

Governance Committee

Date

November 16, 2015

Time

1:00 PM

Location

Council Chamber

2nd Floor, Civic Centre,

300 City Centre Drive, Mississauga, ON L5B3C1

Members

Councillor Pat Saito, Ward 9 (Chair)

Councillor Karen Ras, Ward 2 (Vice-Chair)

Councillor Jim Tovey, Ward 1

Councillor Carolyn Parrish, Ward 5

Councillor Ron Starr, Ward 6

Mayor Bonnie Crombie (Ex-officio)

John Magill, Citizen Member

Sandy Milakovic, Citizen Member

Contact

Sacha Smith, Legislative Coordinator, Legislative Services

905-615-3200 ext. 4516

Email sacha.smith@mississauga.ca

Find it online

<http://www.mississauga.ca/portal/cityhall/governancecommittee>

CALL TO ORDERAPPROVAL OF THE AGENDADECLARATIONS OF CONFLICT OF INTERESTDEPUTATIONSPUBLIC QUESTION PERIOD – 15 minutes Time Limit

(Governance Committee may grant permission to a person who is present at Governance Committee and wishes to address a matter on the Agenda. Persons addressing Governance Committee will ask their question; the time limit is 5 minutes for each question, as public question period total limit is 15 minutes.)

MATTERS TO BE CONSIDERED1. Approval of Minutes – May 25, 2015 and June 17, 2015

Minutes of the previous Governance Committee meetings held on May 25, 2015 and June 17, 2015.

2. Recommended Change to Code of Conduct Arising from Resident Input and a Complaint

Report dated August 20, 2015 from the Integrity Commissioner with respect to a recommended change to the Code of Conduct.

RECOMMENDATION

1. That Rule 1 of the Council Code of Conduct (the “Code”), as set out in Appendix 1, be amended by removing subsections a., c. and h, placing them under the general heading of “Key Principles that Underlie the Code of Conduct” and re-lettering the remaining subsections of Rule 1, so that the Code to the end of Rule 1 reads as set out in Appendix 2.
2. That similar amendments be made to the Codes of Conduct for members of Local Boards.

3. Proposal for Municipal Governance

Committee to discuss the proposal by John Magill and Sandy Milakovic, Citizen Members with respect to municipal governance and an off-site facilitated session.

4. Elected Officials Severance

Corporate Report dated September 10, 2015 from the Commissioner of Corporate Services and Chief Financial Officer with respect to Elected Officials' Severance.

RECOMMENDATION

That the report dated September 10, 2015 from the Commissioner of Corporate Services and Chief Financial Officer regarding Elected Officials Severance be received for information.

5. Elected Official Expense Policy Information Report

Corporate Report dated November 3, 2015 from the Commissioner of Corporate Services and Chief Financial Officer with respect to proposed Elected Official Expense Policy revisions.

RECOMMENDATION

That the Corporate Report entitled "Elected Official Expense Policy information report" dated November 3, 2015 from the Commissioner of Corporate Services and Chief Financial Officer, be received for information.

6. 2014 City of Mississauga Municipal Election, 2015 City of Mississauga Municipal By-Election Review and Technology Options for Future Municipal Elections

Corporate Report dated August 25, 2015 from the Commissioner of Corporate Services and Chief Financial Officer with respect to the 2014 Municipal Election and the 2015 Municipal By-election review and technology options for future municipal elections.

(6.)

RECOMMENDATION

1. That the Corporate Report dated August 25, 2015 from the Commissioner of Corporate Services and Chief Financial Officer, entitled 2014 Municipal Election, 2015 Municipal By-Election Review and technology options of future Municipal Elections be received.
2. That the Ministry of Municipal Affairs and Housing be requested to do the following:
 - a. Address concerns related to the accuracy of the Voters' List with the Municipal Property Assessment Corporation and that the Ministry insist on a lower acceptable margin of error with respect to the Voters' List.
 - b. Specify the parameters for the administration of internet voting in the *Municipal Elections Act, 1996*.
3. That staff be requested to prepare amendments to the City of Mississauga's Records Retention By-law 537/96 to align with section 88 of the *Municipal Elections Act, 1996*.

7. Ranked Choice Voting – Addendum Report to August 25, 2015 Report

Corporate Report dated October 30, 2015 from the Director, Legislative Services and City Clerk providing an addendum report with respect to ranked choice voting.

RECOMMENDATION

That the Report dated October 30, 2015, from the Director of Legislative Services and City Clerk providing an update on the financial and administrative impact of Ranked Choice Voting, be received for information.

8. 2016 Governance Committee Meeting Dates

Memorandum dated November 6, 2015 from the Legislative Coordinator advising of the 2016 Governance Committee meeting dates.

OTHER BUSINESS

ADJOURNMENT



MINUTES

GOVERNANCE COMMITTEE

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

MONDAY, MAY 25, 2015 – 1:02 PM

COUNCIL CHAMBER, SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

Members Present

Councillor Pat Saito, Ward 9 (**Chair**)
Councillor Karen Ras, Ward 2 (**Vice-Chair**)
Councillor Jim Tovey, Ward 1
Councillor Carolyn Parrish, Ward 5
Councillor Ron Starr, Ward 6
Mayor Bonnie Crombie (Ex-officio)
John Magill, Citizen Member
Sandy Milakovich, Citizen Member

Members Absent

Nil

Staff Present

Janice Baker, City Manager and CAO
Gary Kent, Commissioner, Corporate Services and Chief Financial Officer
Mary Ellen Bench, City Solicitor
Ivana Di Millo, Director, Communications
Karen Spencer, Advisor
Diana Rusnov, Manager, Legislative Services and Deputy Clerk
Sacha Smith, Legislative Coordinator

CALL TO ORDER – 1:02 PM**WELCOME OF NEW MEMBERS**

Councillor Saito welcomed the new citizen members John Magill and Sandy Milakovic to the Committee.

APPROVAL OF THE AGENDA

Councillor Parrish advised that she would like to add wording for Rule 2 in the Council Code of Conduct to the agenda.

Amended/Approved (Councillor Parrish)

DECLARATIONS OF CONFLICT OF INTEREST – Nil**DEPUTATIONS**

Item 2 Karen Spencer, Strategic Advisor

See discussion under Item 2.

MATTERS CONSIDERED

2. Governance Committee Review – Additional Research

Corporate Report dated May 6, 2015 from the City Manager and Chief Administrative Officer with respect to additional research for the Governance Committee.

Ms. Spencer presented on research with benchmarked municipalities with respect to public question period and permanent chairs for standing committees. She noted that Mississauga is found to be more open to public appearances than other benchmarked municipalities. Regarding the chairpersons, the City rotates the chairperson on a quicker schedule than other cities. Furthermore, like other benchmarked municipalities it is typical to have budget discussions chaired by the Mayor.

In response to questions from Committee, Ms. Spencer explained the chair voting on motions, restrictions during public question period in comparison with the benchmarked municipalities and council speaking limits in comparison with the benchmarked municipalities. She noted that the majority of the benchmarked municipalities have an average of 11-15 members of Council.

Discussion ensued with respect to extending the speaking limits at Council to General Committee as well. Crystal Greer, City Clerk clarified the speaking limits for Council in the Procedure By-law.

It was noted that a Planning Chair would be more effective at meetings and that Council could be polled on the idea of an annual elected Planning Chair

RECOMMENDATION

That staff survey the members of Council for interest in an annual election of a Chair for the Planning and Development Committee and provide the results at the June 3, 2015 General Committee meeting.

Approved (Councillor Parrish)
Recommendation GOV-0009-2015

RECOMMENDATION

That Members of General Committee may speak on an item of business for five (5) minutes and any Member wishing to speak to an item of business for a second time may do so for a further five (5) minutes and that staff be directed to update the Procedure By-law 0139-2013.

Approved (Mayor Crombie)
Recommendation GOV-0010-2015

RECOMMENDATION

That the report entitled, 'Governance Committee Review – Additional Research', dated May 6, 2015 from the City Manager and Chief Administrative Officer be received for information.

Received (Councillor Parrish)
Recommendation GOV-0011-2015

1. Approval of Minutes – March 23, 2015

Minutes of the Governance Committee meeting held on March 23, 2015.

Approved (Councillor Ras)

PUBLIC QUESTION PERIOD

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

Dorothy Tomiuk, MIRANET enquired about public question period at Governance Committee and Budget Committee meetings. Councillor Saito advised that public question period would continue at Governance Committee. Councillors Parrish and Starr commented that they would support public question period at Budget Committee meetings.

RECOMMENDATION

That Public Question Period be included on the agenda at all Budget Committee meetings.

Approved (Councillor Parrish)

Recommendation GOV-0012-2015

MATTERS CONSIDERED

3. Elected Officials' Expenses Policy 04-05-04 – per diem, boarding passes and travel expenses

Corporate Report dated April 20, 2015 from the Commissioner of Corporate Services and Chief Financial Officer with respect to the Elected Officials' Expenses Policy 04-05-04.

In response to a question from Mayor Crombie regarding per diems for conferences, Gary Kent, Commissioner, Corporate Services and Chief Financial Officer explained that members of Council have the option of either applying for the per diem or submitting the expenses if applicable.

Councillor Starr noted that the Elected Officials' Expenses Policy should be reviewed regularly. Mr. Kent noted the policies are typically reviewed every 3 years. Discussion ensued with respect to reviewing the Policy at the beginning of each Council term.

Councillor Starr noted situations where expenses exceed the limit and when small donations are given and receipts are not provided. Mr. Kent advised that the Policy explains what would be an appropriate expense and under what circumstances that it could be submitted. He further advised that he has accepted advanced written notice of a nominal amount where a receipt would not be provided and perhaps if it is a regular occurrence wording should be included in the Policy to address it. Councillor Saito spoke to the matter and noted that there are events that members of Council are invited to and expected to give a donation. Mayor Crombie expressed concern with reimbursements for donations, fundraiser sponsorships of individuals and wedding gifts. Councillor Parrish spoke to the matter and noted that there are situations where donations are expected and that should be worked out with the staff, but fundraiser sponsorships for individuals should not be submitted.

Direction was given to staff to report back on honorariums for volunteers that work in a councillor's office. Mr. Kent advised that staff could benchmark the matter with other municipalities. Councillor Tovey spoke to the matter and agreed with giving honorariums. Janice Baker, City Manager noted that staff can review it for a program that allows for appropriate volunteer assignments in the councillors' offices and look at expanding the budget. Councillor Saito noted that the honorariums should come from the councillor's expense account instead of a different account. Further direction was given to staff to review both scenarios. Gary asked about reviewing the policy.

RECOMMENDATION

1. That the revised Corporate Policy and Procedure, Elected Officials' Expenses 04-05-04 attached as Appendix 1 to the Corporate Report dated April 20, 2015 from the Commissioner of Corporate Services and Chief Financial Officer, be approved.
2. That staff be directed to review the Elected Officials' Expenses Policy every two (2) years.

Approved (Councillor Starr)

Recommendation GOV-0013-2015

4. Corporate Policies and Procedures – Corporate Reports 02-01-08 and Documentation Standards 03-02-02

Corporate Report dated May 13, 2015 from the Commissioner of Corporate Services and Chief Financial Officer with respect to the Corporate Reports and Documentation Standards Policies.

Councillors Ras and Saito commented that metric and imperial measurements be provided for reports. Crystal Greer, City Clerk clarified that for by-laws there are difficulties with 2 measurements if they are not precisely the same measure which can cause problems from an enforcement perspective.

RECOMMENDATION

1. That the revised Corporate Policy and Procedure “Corporate Reports” be amended as outlined in Appendix 1 to the Corporate Report dated May 8, 2015 from the Commissioner of Corporate Services and Chief Financial Officer and that it further be amended to include imperial and metric measurements in corporate reports and that metric measurements are required for by-laws.
2. That the proposed Corporate Report template attached as Appendix 3 to the Corporate Report dated May 8, 2015 from the Commissioner of Corporate Services and Chief Financial Officer be approved and that the template be used for all Corporate Reports prepared for consideration by Council or Committees of Council after September 1, 2015.

