Officials' Records

RECOMMENDATION: That the report entitled "Elected Officials' Records", dated June 4, 2014, from the Commissioner of Corporate Services and Chief Financial Officer, be received for information.

BACKGROUND: At the May 12, 2014 meeting of the Governance Committee, staff was directed to report back to the next meeting with education regarding Elected Officials' Records.

COMMENTS: The City of Mississauga differentiates between official records held by elected officials and constituency records. Corporate Policy 03-02-09, which became effective on February 13, 2008, outlines the differentiation between the types of records.

The Policy identifies "Official Records" as records that generally relate to a business function of the City and include:

- Any Record received or created by an elected official for inclusion in committee meeting agendas;
- Any Record received or created by an elected official acting in the capacity as a Committee Chair, including correspondence;

- Any Record received or created by an elected official acting in the capacity of a representative of the City;
- The Mayor's records that relate to Mayoral duties, since the Mayor, as Head of Council is considered an "officer" of the City;
- An Record regarding office space allocation, supplies, equipment, and services;
- Any Record related to expenses paid by the City, including reimbursements to the elected official;
- Any Record related to expenses paid by the City, including reimbursements to the elected official;
- Any Record related to the elected official's staff, if kept by the particular elected official;
- Operating procedures and manuals; and
- Any Constituency Records that have been transmitted to City staff for action by the business unit or for information.

An Official Record is retained for the length of time required in the City of Mississauga Records Retention By-law 537/96, as amended.

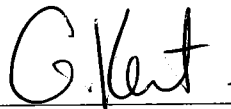
A "Constituency Record" is defined in the Corporate Policy as a record which relates to a member of Council acting in the capacity of an elected representative of a constituent and relates to the member's mandate and function as an elected representative. Examples of "Constituency Records" include:

- Personal papers;
- Mailing lists;
- The elected official's own records on any Committee or Board;
- Subject files;
- Non-record material (such as convenience copies, reference material, publications)

Constituency Records may be dealt with by each elected official as he or she chooses. A departing member of Council, is not required to leave Constituency Records for the incoming member of Council. However, any Constituency Record that is transmitted to City staff for action, or for information, is treated as an Official Record of the City of Mississauga.

CONCLUSION:

The City of Mississauga differentiates between official records held by elected officials and constituency records. Records of the Mayor, as Head of Council, are Official Records. In addition, Official Records are records held by Elected Officials that generally relate to a business function, such as expense reimbursements or employee records. Constituency Records relate to a member of Council acting in the capacity of an elected representative of a constituent and can be dealt with by the elected official as he or she chooses.



Gary Kent

Commissioner of Corporate Services and Chief Financial Officer

*Prepared By: Crystal Greer, Director, Legislative Services and
City Clerk*