Approved (Councillor Ras)

Recommendation GOV-0014-2015

5. Terms of Reference for Advisory Committees

Corporate Report dated May 8, 2015 from the Commissioner of Corporate Services and Chief Financial Officer with respect to the Terms of Reference for Advisory Committees.

RECOMMENDATION

That the following Terms of Reference for advisory committees of Council be approved as outlined in the Corporate Report dated May 8, 2015 from the Commissioner of Corporate Services and Chief Financial Officer:

- a) Accessibility Advisory Committee
- b) Diversity and Inclusion Advisory Committee
- c) Environmental Action Committee
- d) Governance Committee
- e) Heritage Advisory Committee
- f) Mississauga Cycling Advisory Committee
- g) Museums of Mississauga Advisory Committee
- h) Public Vehicle Advisory Committee
- i) Traffic Safety Council
- j) Towing Industry Advisory Committee

Approved (Councillor Tovey)

Recommendation GOV-0015-2015

6. Governance Committee Workplan 2015-2018

Overview of the Committee's Workplan for the newly appointed citizen members.

Crystal Greer, City Clerk advised that the budget allocation process for advisory committees should be moved to 3rd quarter of this year and the Integrity Commissioner RFP should be moved to 4th quarter of 2016.

RECOMMENDATION

That the workplan for the Governance Committee be approved as amended to move the budget allocation process for advisory committees to the 3rd quarter in 2015 and the Integrity Commissioner RFP to the 4th quarter of 2016.

Approved (Councillor Parrish)

Recommendation GOV-0016-2015

7. Rule 2 – Council Code of Conduct

Councillor Parrish spoke to a proposed addition to Rule 2 in the Council Code of Conduct at the next Governance Committee meeting. Direction was given to staff to consult with the Integrity Commissioner and report back on the changes. Councillor Saito referred to page 9 of the Code of Conduct in the Commentary section where it lists examples of gifts that are required to be listed on the Councillor Information Statement. She noted that example iii) should be removed if there is the addition to Rule 2 otherwise there will be contrary parts. so that they statements are not contrary parts.

RECOMMENDATION

That staff be directed in consultation with the Integrity Commissioner to review draft wording to amend Rule 2 - Gift and Benefits in the Council Code of Conduct.

Direction (Councillor Parrish)

Recommendation GOV-0017-2015

OTHER BUSINESS

Councillor Parrish suggested that the new citizen members prepare ideas that could be discussed by the Governance Committee.

ADJOURNMENT – 2:10 PM



MINUTES

GOVERNANCE COMMITTEE

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

WEDNESDAY, JUNE 17, 2015 – 12:35 PM

COUNCIL CHAMBER, SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

Members Present	Councillor Pat Saito, Ward 9 (Chair) Councillor Karen Ras, Ward 2 (Vice-Chair) Councillor Carolyn Parrish, Ward 5 Councillor Ron Starr, Ward 6 Sandy Milakovich, Citizen Member
Members Absent	Councillor Jim Tovey, Ward 1 Mayor Bonnie Crombie (Ex-officio) John Magill, Citizen Member
Non-members Present	Councillor Chris Fonseca, Ward 3
Staff Present	Janice Baker, City Manager and CAO Gary Kent, Commissioner, Corporate Services and Chief Financial Officer Mary Ellen Bench, City Solicitor Ivana Di Millo, Director, Communications Karen Spencer, Advisor Diana Rusnov, Manager, Legislative Services and Deputy Clerk Sacha Smith, Legislative Coordinator

CALL TO ORDER – 12:35 PM**APPROVAL OF THE AGENDA**

Approved (Councillor Parrish)

DECLARATIONS OF CONFLICT OF 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. *Municipal Elections Act Review*

Members of committee expressed disappointment with the deadline date of July 27, 2015 as it does not give enough time for research and to provide meaningful input on the *Municipal Elections Act*.

Councillor Parrish suggested that all members of Council be surveyed on the topics of concern for the Municipal Elections Act and discuss it at the next Council meeting. Councillor Saito enquired about including this matter on the July 8th Special Council agenda. Crystal Greer, City Clerk noted that it could be included on the agenda providing the appropriate notice is given as per the Procedure By-law. Janice Baker, City Manager noted that the document could be formulated into a questionnaire and circulated to members of Council to provide their responses.

Councillor Ras suggested that the candidates from the last election provide input. Discussion ensued with respect to the matter and Ms. Greer noted that staff could prepare communication to the candidates to bring the matter to their attention and direct them to the Province. Councillor Ras further suggested that it be noted that given the timelines there was no opportunity to include input beyond the municipality and the current elected officials.

In response to questions from Sandy Milakovic regarding third party advertising and campaign finances, Councillor Parrish explained that there are situations where third party advertising may advertise issues that are taken out of context. Ms. Greer explained that legislation holds the candidate accountable for their campaign financing and financial statements.

Members of Committee further discussed elements of consultation for proposed changes to the *Municipal Elections Act* and raised the following issues:

Campaign Finance

- The calculated amount that a candidate can spend should be based on per resident instead of electors.
- There should be a percentage cap on what a candidate can spend post-election.

Third Party Advertising

- There should be rules governing third party advertising for each municipality that establishes a total limit and determines if a candidate has to claim the third party advertising as a donation.
- There needs to be transparency to clarify that a candidate does not have third party advertising.
- Define what is third party advertising.

Accessibility

- There should be a statement that the City supports accessibility for everyone as covered by the Accessibility for Ontarians with Disabilities Act.

Enforcement

- The Province should review whether there are other parts of an election campaign that should be enforced and the possibility of the Provincial Elections Office being responsible for investigating municipal elections complaints or issues.

Ranked Ballots

- Should be noted that the City is interested in hearing more about ranked ballots.
- There needs to be some thought by the Province on how to manage potential confusion if adjacent municipalities choose to use different

systems.

RECOMMENDATION

That the Clerk's staff summarize the Governance Committee feedback on the *Municipal Elections Act* consultation and survey other members of Council for additional comments and report back to Council.

Approved (Councillor Starr)

Recommendation GOV-0018-2015

OTHER BUSINESS

Councillor Parrish spoke to the Public Vehicle Advisory Committee (PVAC) and explained that there should be a change to the Committee's Terms of Reference to not allow PVAC members to have substitutes and to standardize it with the other advisory committees of Council.

RECOMMENDATION

That the Terms of Reference for the Public Vehicle Advisory Committee be amended to not permit voting members who are unable to attend a meeting to appoint a designate to attend a meeting in their place, as per the usual practice for all committees of Council.

Approved (Councillor Parrish)

Recommendation GOV-0019-2015

ADJOURNMENT - 1:30 PM

2.

ROBERT J. SWAYZE

BARRISTER & SOLICITOR

CERTIFIED BY THE LAW SOCIETY OF UPPER CANADA AS A SPECIALIST IN
MUNICIPAL LAW - LOCAL GOVERNMENT/LAND USE PLANNING AND DEVELOPMENT

TELE: (519) 942-0070

FAX: (519) 942-1233

E-mail: robert.swayze@sympatico.ca

20736 Mississauga Road
CALEDON, ONTARIO
L7K 1M7

Integrity Commissioner's Report

DATE: August 20, 2015

TO: Chair and members of the Governance Committee
Meeting Date: November 16, 2015

FROM: Robert J. Swayze
Integrity Commissioner

SUBJECT: **Recommended Change to Code of Conduct arising from Resident Input and a Complaint**

RECOMMENDATION:

1. That Rule 1 of the Council Code of Conduct (the "Code"), as set out in Appendix 1, be amended by removing subsections a., c. and h, placing them under the general heading of "*Key Principles that Underlie the Code of Conduct*" and re-lettering the remaining subsections of Rule 1, so that the Code to the end of Rule 1 reads as set out in Appendix 2.
2. That similar amendments be made to the Codes of Conduct for members of Local Boards.

BACKGROUND: I received a question from a Mississauga citizen in May of 2015 as follows:

"As a resident of Mississauga, I am approaching you in your

role as the Integrity Commissioner for this city. I have been unable to obtain a definitive answer to the question of the obligations, either legal or by convention, of councillors (and the mayor) with respect to responding to direct inquiries from the citizens of Mississauga. If a resident has requested a response to a specific issue of concern and waited several weeks without receiving a reply and has been told that the elected official is too busy to reply, what recourse does the taxpayer have and is there a role to be played by the Integrity Commissioner's office in assisting the citizen?"

This report will deal with my formulation of an answer to this question.

On July 26, 2015, I received a complaint from another resident of Mississauga claiming that two members of Council did not help him in having a light repaired in a park and ultimately refused to speak with him after repeated requests.

I have dismissed the above complaint for the reasons set out in this report and see no reason in the public interest, to identify the questioner, the complainant or the members of Council involved.

COMMENTS:

My initial reaction to the question was: "surely it is not the place of the Integrity Commissioner to get between all members of Council and their thousands of constituents if problems arise. It would not be practical and the evaluation of such behaviour should be left to the electorate."

However I consulted the Code and Rule 1 provides as follows:

- a. Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

I researched the question in other Ontario municipalities and consulted with my colleagues in the Municipal Integrity Commissioners Association. I discovered that the same question came up in Toronto in 2005 and a legal opinion was obtained. It concluded:

That “the statement of principles in the Code of Conduct do not provide an independent or stand alone set of obligations that [an Integrity Commissioner] can deal with.”

It gave the opinion that the Integrity Commissioner has jurisdiction to deal only with allegations of conduct contrary to the sections of the Code which proscribe or prohibit specific kinds of behaviour. It stated that an Integrity Commissioner can use and apply the principles in conclusions made from investigating prohibited conduct of a member of Council, but general principles cannot form the basis of an investigation by themselves.

I used this opinion to answer the question and relied on it to dismiss the complaint.

I have identified three rules in the Code which in my opinion should be classified as principles, but not as rules, as follows:

- a. **Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.**
- c. **Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.**
- h. **Members of Council shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and by City Council.**

It is my recommendation that the above three sub-sections of the Code be removed from the rules and classified as principles. I have re-drafted Rule 1 accordingly, as set out in Appendix 2. Except for headings, no changes in wording are included in Appendix 2. The Codes of Conduct for Local Boards were modeled after the Code and it is recommended that a similar amendment be made.

CONCLUSION:

This report is further to the stipulation in the Code that it remain a

living document, updated based on experience and establishing best practices for its implementation.

ATTACHMENTS:

Appendix 1: *Council Code of Conduct* – Rule 1 - current

Appendix 2 *Council Code of Conduct* – Rule 1 - recommended



Robert J. Swayze
Integrity Commissioner

Prepared By: Robert J. Swayze

APPENDIX 1

Rule No. 1

Key Principles that Underlie the *Code of Conduct*:

- a. Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

Commentary

Members of Council recognize the public's right to reasonable access to information in relation to how decisions are made. The public's right to access however must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- b. Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Members of Council shall also not extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.**

Commentary

Members of Council have a common understanding that in carrying out their duties as a Member of Council, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.

Members of Council are governed by the *Municipal Conflict of Interest Act* and in the event a complaint under the Act is filed with the Court, the provisions of that statute take precedence over any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the *Municipal Conflict of Interest Act*. It is intended that the Integrity Commissioner be empowered to investigate and rule on all conflicts of interest, whether pecuniary or non-pecuniary until Court proceedings are started under the Act.

- c. Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.**

Commentary

Members of Council may seek conflict of interest advice, including a written opinion, from the Integrity Commissioner however, where members choose to seek external legal advice on

conflict of interest issues, these fees will not be reimbursed by the City of Mississauga and cannot be charged to any office account.

Members of Council shall not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to an individual which is not available to every other individual member of the public. For example, Members shall remain at arm's length when City staff or Council is asked to consider a matter involving a Family Member or a person or organization with whom the Member has a real or apparent conflict of interest.

- d. Members of Council shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.**
- e. Members of Council, while holding public office, shall not engage in the management of a business and shall not profit directly or indirectly from such business that does or has contracted with the City of Mississauga.**
- f. Despite subsection e., a Member of Council may hold office or directorship in an agency, board, commission or corporation where the Member has been appointed by City Council or by the Council of the Regional Municipality of Peel or by the Federal or Provincial government.**
- g. Despite subsection e., a Member of Council may hold office or directorship in a charitable, service or other not-for-profit corporation subject to the Member disclosing all material facts to the Integrity Commissioner and obtaining a written opinion from the Integrity Commissioner approving the activity, as carried out in the specified manner, which concludes that the Member does not have a conflict between his/her private interest and public duty. In circumstances where the Integrity Commissioner has given the Member a qualified opinion, the Member of Council may remedy the situation in the manner specified by the Integrity Commissioner.**

Commentary

Examples of exceptions include hospital boards, charitable boards, police services boards, community foundations, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, service clubs such as the Rotary Club, Lions Club and other not-for-profit organizations. Members should exercise caution if accepting such positions if the organization could be seeking a benefit or preferential treatment from the City at any time.

- h. Members of Council shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and by City Council.**

Commentary

The provisions of this *Code* are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour set out in current federal and provincial statutes.

To ensure the *Code* remains a living document that will remain current and continue to be a beneficial guide, the *Code* shall be brought forward for review at the end of each term of Council, with any changes to be implemented at the start of the following Council session.

- i. In fulfilling their roles as elected officials, Members of Council shall respect the role of staff in the administration of the business affairs of the City and in so doing will comply with the City's *Respectful Workplace* policy.**

Commentary

Decision-making authority lies with Council, and not with an individual Member. Members of Council recognize that it is the role of the officers and employees of the City to implement Council's decisions and to establish administrative practices and procedures to carry out Council's decisions. Council is the source of all legislative authority and will make decisions on whether and to what extent to delegate this authority to others, including the Mayor, committees and to staff. Only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information in order to fulfill its decision-making duties and oversight responsibilities however, individual Members of Council must also recognize that the information they receive in their capacity as elected officials, is subject to confidentiality and disclosure rules contained in federal and provincial legislation and City policies.

APPENDIX 2**Key Principles that Underlie the *Code of Conduct*:**

- a. Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner. Members of Council recognize the public's right to reasonable access to information in relation to how decisions are made. The public's right to access however must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.
- b. Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
- c. Members of Council shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and by City Council. The provisions of this *Code* are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour set out in current federal and provincial statutes.

Rule No. 1

- a. Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Members of Council shall also not extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.**

Commentary

Members of Council have a common understanding that in carrying out their duties as a Member of Council, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.

Members of Council are governed by the *Municipal Conflict of Interest Act* and in the event a complaint under the Act is filed with the Court, the provisions of that statute take precedence over any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the *Municipal Conflict of Interest Act*. It is intended that the Integrity Commissioner be empowered to investigate and rule on all conflicts of interest, whether pecuniary or non-pecuniary until Court proceedings are started under the Act.

Members of Council may seek conflict of interest advice, including a written opinion, from the Integrity Commissioner however, where members choose to seek external legal advice on conflict of interest issues, these fees will not be reimbursed by the City of Mississauga and cannot be charged to any office account.

Members of Council shall not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to an individual which is not available to every other individual member of the public. For example, Members shall remain at arm's length when City staff or Council is asked to consider a matter involving a Family Member or a person or organization with whom the Member has a real or apparent conflict of interest.

- b. Members of Council shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.**
- c. Members of Council, while holding public office, shall not engage in the management of a business and shall not profit directly or indirectly from such business that does or has contracted with the City of Mississauga.**
- d. Despite subsection e., a Member of Council may hold office or directorship in an agency, board, commission or corporation where the Member has been appointed**

by City Council or by the Council of the Regional Municipality of Peel or by the Federal or Provincial government.

- e. **Despite subsection e., a Member of Council may hold office or directorship in a charitable, service or other not-for-profit corporation subject to the Member disclosing all material facts to the Integrity Commissioner and obtaining a written opinion from the Integrity Commissioner approving the activity, as carried out in the specified manner, which concludes that the Member does not have a conflict between his/her private interest and public duty. In circumstances where the Integrity Commissioner has given the Member a qualified opinion, the Member of Council may remedy the situation in the manner specified by the Integrity Commissioner.**

Commentary

Examples of exceptions include hospital boards, charitable boards, police services boards, community foundations, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, service clubs such as the Rotary Club, Lions Club and other not-for-profit organizations. Members should exercise caution if accepting such positions if the organization could be seeking a benefit or preferential treatment from the City at any time.

To ensure the *Code* remains a living document that will remain current and continue to be a beneficial guide, the *Code* shall be brought forward for review at the end of each term of Council, with any changes to be implemented at the start of the following Council session.

- f. **In fulfilling their roles as elected officials, Members of Council shall respect the role of staff in the administration of the business affairs of the City and in so doing will comply with the City's *Respectful Workplace* policy.**

Commentary

Decision-making authority lies with Council, and not with an individual Member. Members of Council recognize that it is the role of the officers and employees of the City to implement Council's decisions and to establish administrative practices and procedures to carry out Council's decisions. Council is the source of all legislative authority and will make decisions on whether and to what extent to delegate this authority to others, including the Mayor, committees and to staff. Only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information in order to fulfill its decision-making duties and oversight responsibilities however, individual Members of Council must also recognize that the information they receive in their capacity as elected officials, is subject to confidentiality and disclosure rules contained in federal and provincial legislation and City policies.



Mississauga City Council Governance Committee

Answering Your “Challenge”

A Proposal by:
John Magill
Sandy Milakovic

*Governing
& Leading
Together*

Leadership in Municipal Governance

“an aspirational goal worth striving for”

Examples of the types of self examination we might go through in the quest for undisputed leadership in municipal governance are illustrated in the next slides

*Governing
& Leading
Together*

Examining Council Culture

Explore, learn & change our individual & collective behaviour

Clearly identify & agree on the roles & responsibilities of council, councillors & mayor and staff

Clearly distinguish benefactors as the citizens of Mississauga as a whole

Our Shared Goal: Excel at what we do to better serve our community.

Identify & agree on what, specifically, needs to improve to have the most positive & lasting impact.

Articulate & link how council & councillor activity results in improved service / value

How will we know that we've been successful?



Quality of dialogue: *open, candid, engaged, constructive*



Quality of decisions: *informed (evidence & perspectives), transparent, confident, timely*



Quality of outcomes: *measured, quantitative & qualitative*



Quality of relationships: *respect, mutual value, trust*

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& Leading
Together*

Examining Our Governance Fundamentals



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& Leading
Together*

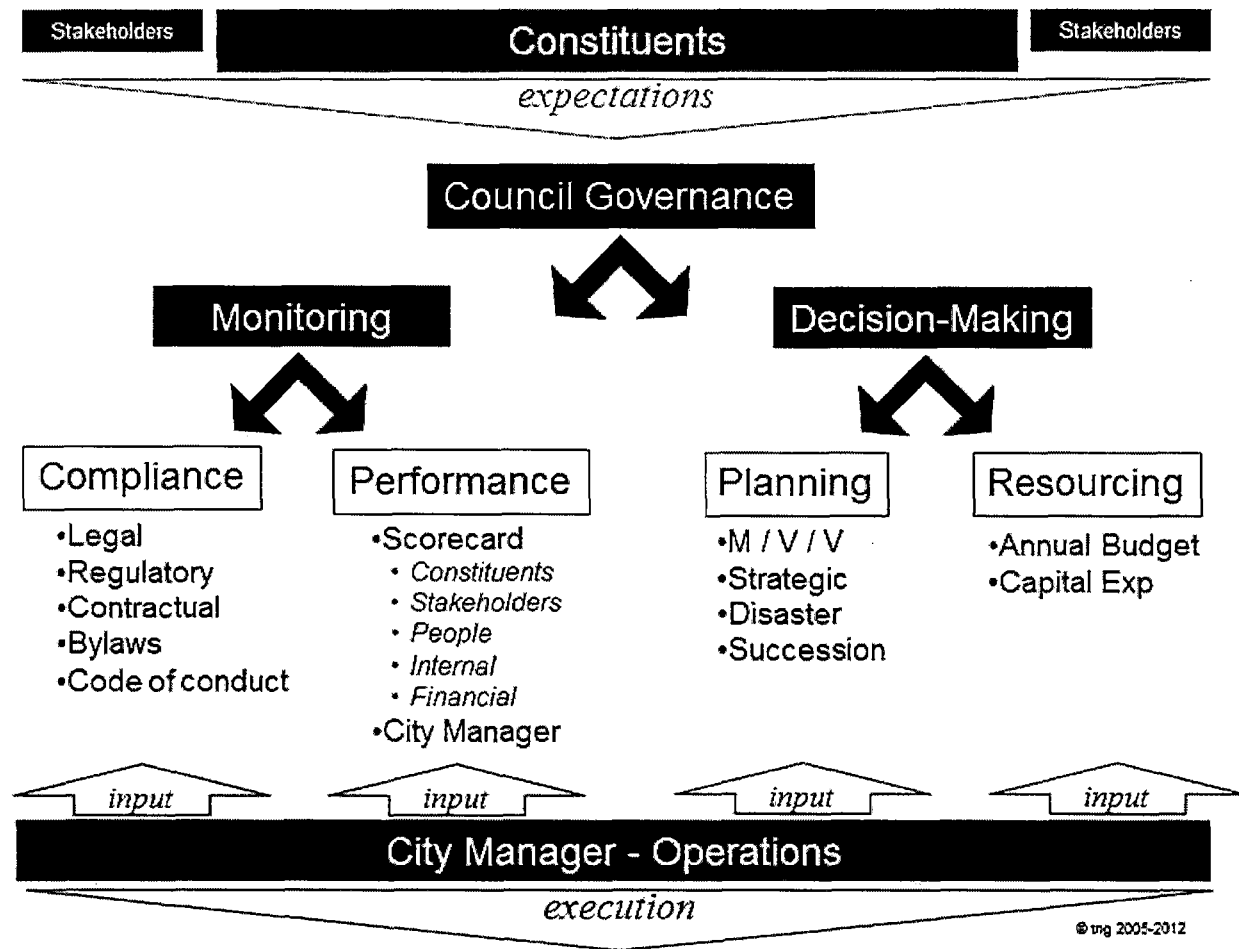


Some Guiding Principles

1. The Council exists to ethically steward and strategically lead the City of Mississauga and its operational organization towards the achievement of its mission, vision and strategic priorities
2. The Council is accountable and responsible for its own performance as well as oversight for the City of Mississauga as an organization
3. The quality and capacity of the Council structure, processes and people directly affect the success and sustainability of Council and the city as an organization

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& Leading
Together*

Council Governance Fundamentals



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& Leading
Together

What is Governance?

- A robust and reliable process on behalf of the community for:
 - Making good **decisions**
 - Identifying and mitigating risk
 - Mission, vision, values
 - Strategic priorities and measurable goals
 - Assigning resources through budget
 - City Manager performance
 - Council work/goals/outcomes
 - **Monitoring** organizational activity/outcomes
 - Ensuring compliance
 - Measuring performance
 - Identifying risk
 - Identifying opportunity
- The accountability of all Council members

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Beyond Compliance

Everyone has to ensure...

The best choose to maximize...

Compliance

- Legislation
- Regulation
- Contractual
- Bylaws
- Policy
- Ethics (*codes of conduct*)

Performance

- Mission achievement
- Organizational strength & sustainability
- Delivery of real value to constituents
- Assurance of trust & confidence of all stakeholders

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& Leading
Together*

Good governance makes good sense!



Our Recommendation

That the Governance Committee recommend to City Council that it:

- a) invest the time and effort necessary to consider what it might take to become recognized as the undisputed leader in municipal governance, and
- b) commit to taking all steps reasonably necessary to achieving that goal inside the current mandate.

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& Leading
Together*

The Logical Conclusion

We see the adoption of this aspirational goal as the logical conclusion of the leadership City Council displayed when it established a governance committee and then added citizen members to it.



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Suggested Next Steps

Should the Governance Committee agree, and should City Council accept the Committee's recommendation, the next steps could include:

1. Setting a date for a third party facilitated, off-site strategic retreat in the first quarter of 2016,
2. Establishing a retreat planning subcommittee reporting to the Governance Committee.



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& Leading
Together*

Thank You

John Magill and Sandy Milakovic

City of Mississauga Corporate Report



Date: September 10, 2015

To: Chair and Members of Governance Committee

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

Originator's files:

File names

Meeting date:

November 16, 2015

Subject

Elected Officials' Severance

Recommendation

That the report dated September 10, 2015 from the Commissioner of Corporate Services and Chief Financial Officer regarding Elected Officials' Severance be received for information.

Report Highlights

- At the Council meeting of April 15, 2015, Mayor Crombie requested a staff report on municipal practices for severance payments to elected officials.
- Thirteen organizations were contacted (11 Ontario municipalities along with the Federal and Provincial Parliaments). Partial or full responses were received from 9 municipalities plus Federal and Provincial Parliaments.
- Some municipalities requested not to be identified in a public report, as their practices are under review or requested their results not to be included within the report.
- Three municipalities do not pay severance for any circumstance.
- Of the eight organizations that pay severance:
 - all eight organizations pay severance for retirement.
 - all eight organizations pay severance if the elected official is not re-elected.
 - six organizations pay severance if the elected official leaves office or resigns for personal reasons; the other two organizations only pay severance if certain conditions are met (i.e. only paid if leaving at end of term or if leaving during the dissolution period-house not in session).
 - six organizations do not pay severance if an elected official is removed from office; two organizations did not respond to this question.

4a

- four organizations pay severance if death while in office; the other four had no provision for death while in office.
- all eight organizations do not pay severance if an elected official voluntarily leaves the municipality for another level of government (primarily referenced Provincial and Federal Governments). Most responses did not have a provision for municipalities. However three organizations would pay severance only if they resigned prior to election. Each municipality has unique requirements when severance is paid or not paid in this situation.
 - The City of Ottawa had clear guidelines on the issue of paying severance to an elected official who voluntarily leaves the municipality for another level of government. Severance is not paid if elected/appointed to office at any level of government, including another municipality; or if returning directly to organizations or established businesses where the member was employed prior to serving on City Council.
- Severance entitlement ranged from 6 months to 18 months depending on years of service.

Background

At the Council meeting of April 15, 2015, Mayor Crombie requested a staff report on municipal practices for severance payments to elected officials. Finance, Human Resources and Business Improvement (Policy and Research) partnered to conduct the review of municipal best practices for elected official severance payments.

City By-law #0511-2002 (Annual remuneration, economic adjustment and benefits of the Mayor and Council) contains provisions for elected officials severance payments. Listed below are the related provisions within the Remuneration By-law:

- A severance allowance shall be payable to the Mayor and to each Member of Council upon retirement, resignation or death of a Member of Council while in office, or upon failure to be re-elected to office for the term immediately following a current term of office.
- No severance allowance shall be payable, however, in the following circumstances:
 - where the purpose of a retirement or resignation is to assume a position as an elected official in a Provincial Legislature or the Federal Parliament; or
 - where the Mayor or Member of Council ceases to hold office as a result of involuntary removal from office, other than through failure to be re-elected or death.
- The severance allowance shall be calculated on the basis of one month's base salary for each year of service up to a maximum of 12 months' base salary, payable in a lump sum.
- When eligible to receive a severance allowance, the Mayor and each Member of Council will also receive the benefits in sections 9 and 10 of this By-law calculated on the basis of

one month for each year of service up to a maximum of 12 months, but they shall not be entitled to receive the benefits in Section 11 of this By-law.

- When eligible to receive a severance allowance, the Mayor and each Member of Council will be entitled to a transition allowance, to a maximum allowable cost of \$6,000, for appropriate counselling, either to re-establish him/herself in a business or public career or to prepare them for retirement. In the event that the Mayor or a Member of Council does not avail him/herself of counselling, the counselling allowance will not be due or payable.

Comments

Staff completed a benchmarking survey (Appendix 1) which investigated practices regarding severance remuneration for elected officials upon leaving office.

Staff contacted 13 organizations (11 Ontario municipalities, along with the Federal and Provincial Governments). We received partial or full responses received from 9 municipalities plus Federal and Provincial Governments.

Three organizations do not pay severance for any circumstances. Some organizations chose not to respond to some of the questions so the number of respondents per question may vary.

Some municipalities requested not to be identified in a public report, as their practices are under review or requested their results not to be included within the report. Therefore, the survey results will not identify the names of these organizations.

Listed below are the survey results from the eight organizations that pay severance if an elected offices leaves office.

Entitlement to Severance by the Reason for Leaving Office:

Entitled to severance in the case of:	# of respondents	(% of respondents)
Retirement	8 of 8	100%
Resignation for personal matters	6 of 8	75%
Not re-elected	8 of 8	100%
Elected to another level of government without resigning prior to that election	0 of 8*	0%
Removed from office	0 of 6*	0%
Death (paid to estate)	4 of 8	50%

* some respondents did not answer all questions

The survey contained a number of questions regarding when severance is paid. The following is a summary of the results. More detailed information can be found in Appendix 2.

1. Is severance paid to an elected official?

Responses:

Of the 11 organizations responses, 8 paid severance and 3 did not.

2. Is severance paid to an elected official for retirement?

Responses:

Of the 8 organizations that pay severance, all 8 paid severance upon retirement.

3. Is severance paid to an elected official if they leave office or resign for personal matters?

Responses:

Of the 8 organizations that pay severance, 6 paid severance for leaving or resigning from office; the other two organizations only pay severance if certain conditions are met (i.e. only paid if leaving at end of term or if leaving during the dissolution period-house not in session).

4. Is severance paid to an elected official if they have not been re-elected?

Responses:

Of the 8 organizations that pay severance, all 8 paid severance if not re-elected.

5. Is severance paid to an elected official if they voluntarily leave the municipality for another level of government (i.e. Region, Provincial, and Federal)?

Responses:

All eight organizations do not pay severance if an elected official voluntarily leaves the municipality for another level of government (primarily referenced Provincial and Federal Governments). Most responses did not have a provision for municipalities. However three organizations would pay severance only if the elected official resigned prior to election. Each municipality has unique requirements when severance is paid or not paid in this situation.

- With the exception of the City of Ottawa, municipalities were unable to answer the question of whether an elected official is entitled to severance, specifically in the event that he/she leaves office for another municipality. Typically, this scenario is not addressed in municipal by-laws and municipalities have not encountered this situation.
- The City of Ottawa had clear guidelines on the issue of paying severance to an elected official who voluntarily leaves the municipality for another level of government.
 - *Severance is not paid if elected/appointed to office at any level of government, including another municipality; or if returning directly to organizations or established businesses where the member was employed prior to serving on City Council.*

6. Do you pay severance to an elected official if they have been removed from office? (i.e. disqualification by reason of any judicial or legislative process; conviction of criminal offences; etc.).

Responses:

Six organizations do not pay severance if an elected official is removed from office; two organizations did not respond to this question.

- o One organization confirmed they have no specific policy, but this situation would be dealt with on a case by case basis and would reflect the circumstances.

7. Do you pay severance for any employment situations not covered above?

Responses:

Of the eight organizations that pay severance, 4 answered yes if death while in office; the other 4 had no provision for death while in office.

8. Severance calculations

Responses:

Eight organizations responded (6 municipalities and Provincial and Federal Parliaments). Municipal severance entitlements ranged from 6 months to 18 months, depending on years of service. Severance calculations for Provincial and Federal parliaments had a more complicated formula.

Strategic Plan

N/A

Financial Impact

Not Applicable. This report is for information purposes on government severance practices.

Conclusion

This benchmarking research investigated practices with respect to severance remuneration for elected officials upon leaving office and is being provided for information only.

Attachments

Appendix 1: Severance for Elected Officials-Benchmarking Survey Results (2015)

G. Kent.

Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Jeff Jackson, Director of Finance and Treasurer

Severance for Elected Officials - Benchmarking Survey Results (2015)

This benchmarking research investigated practices with respect to severance remuneration for elected officials upon leaving office. For the research, we contacted 11 Ontario municipalities and the Federal and Provincial Parliaments. We received a full or partial response from 9 municipalities and from the Federal and Provincial Parliaments.

The first section of this report is an overview summary of responses. Section 2 outlines the responses in detail. Section 3 provides an outline of the calculation of severance in the benchmark survey participants.

Some municipalities have asked not to be identified in a public report as their practices are under review, or have not confirmed that we have permission to use the information in a public report. Accordingly, a generic identifier has been used for these municipalities.

Section 1 – Overview of the Research Results

- Three of the nine benchmark municipalities do not pay severance for any circumstances.
- Of the six municipalities that pay severance, five said they do not pay severance in the case of removal from office for criminal charge, or as a result of judicial process. One municipality said they do not have a policy that specifically addresses this and the situation would be dealt with on a case by case basis.
- All of the respondents that pay severance (6 municipalities, the Provincial Legislature and the House of Commons) said elected officials are entitled to severance if they retire, are defeated or choose not to run again.
- All of the respondents who answered the question with respect to severance entitlement in the case of a member's election to another level of government said they do not pay severance in those circumstances. Generally, in order to receive severance, the elected official would have to resign his/her seat prior to election at another level of government.
- With respect to payment of severance for any reasons other than those we specifically enquired about, two of the seven municipalities, the Ontario Legislative Assembly (OLA) and the Canadian Parliaments said severance is paid in the event of an elected official's death while in office (i.e. paid to the estate). Members of the Canadian Parliament (MPs) are entitled to severance if they leave office due to permanent illness or infirmity.
- In all cases, calculation of severance is the same, regardless of the reason the member is leaving office; however, amongst the municipalities, there is variation in the maximum severance entitlement.

Summary of Responses for the 8 respondents (6 municipalities, the OLA and the Parliament of Canada) that pay severance to elected officials :

Entitlement to Severance by the Reason for Leaving Office

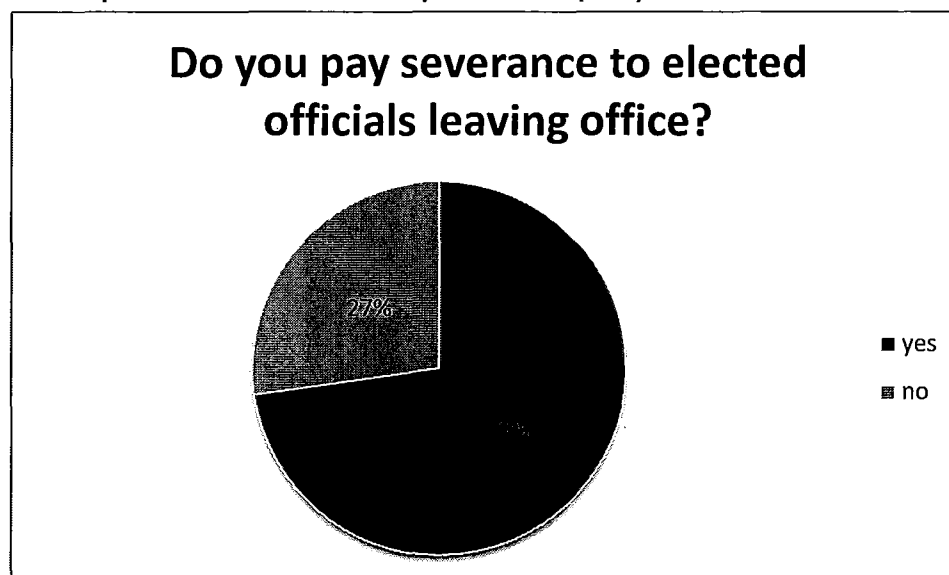
Entitled to severance in the case of:	# of respondents	(% of respondents)
Retirement	8 of 8	100%
Resignation for personal matters	6 of 8	75%
Not re-elected/Not running again	8 of 8	100%
Elected to another level of government without resigning prior to that election	0 of 8*	0%
Removed from office	0 of 6*	0%
Death (paid to estate)	4 of 8	50%

* some respondents did not answer all questions

Section 2 – Detailed Summary of Responses

1. Do you pay a severance once an elected official leaves office? Y/N
(Total # of responses: 11)

of respondents who answered "yes": 8 of 11 (73%)



Response by survey participant:

Do you pay a severance once an elected official leaves office?

Municipality/Other	Yes	No	Comments
Municipality 1	<input checked="" type="checkbox"/>		
Burlington		<input checked="" type="checkbox"/>	
Municipality 2		<input checked="" type="checkbox"/>	
Markham	<input checked="" type="checkbox"/>		
Municipality 3		<input checked="" type="checkbox"/>	
Ottawa	<input checked="" type="checkbox"/>		
Municipality 4	<input checked="" type="checkbox"/>		
Richmond Hill	<input checked="" type="checkbox"/>		
Toronto	<input checked="" type="checkbox"/>		
Ontario Legislative Assembly	<input checked="" type="checkbox"/>		
Parliament of Canada	<input checked="" type="checkbox"/>		

2. **For the 8 respondents who answered “yes” to question 1:**a. **Do you pay severance to an elected official for retirement?***Total # of responses: 8; % of respondents who answered “yes”: 100%*

Municipality/Other	Yes	No	Comments
Municipality 1	<input checked="" type="checkbox"/>		
Markham	<input checked="" type="checkbox"/>		
Ottawa	<input checked="" type="checkbox"/>		
Municipality 4	<input checked="" type="checkbox"/>		
Richmond Hill	<input checked="" type="checkbox"/>		
Toronto	<input checked="" type="checkbox"/>		
Ontario Legislative Assembly	<input checked="" type="checkbox"/>		
Parliament of Canada	<input checked="" type="checkbox"/>		

b. Do you pay severance to an elected official if they leave office (resign) for personal matters?*Total # of responses: 8; % of respondents who answered "yes" : 75%*

Municipality/Other	Yes	No	Comments
Municipality 1		<input checked="" type="checkbox"/>	Only entitled to severance if leaving at end of term
Markham	<input checked="" type="checkbox"/>		
Ottawa	<input checked="" type="checkbox"/>		
Municipality 4	<input checked="" type="checkbox"/>		
Richmond Hill	<input checked="" type="checkbox"/>		
Toronto	<input checked="" type="checkbox"/>		
Ontario Legislative Assembly	<input checked="" type="checkbox"/>		
Parliament of Canada		<input checked="" type="checkbox"/>	Only entitled to severance if leaving during the dissolution period (i.e. when the House is not in session).

c. Do you pay severance to an elected official if they have not been re-elected/or are not running again?*Total # of responses: 8; % of respondents who answered "yes": 100%*

Municipality/Other	Yes	No	Comments
Municipality 1	<input checked="" type="checkbox"/>		
Markham	<input checked="" type="checkbox"/>		
Ottawa	<input checked="" type="checkbox"/>		
Municipality 4	<input checked="" type="checkbox"/>		
Richmond Hill	<input checked="" type="checkbox"/>		
Toronto	<input checked="" type="checkbox"/>		
Ontario Legislative Assembly	<input checked="" type="checkbox"/>		
Parliament of Canada	<input checked="" type="checkbox"/>		

d. Do you pay severance to an elected official if they voluntarily leave office for another level of government (i.e. Region, Provincial, Federal)? *

Total # of responses: 7; % of respondents who answered "yes": 0%

Municipality/Other	Yes	No	Comments
Municipality 1		<input checked="" type="checkbox"/>	No, <u>unless</u> the elected official resigns from office prior to election to the Province/Federal Government
Markham		<input checked="" type="checkbox"/>	No, If elected/appointed to office in Provincial Legislature or Parliament of Canada
Ottawa		<input checked="" type="checkbox"/>	No, if elected/appointed to office at any level of government including another municipality; or if returning directly to organizations or established businesses where the member was employed prior to serving on City Council.
Municipality 4		<input checked="" type="checkbox"/>	No, If elected/appointed to office in Ontario Legislature or Parliament of Canada
Toronto		<input checked="" type="checkbox"/>	No, If elected/appointed to office in Ontario Legislature or Parliament of Canada (<u>unless</u> the Member has resigned prior to being elected to another level of government)
Ontario Legislative Assembly		<input checked="" type="checkbox"/>	No, <u>unless</u> the member resigns from office prior to being elected to another level of government.
Parliament of Canada		<input checked="" type="checkbox"/>	Members are not entitled to severance if they resign for any reason (except illness, as approved by the Speaker) while the House of Commons is in session. If the member resigns during the dissolution period, he/she is not entitled to severance if he/she is older than 55 years with at least 6 years of pensionable service.

*See Appendix 1 for excerpts from policies/By-laws of the benchmark municipalities.

With the exception of the City of Ottawa, cities were unable to answer the question of whether an elected official is entitled to severance, specifically in the event that he/she leaves office for another municipality. Typically, this scenario is not addressed in municipal by-laws and municipalities have not encountered this situation. The general pattern however, is that an elected official is required to resign in order to be entitled to severance before his/her election to another office. This is the case in the Provincial Legislature and the

majority of the benchmark cities. As noted above, a member of the Parliament of Canada would not be entitled to severance if he/she resigns for any reason while the House is in session, except in the case of illness, as approved by the Speaker of the House.

e. **Do you pay severance to an elected official if they have been removed from office?**

(Disqualification by reason of any judicial or legislative process; conviction of criminal offences; etc.).

Total # of responses: 6; % of respondents who answered "yes": 0%

Municipality/Other	Yes	No	Comments
Municipality 1		<input checked="" type="checkbox"/>	
Markham		<input checked="" type="checkbox"/>	
Ottawa		n/a	No specific policy, but would be dealt with on a case by case basis and would reflect the circumstances.
Municipality 4		<input checked="" type="checkbox"/>	
Richmond Hill		<input checked="" type="checkbox"/>	
Toronto		<input checked="" type="checkbox"/>	

f. **Do you pay severance for any employment situations not covered above?**

Total # of responses: 8; % of respondents who answered "yes": 50%

Municipality/Other	Yes	No	Comments
Municipality 1		<input checked="" type="checkbox"/>	
Markham	<input checked="" type="checkbox"/>		Death while in office – severance paid to the Member's estate
Ottawa		<input checked="" type="checkbox"/>	
Municipality 4		<input checked="" type="checkbox"/>	
Richmond Hill		<input checked="" type="checkbox"/>	
Toronto	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Death while in office
Ontario Legislative Assembly	<input checked="" type="checkbox"/>		Death while in office – severance paid to the Member's estate
Parliament of Canada	<input checked="" type="checkbox"/>		Death while in office – severance paid to the Member's estate; Also in the case of permanent illness/infirmity (i.e. Member is unable to perform his/her duties as MP), as approved by the Speaker of the House.

Note: Municipality 4 – Councillors are covered by Group Life Insurance in the event of death while in office.

By-laws/policies

In most of the municipalities, severance for elected officials is addressed in a municipal by-law. One municipality has a Corporate Policy for Remuneration of Council Members. For Toronto, severance remuneration for council members is addressed in Chapter 223 of the Toronto Municipal Code.

The following is a summary of documents governing severance remuneration for elected officials:

Municipality/Other	Governing document
Municipality 1	No policy – matters determined by Council
Markham	By-Law for Council Remuneration
Ottawa	No policy – matters determined by Council; has guidelines document
Municipality 4	Policy for Remuneration of Council
Richmond Hill	By-Law for Payment of Severance Remuneration for Members of Council
Toronto	Chapter 223 of the Toronto Municipal Code.
Ontario Legislative Assembly	Policy for Severance Remuneration
Parliament of Canada	<u>Parliament of Canada Act</u> and the <u>Members of Parliament Retirement Allowances Act</u>

Section 3 – Calculation of Severance

With respect to the question of how severance is calculated, the research results indicated that in each of the benchmark municipalities and in the Provincial and Federal Parliaments, a single method of calculation applies regardless of the elected official's reason for leaving office (e.g. retirement, not re-elected, etc.). The Provincial and Federal Legislatures' methods of calculating severance are different than municipal practice and are outlined separately. For municipalities, the severance is calculated at 1 month or 1/12 of the elected official's annual salary for each continuous year of service and pro-rated for partial years of service. Amongst the benchmark cities, however, there is variation as to the maximum entitlement. In this regard, the benchmark municipalities can be organized in four categories:

Category	How calculated (based on elected official's annual salary at the time of leaving office)	Municipalities
18 months maximum	1 month for each continuous year of service to a max of 18 months	Richmond Hill, Municipality 1

12-18 months maximum	1 month for each continuous year of service to a max of 12 months, plus 3/52 for each year in excess of 12 years to a maximum of 18 months remuneration. Pro-rated for partial years.	Markham
12 months maximum	1 month for each continuous year of service to a max of 12 months. Pro-rated for partial years.	Municipality 4, Toronto
6 months maximum	1 month for each continuous year of service to a max of 6 months.	Ottawa

In all cases, if a member of Council has received severance remuneration as a result of ceasing to be a member of Council and later becomes a member of Council again, any subsequent calculation of severance remuneration will start from the date that he/she again became a member of Council.

Specific Variations in the Calculation of Severance for Municipal Elected Officials

In Municipality 4 and Markham, to calculate the pro-rated portion for a partial year of service, a year is calculated as 12 months and any remainder of 6 months or more is rounded up to one year (12 months), but if the remainder is 5 months or less, the calculation of the years of service is unaffected.

Eligibility and Specific Requirements for Severance remuneration

In some municipalities there are specific eligibility and application requirements. For example:

- City of Toronto – to be eligible for severance pay, the elected official must have served as a member of Council for at least 30 days.

Calculation of Severance for Members of the Ontario Legislative Assembly

The calculation of severance is based on a Member's length of service and his/her average annual remuneration. In determining length of service for the purposes of severance, the writ period (election campaign period) is not included as part of the length of service. The average annual remuneration is the average of the Member's annual salary rate (base/additional/ministerial) for the period of 36 consecutive months which produces the highest average annual remuneration for the calculation of severance payment. Members who do not have 36 consecutive months of service will have their salary annualized. Severance entitlement is calculated according to the Member's years of service as follows:

Years of Service	Severance entitlement (months of average annual remuneration)
4 years or less	6 months
4-8 years	12 months

4m

More than 8 years	18 months
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Calculation of Severance for Members of the Federal House of Commons

Severance remuneration for MPs is governed by the Parliament of Canada Act and the Members of Parliament Retirement Allowances Act. Essentially, Members who are eligible for severance upon leaving office are entitled to a lump sum equal to 50% of the total of the Member's annual sessional plus, if applicable, additional salary or allowance received as Minister, House Officer, etc. However, severance entitlement varies according to the age of the Member and years of service at the time of leaving office. Because Members are entitled to receive a pension (retiring allowance) at age 55 (and having served as MP for at least 6 years), the calculation of severance varies according to whether the Member is age 55 or over (or will be 55 in 6 months), or under age 55.

- A Member of Parliament who resigns from the House of Commons while the House is in session is not entitled to severance allowance unless they are resigning due to illness and this must be approved by the Speaker (*PAC, article 70 (2)*).
- A Member of Parliament who resigns from the House of Commons once the House is in Dissolution would not be eligible to a severance allowance if he/she is older than 55 years old with at least 6 years of pensionable service.

APPENDIX 1: Excerpts from Municipal Policies/By-laws with respect to severance entitlement upon leaving office for another level of government:

Excerpt from Municipality 4's Policy for Remuneration of Council Members

8. No End of Term Allowance shall be payable to a Member of the Council:

(a) who resigns from the Council at a time when the Member of the Council has been elected or appointed to office in the Legislature of Ontario or in the Parliament of Canada;

Excerpt from Ottawa's FAQ- Transition Assistance Allowance

The [entitlement to a Transition Assistance Allowance] shall not apply to outgoing Members of Council who are returning directly to organizations or established businesses where they were employed prior to serving on City Council, or who are elected at another level of government or municipality.

Excerpt from Toronto's City Council Handbook (2014-2018)

Running for provincial or federal office

Members of Council who are successful in being elected as a Member of Parliament or Member of Provincial Parliament without resigning from Toronto City Council are not paid severance. Following are example scenarios of when severance is and is not paid:

Scenario 1:

- A Member of Council is running for office in an upcoming federal election.
 - This Member of Council resigns from Toronto City Council before the federal election day.
- This Member of Council is paid severance.

Scenario 2:

- A Member of Council is running for office in an upcoming federal election.
 - This Member of Council does not resign from Toronto City Council before the federal election day.
 - The Member of Council is successfully elected as a Member of Parliament on election day.
- This Member of Council is not paid severance.

City of Mississauga Corporate Report



Date: November 3, 2015 To: Chair and Members of Governance Committee From: Gary Kent, Commissioner of Corporate Services and Chief Financial Officer	Originator's files: File names
	Meeting date: November 16, 2015

Subject

Elected Official Expense Policy Information Report

Recommendation

That the Corporate Report entitled "Elected Official Expense Policy information report" dated November 3, 2015 from the Commissioner of Corporate Services and Chief Financial Officer, be received for information.

Report Highlights

- At the June 10, 2015 Council meeting, Council requested a report on some potential changes to their expense policy in the areas of:
 - Requirements around Honorariums and recognition for volunteers.
 - Clarity on the definition of teams.
 - The mechanism and timing to review per diems.
- In addition staff have included clarification on use of gift cards

Background

At the June 10, 2015 Council meeting, during the review and approval of the Elected Officials' Expense Policy (#04-05-04) involving travel and per diems, Council sought clarification on additional expense items such as honorariums for volunteers/unpaid internships, clarity regarding the definition of teams and the mechanism and timing to review per diems.

Comments

Honorariums for volunteers

Staff conducted a literature review to inform the contents of this report.

The Canada Revenue Agency defines “An honorarium is a voluntary payment made to a person for services for which fees are not legally or traditionally required. An honorarium is typically used to help cover costs for volunteers or guest speakers.”

There is no definition of intern or volunteer in the Employment Standards Act.

For the purposes of administration at the City of Mississauga, the following definitions have been prepared based on best practice research:

Intern : An individual fulfilling a formal vocational, professional or educational experience through an established program; paid or unpaid; for example, co-op programs, field placements, agency placements such as CareerEdge.

Volunteer: An individual who freely gives their time, usually for an altruistic purpose, or is attempting to gain work experience but not connected with an established program. Examples would include Reading Buddies, dog walkers and event volunteers such as Canada Day and tree planting.

There are limited exemptions under the Employment Standards Act where unpaid interns are permitted; for example high school students performing work under a co-operative program authorized by the school board and an individual who performs work under a program approved by a college or university. Aside from these exemptions, there are circumstances in which an intern can be trained without an organization being required to pay wages. In these cases, the experience for the intern must provide little, if any, workplace benefit to the organization and cannot be a stepping stone toward the intern’s future paid employment with the organization.

Rules and responsibilities for interns and volunteers are clearly defined for Human Resources staff, Hiring Manager and the Standards Coordinator (Recreation Division).

Members of Council follow a prescribed process to onboard an intern and volunteer, coordinated through the Clerks office and Human Resources.

Human Resources are currently reviewing the usage of volunteers as a corporate resource and will be reporting to the Leadership Team before the end of the year on any policy changes, should they be necessary.

With regards to the subject of payments to volunteers as a form of recognition, which was the question from Council, the rules from CRA are very clear. Any payment made needs to be reported as income, either through a T4 (for employees) or through a T4A for non-employees.

Staff do not recommend the use of honorariums as it involves money and would not be consistent with practices in the Corporation where we have defined compensation practices for defined roles. The practice would lead to inconsistencies, where a volunteer in one office may receive an honorarium for the same work performed in a different office by a different volunteer, with no honorarium. Staff believe this could give rise to conflicts and issues as well as extra administration.

Members of Council already have the ability to recognize a volunteer through a gift under the existing policy. CRA rules also specify that gifts and recognition (but not gift cards) can be given to a value of \$500 without being reported.

Should Governance Committee recommend the payment of honorariums to volunteers then the process would be:

- The Member of Council would notify payroll their intention to pay an honorarium
- Payroll would confirm, given the work being performed, whether the payment should be processed on a T4 or T4A
- The volunteer would have a T4A / T4 issued to them at the end of the year and they would be responsible for declaring their income as part of their own tax filing
- The value of the honorarium would be coded to the Member of Council's budget.

Clarity on the definition of teams.

The current policy, approved by a previous Council states:

"Expenses related to the sponsorship of teams or individuals, such as the provision of uniforms or equipment, or on-going financial support, will not be reimbursed"

Mississauga has thousands of teams, including school teams, and the policy has been enforced to include any type of team. Although not documented, it appears the logic was to make this ineligible due to the sheer volume of requests that would come forward if it was eligible and also the ability for teams to raise local sponsorship and donations.

Governance Committee can debate whether it wishes to retain, amend or remove this language from the policy.

Gift Cards

Gift cards are considered by the Canada Revenue Agency to be a form of money and are a taxable benefit. The cost to the City of identifying who received gift cards and processing them as a taxable benefit through payroll is prohibitive and not recommended.

Although gift cards are eligible to be expensed under the existing policy and can be used for recognition, it is Corporate practice, following very tight Canada Revenue Rules which ensure any "near cash" gifts are reported, to report any gift cards given to employees on their T4. This also applies to gift cards given by Councillors to staff.

Although a convenient form of recognition, staff are currently assessing the employee expense policy to decide if gift cards should be made ineligible due to the administration required to comply with CRA rules.

The mechanism and timing to review per diems

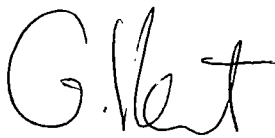
Finance will review per diem rates at the start of each calendar year to determine if the rate requires adjustment, in line with the approach taken to various other expense allowances.

Financial Impact

No financial impact.

Conclusion

This report outlined information on multiple areas for Governance Committee's information and consideration.



Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Mark Beauparlant, Manager, Corporate Financial Services

City of Mississauga Corporate Report



Date: August 25, 2015 To: Governance Committee From: Crystal Greer, Director, Legislative Services & City Clerk	Originator's files: File names
	Meeting date: November 16, 2015

Subject

2014 City of Mississauga Municipal Election, 2015 City of Mississauga Municipal By-Election review and technology options for future Municipal Elections

Recommendation

1. That the Corporate Report dated August 25, 2015 from the Commissioner of Corporate Services and Chief Financial Officer, entitled 2014 Municipal Election, 2015 Municipal By-Election Review and technology options of future Municipal Elections be received.
2. That the Ministry of Municipal Affairs and Housing be requested to do the following:
 - a. Address concerns related to the accuracy of the Voters' List with the Municipal Property Assessment Corporation and that the Ministry insist on a lower acceptable margin of error with respect to the Voters' List.
 - b. Specify the parameters for the administration of internet voting in the *Municipal Elections Act, 1996*.
3. That staff be requested to prepare amendments to the City of Mississauga's Records Retention By-law 537/96 to align with section 88 of the *Municipal Elections Act, 1996*.

Report Highlights

- This report considers successes and areas for improvement with respect to the City of Mississauga's 2014 General Election and 2015 By-election
- The report lists recommendations intended to address election related concerns and challenges
- The report looks at possible technological advancements and possible changes to voting procedures for future elections

Background

Following each municipal election, a review is conducted to assess successes and determine areas for improvement. A review was initiated following the 2014 General Election, however, prior to completion the Elections Office was required to administer the 2015 By-Election. This report provides comments on both elections.

Since the 2014 General Election, the Ministry of Municipal Affairs and Housing has initiated a review of the Municipal Elections Act (MEA). Areas for consideration include campaign finance, third party advertising, accessibility, enforcement and ranked ballots. At its meeting on June 17, 2015, the Governance Committee discussed these items and provided comments in response to the Ministry.

The comments and suggestions discussed in this report relate to the Election Office's review of the last 2 elections and can be grouped by the following subject areas: accuracy of the voters' list, technology, voter-turnout, communication to candidates, accessibility, election workers, Records Retention By-law 537/96 review and innovation.

Comments

Detailed below are statistics relating to the 2010 and 2014 General Municipal Elections and the 2011 and 2015 Municipal By-elections which demonstrate the breadth of the project:

General Elections	2010	2014
Number of eligible electors	417, 919	444,755
Number of ballots cast	143, 501	162,655
Electoral turnout	34.34 %	36.57%
Number of workers	1, 919	4,400
Number of voting days	5	14
Compliance Audit Requests	0	0 <i>(To date)</i>
Expenditure	\$1,900,000.00	\$2,230,000.00

By-Elections	2011 Ward 5	2015 Ward 4
Number of eligible electors	42,704	42,786
Number of ballots cast	11,536	8,995
Electoral turnout	27.01%	21.02%
Number of voting days	3	4
Number of workers	461	203
Compliance Audit Requests	5	0 <i>(To date)</i>
Expenditure	\$458,000.00	\$275,000.00

Accuracy of the Voters' List

Following the 2014 General Election, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) published a Position Paper entitled *"Time to Fix the Voters' List"* (Appendix 1). The position paper concluded *"Ontario's municipal professionals take pride in being able to offer a high-level of service...when it comes to elections, their ability to do so is unjustifiably constrained by an unclear, inaccurate and broken system for managing the voters' list... the purpose of this paper was not to advocated for a particular solution... but simply to state that this is a problem that can no longer go unaddressed."* In both the 2014 General Election and the 2015 By-election, the Elections Office received comments from electors expressing concern over the accuracy of the Voters' List. Unfortunately, the Elections Office has come to expect inaccuracies and anticipate elector dissatisfaction at not being included on the List or their information on the List being incorrect. As a result it is suggested that electors be encouraged to address their concerns with the Municipal Property Assessment Corporation (MPAC), that the Ministry of Municipal Affairs and Housing be requested to address Voters' List issues with MPAC and that the Ministry insist on accuracy.

Technology

Election Project Information Centre

In an effort to address elector lineups and costs associated with updating and printing Voters' Lists following Advance Poll Days, the City of Mississauga's Information Technology Division, in collaboration with the Elections Office, created the Election Project Information Centre (EPIC) for the 2014 General Election. EPIC provided the opportunity for "Vote Anywhere" which allowed all eligible electors to vote at the Civic Centre on Advance Poll Days during the 2014 General Election. During the 2015 Ward 4 By-election, "Vote Anywhere" was used on all voting days and in all locations. It was observed that with "Vote Anywhere" electors were given options and lineups were less likely as electors were not limited to a specific Deputy Returning Officer (DRO). EPIC also incorporated a scanning system that allowed DROs to scan the barcode on an elector's Voter Notification Card and immediately access an elector's information in EPIC. The ability to scan a barcode rather than having to look electors up in Voters' List books also helped to reduce wait times. Additionally, Voters' Lists were updated automatically and only a limited number had to be re-printed following each voting day, reducing costs. EPIC is also a database that managed election related data including, voting times and locations, election worker information and assignments and candidate registration information.

Due to the positive impact of the "Vote Anywhere" system, staff will investigate the possibility of using "Vote Anywhere" and/ or "Vote Anywhere in your Ward" for the 2018 General Election. As a laptop and secured internet access is required for each DRO and Revising Officer, options related to computer hardware must be further investigated.

Website

Leading up to the 2014 General Election, the Information Technology eCity Portal and Mobility Team, in consultation with the Elections Office re-designed the Mississauga Elections website. The look of the site was updated; it was made more user friendly and included an election worker and candidate login to help with the distribution of information. The site was also developed to be viewed and used on mobile devices.

Going forward the Elections Office will review the information and functionality of the website and will look for areas of improvement and innovation including online application and training modules for election workers.

Equipment

During the 2014 General Election and 2015 By-election, all equipment, including the tabulators, accessible ballot marking equipment, EPIC, laptops, scanners etc. functioned efficiently and effectively. However, going forward, the Elections Office, in conjunction with the Information Technology Division, will review the functionality of all equipment and supplies and determine if upgrades are required.

Voter Turnout

In an effort to create convenience for the elector and encourage voter turnout the number of voting days was increased for the 2014 General Election. 13 Advance Poll Days were offered in addition to Election Day, compared to the 5 total voting days scheduled during the 2010 General Election. In 2014, both weekday and weekend Voting Days were offered between 10 am and 5 pm from September 29 to October 11 and polls were open on Election Day between 10 am and 8 pm. Despite the number and variety of voting days, voter turnout increased by only 1.15% between the 2010 and 2014 General Elections.

Another indicator that increasing the number of voting days does not significantly impact voter turnout is to compare voter turnout in Ward 5 during the 2010 General Election and the 2011 Ward 5 By-election and to compare voter turnout in Ward 4 during the 2014 General Election and 2015 By-election (see below):

	# of Voting Days	Voter Turnout
2010 General Election (Ward 5)	5 (38 hours)	34.5%
2011 By-Election (Ward 5)	3 (24 hours)	27.01%
2014 General Election (Ward 4)	14 (101 hours)	35.65%
2015 Ward 4 By-Election	5 (24 hours)	21.02%

The City's experience with two By-elections, indicates a lower voter turnout during each By-election. The number of advance poll days does not seem to correlate with voter turnout.

It is important to note that the additional Voting Days offered during the 2014 General Election required a significant increase in the number of election worker positions that had to be filled, the number of election worker training sessions that were required, the number of supplies and equipment that had to be purchased and distributed and a substantial increase in City of

Mississauga staff time and labour. With these things in mind, the added value of increasing the number of voting days must be weighed moving forward. Elections staff therefore recommend that the number of voting days be reviewed and other ways of encouraging voter turnout such as “Vote Anywhere” on Election Day be considered.

Communication to Candidates

The Elections Office creates a Candidate Package for distribution to candidates leading up to an election. The package includes a variety of important information and key dates and this information will be reviewed and updated in preparation for the 2018 General Election. However, it is evident that more information must be provided with respect to election campaign finances. Currently the Candidate Package includes a Ministry of Municipal Affairs and Housing manual that details the rules and procedures related to election campaign finances. In addition The Office of the City Clerk hosted an education session for candidates at which Ministry staff gave a presentation including detailed information related to campaign finances and a question and answer element. However, due to the nature of the MEA, candidates continue to find the rules and dates confusing. The Elections Office will therefore look at creating additional information pieces to include in the package to help candidates navigate the election campaign finances rules and procedures.

Accessibility

The Elections Office is committed to the accessibility of Elections in the City of Mississauga. During the 2014 General Election and 2015 By-election 3 key areas were focused on to ensure accessibility including customer service, communication of information and physical barriers. A variety of tools were used to mitigate these barriers including accessible customer service training for election workers, accessible voting machines, and the examination of all polling locations to ensure that each location met with accessibility standards. At its meeting on January 14, 2015, General Committee considered a Corporate Report dated December 8, 2014 from the Commissioner of Corporate Services and Chief Financial Officer entitled *Accessible Municipal Elections* regarding the accessibility of the 2014 General Election (Appendix 2). Measures used to mitigate barriers to accessibility during the 2014 General Election were also utilized during the 2015 By-election.

Election Workers

During the 2014 General Election, approximately 4,400 election worker positions were filled to ensure adequate staffing at the polling locations over the course of the 14 voting days (for a comparison of the number of election workers hired in 2010 please see the chart on page 2). The process involved in the hiring of election workers includes the administration of the hiring process, training workers, creating and distributing manuals, distributing election worker supplies, ensuring that workers had adequate support at the polling locations and paying election workers. It was a monumental task that was successfully completed, however going forward, the Elections Office will review the administrative processes and will identify areas for improvement and innovation including an online application process and internet based training modules.

Records Retention By-law 537/96 Review

It is suggested that the City of Mississauga's Records Retention By-law 537/96, be updated to reflect section 88 of the MEA (Appendix 3) which outlines the parameters for election records retention, including a 120 day retention period for all ballots and other documents and materials related to an election. Currently, the Records Retention By-law requires a variety of election related material to be retained anywhere between 2 and 6 years which is inconsistent with the MEA.

Innovation

The Elections Office is committed to innovation in the administration of elections. As the landscape of election administration changes, it is important to look at new approaches and technology and investigate their merits and challenges. This will include incorporating any changes to the MEA that are made as part of the Ministry's current review of Elections procedures. Technological options for consideration in future elections include internet voting and ranked ballots also known as Ranked Choice Voting (RCV).

Internet Voting

The use of internet voting continues to be of interest to many voters and the Elections Office, in partnership with the Information Technology Division is investigating implementation options.

Areas for consideration include:

- Infrastructure – the implementation of internet voting will require new infrastructure including hardware and software. The Elections Office and Information Technology Division must conduct a detailed investigation to determine the appropriate infrastructure required to provide internet voting.
- Legislative Framework – currently the MEA does not specifically speak to the use of internet voting and does not set out the parameters for administration. The Elections Office suggests that before internet voting is implemented, the Ministry of Municipal Affairs and Housing be requested to set out the guidelines for administration including the type of identification that is acceptable for electors who vote online.
- Security – from our review to date, amongst municipalities that have implemented internet voting, Personal Identification Numbers (PINs) are provided to electors. In some cases, PINs are mailed to every elector on the Voters' List and in other instances a registration process has been developed. While the use of PINs and registration processes offer a level of security, a concern arises with respect to the interception of PINs sent through the mail and with respect to the accuracy of the Voters' List as addresses can be incorrect and PINs can be mailed to the wrong elector.
- Cost – the use of internet voting will not reduce the cost of administering an election unless it replaces traditional voting methods, which is not recommended. Currently, approximately \$150,000.00 has been allocated to conduct a study into internet voting. As part of this review,

the Elections Office will investigate the cost to implement internet voting in consultation with technical experts and will report back to Governance Committee.

Ranked Choice Voting (RCV)

As part of the review of the MEA, the Ministry will consider allowing the use of RCV in Municipal Elections. Currently, Municipalities across Ontario are legislated to use the First Past the Post (FPTP) system of voting. The winner is the candidate who receives the highest number of votes but it is not a requirement that the candidate receive more than 50% of the votes. The RCV system requires an elector to rank candidates for each office in order of preference. For example, the elector may be asked to rank 3 candidates for each office on a ballot. The winner is the candidate who receives more than 50% of the vote. If no candidate receives more than 50% after the initial vote count, a run-off is required. A run-off eliminates one or more of the lowest ranked candidates and instead, counts the second choice on those ballots. Run-offs are required until a candidate for each office receives 50% of the vote.

If the Ministry amends the legislation and allows RCV they have indicated that it will be each Council's decision whether to implement RCV. It is not possible to identify detailed procedures until the legislation and any related regulations have been reviewed. In the interim, areas for consideration are as follows:

- Voting equipment required – current vote counting equipment and systems must be updated or replaced in order to accommodate RCV. The City of Mississauga currently owns 201 M100 vote tabulators and in 2014 the City rented an additional 20 DS200 vote tabulators. M100 vote tabulators would require retrofitting to accommodate RCV. In addition, with RCV M100 vote tabulators and DS200 vote tabulators cannot be used in conjunction with each other. Because the existing number of tabulators owned by the City is not sufficient, an increased number of DS200 vote tabulators will have to be rented. In addition to the above, the software that is currently used cannot accommodate RCV and must be upgraded. The City of Mississauga has a services contract with Elections Systems and Software (ES&S) until the end of the 2022 General Election. The cost of these upgrades is being determined.
- Framework – framework must be established including the number of candidates that an elector can vote for on a ballot and the number of candidates that can be eliminated for each run off. In addition, expert staff and auditors will likely be necessary to verify algorithms and results.
- Ballots – traditionally the City of Mississauga has used a single sided ballot with three columns to identify the contests for Mayor, Councillor and School Board Trustee. Once the RCV framework is defined, the ballot style will be determined; however, it is most likely that non-resident electors will require two ballots for the offices of Mayor and Councillor and three individual ballots for the offices of Mayor, Councillor and School Board Trustee will be required for all other elector types, English Public, English Separate, French Public and French Separate. This will increase printing costs, slow down elector processing and could make it more difficult for election workers to manage and balance ballots. In addition, managing 3 ballots may become confusing for electors.

- Public Education – an extensive public education initiative will be required to ensure that electors, election workers and candidates are aware of the change in voting procedure. According to research undertaken, the City of San Francisco, which has roughly the same electoral population as the City of Mississauga, conducted approximately 700 public information sessions to educate electors prior to implementation. In addition, cities that have implemented RCV have had to create information videos and other information pieces to educate electors.
- Results – results will take longer to determine as multiple run offs will likely be required. It is possible that official results will not be declared for several days following a General Election depending on how many run offs are required for each contest. The Elections Office will also investigate the need for independent auditors to verify results to ensure accuracy.
- Administrative Costs – implementation of RCV will involve a significant administrative cost. Costs will include:
 - Retrofitting and/or acquiring new voting equipment;
 - Replacing election software;
 - Increased ballot printing costs;
 - Additional staff to research and lead the implementation;
 - Public education programs;
 - Additional election workers to work at polling locations and extensive training for election workers specific to ranked ballots.

Financial Impact

The cost of the 2014 General Election was approximately \$2,230,000.00. The bulk of the expense was allocated to labour, printing and postage, tabulating equipment and communications/ promotions.

The cost of the 2015 By-election was approximately \$275,000.00 which was less than the initial proposed budget. Cost savings were seen as a result of the below:

- The “Vote Anywhere” initiative allowed the Elections Office to use fewer voting locations and hire fewer election workers.
- Voters’ Lists did not have to be manually updated after each voting day and only a small number had to be re-printed after each voting day.
- The Elections Office did not have to pay for the approximately 160 laptops that were required to administer “Vote Anywhere”; laptops that had already been purchased as part of the City of Mississauga’s equipment replacement program were used at no cost to the Elections Office.
- The preparation time leading up to the 2015 By-election was significantly less than the preparation time leading up to the 2011 By-election lowering Elections staff costs.
- As only City of Mississauga employees were hired as election workers, training sessions were offered only during the day and overtime payment was reduced.

As new elections initiatives such as “Vote Anywhere”, internet voting and RCV are identified, investigated and implemented, it is anticipated that the cost of elections may increase. For example, while “Vote Anywhere” allowed for the reduction of polling locations and election workers in the 2014 Ward 4 By-election, the cost of equipment required to implement “Vote Anywhere” across the City of Mississauga must be reviewed against potential savings. The Elections Office in consultation with Information Technology will continue to look at the

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most cost effective and secure ways to implement new technologies and advancements as the implementation plan for the 2018 Municipal Election is prepared. In addition, the Elections Office will report back to Governance Committee, once the Ministry's Amendments to the *Municipal Elections Act* have been introduced.

Conclusion

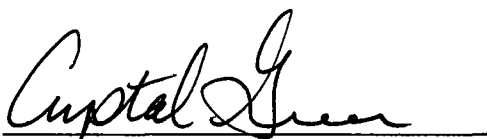
Following each Municipal General Election and By-election, processes and procedures are reviewed. The Elections Office continues to monitor legislative changes, and improve the administration of elections through the use of technology, innovation and review and update of best practices.

Attachments

Appendix 1: Association of Municipal Managers, Clerks and Treasurers of Ontario Discussion Paper: Time to Fix the Voters' List

Appendix 2: Corporate Report dated December 8, 2014 from the Commissioner of Corporate Services and Chief Financial Officer entitled "*Accessible Municipal Elections*"

Appendix 3: *Municipal Elections Act, 1996* Excerpts: sections 78.(1) to 78(5), 79.(1), 88.(1) and 88.(2)



Crystal Greer

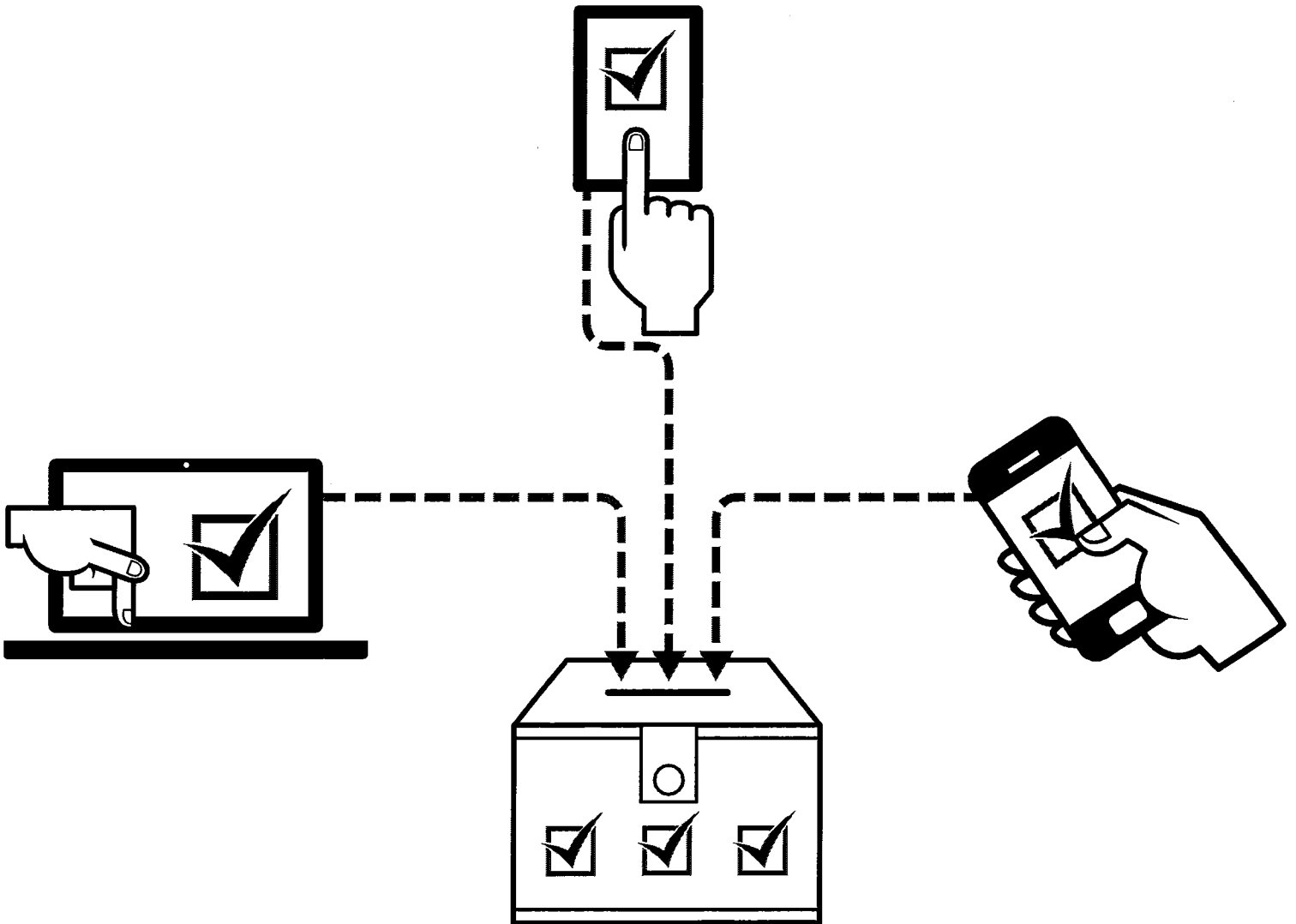
Director, Legislative Services and City Clerk

Prepared by: Crystal Greer, Director, Legislative Services

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AMCTO POSITION PAPER

TIME TO FIX THE VOTERS' LIST



About AMCTO:

AMCTO represents excellence in local government management and leadership. AMCTO has provided education, accreditation, leadership and implementation expertise for Ontario's municipal professionals for over 75 years.

With approximately 2,200 members working in 98 per cent of municipalities across Ontario, AMCTO is Canada's largest voluntary association of local government professionals, and the leading professional development organization for municipal administrative staff.

Our mission is to provide management and leadership service to municipal professionals through continuous learning opportunities, member support, and legislative advocacy.

For more information about this paper, contact:

Rick Johal
Director, Member and Sector Relations
rjohal@amcto.com | 905.602.4294 ext. 232

Eric Muller
Coordinator, Legislative Services
emuller@amcto.com | (905) 602-4294 x234

Contact us:

AMCTO | Association of Municipal Managers, Clerks and
Treasurers of Ontario
2680 Skymark Avenue, Suite 610
Mississauga, Ontario L4W 5L6
Tel: (905) 602-4294 | Fax: (905) 602-4295
Web: www.amcto.com | @amcto_policy

INTRODUCTION

Every four years millions of Ontarians exercise their democratic franchise by voting in municipal elections. Municipal Clerks, as the professionals who administer local government elections, work hard to ensure that these elections are free and fair, and that the right to vote is protected for all who seek to exercise it.

Over the past 20 plus years in Ontario, the rapid expansion of the information age has made elections increasingly more complex to administer. At the same time, citizens have become progressively disengaged and voter turnout for elections at all three levels of government has steadily dropped. In response, election administrators at the municipal level have pioneered the use of electronic tabulators and other new vote-counting technologies and introduced Internet voting alongside a range of other alternative voting methods. Yet, their best efforts to offer a high-level of service, have been consistently compromised by one of the most elementary ingredients of a free and fair election: an accurate list of eligible voters.¹

The voters' list in Ontario is plagued by inaccuracies, and despite previous promises of reform, has remained a thorn in the side of election administrators across the province, and a constant source of frustration for voters. Neither the use of new technology, nor a willingness to explore new methods of voting have altered the reality that every four years municipalities will be provided with a list of electors that is deeply flawed.

The purpose of this position paper is to advocate for a new approach to building the voters' list in Ontario, a position that AMCTO has long supported for its impact on election administration and the integrity of the election process. There are few issues affecting AMCTO's approximately 2,200 members that generate such a visceral reaction as the state of the voters' list for municipal elections in Ontario. The status quo is no longer an option.

PROBLEMS WITH THE CURRENT APPROACH

The current approach to the voters' list has been premised on two underlying assumptions: that municipal elections are particularly susceptible to fraud, and that the property assessment roll should serve as the basis for developing the list of eligible electors.

However valid these building blocks may have been for the creation of our voters' list regime at conception, their relevance for today's context is questionable. For one, since the creation of our current system the risk of voter fraud has decreased significantly. New sophisticated and secure forms of personal identification have been developed, election administration has become more sophisticated, and the penalties for voter fraud have been strengthened. Even

¹ The voters' list in Ontario is supplied by data from the Municipal Property Assessment Corporation (MPAC). Though MPAC does not explicitly create the "voters' list," they create the Provincial List of Electors (PLE), which forms the voters' list. This paper will refer to the PLE as the "voters' list."

in jurisdictions with alternative systems, such as Alberta where there is no voters' list, there is no evidence to suggest that voter fraud is a significant concern.

Increasingly, there is also little justification for the voters' list to be based on the property assessment roll. Aside from concerns about equity and representation, this system was designed with what data was available, rather than what information was needed. Better sources of information are now available, and using the property assessment role as a starting point is no longer a viable or desirable way to provide this service.

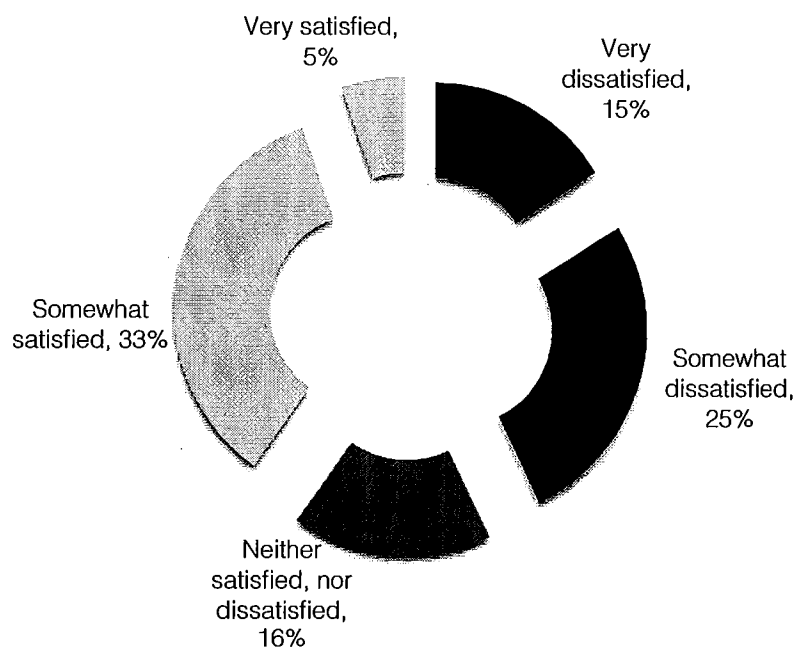
However, the larger concern is that these assumptions have given rise to a method for creating the voters' list that simply does not work. Instead the voters' list is plagued by a host of problems that not only create an administrative nightmare every four years, but also threatens the legitimacy of municipal elections in Ontario.

ACCURACY

The most obvious, and potentially severe problem with the voters list is its inaccuracy. The errors with the voters' list are widespread and systematic. They occur in large and small municipalities, rural and urban, northern and southern, and whether there has been significant voter migration since the last election, or none.

Figure 1:

Overall, how satisfied were you with MPAC's service during the 2014 election?



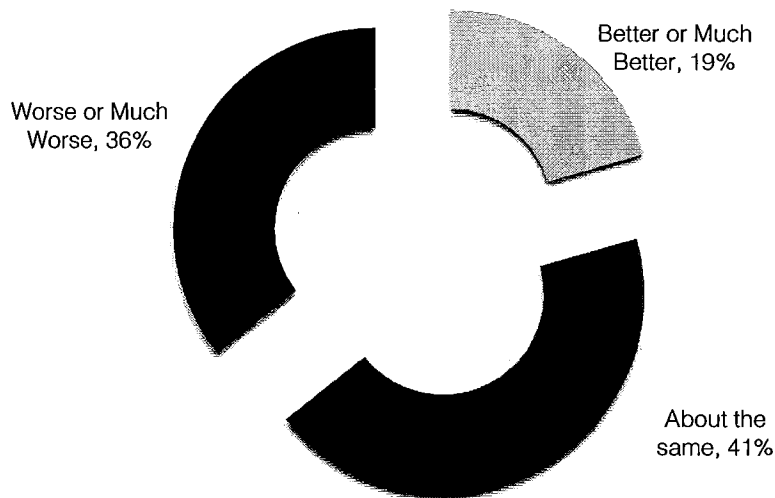
Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

In 2014 for example, data was often incomplete, incorrect or simply inaccurate. Many eligible electors, even those who had voted in the last election in the same municipality, were not on the voters' list, while many ineligible electors were. Election administrators feel this reality acutely. For instance, Figure 1 shows that 40 per cent of respondents to AMCTO's post-election survey were either 'somewhat dissatisfied,' or 'very dissatisfied,' with MPAC's ability to provide accurate and useful data for the 2014 voters' list.

The accuracy of the voters' list was a significant issue during the 2014 election, but it was far from being a novel concern. Following municipal elections in 2010², administrators across the province declared 2010 to be one of the most challenging election years ever experienced, as a result of the volume of errors on the voters' list. However, Figure 2 shows that 36 per cent of respondents to AMCTO's 2014 post-election survey indicated that data supplied by MPAC for the 2014 voters list was 'worse,' or 'much worse' than in 2010, while 41 per cent felt that it was 'about the same.' Clearly this is a situation that is not improving, and indeed appears to be getting worse.

Figure 2:

Compared to 2010, how would you rate the accuracy of MPAC's data in 2014?



Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

Creating a voters' list that is 100 per cent accurate is not possible in a province that experiences as much internal and external migration as Ontario. However, there is an acceptable threshold of errors, and our current voters' list does not come close to meeting it.

² AMCTO, *AMCTO Discussion Paper: Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario*, January 30, 2012, 8.

COSTS

While the accuracy of the voters' list is the most consequential concern, it is not the only one. There is also an increasing level of unease about the costs, in staff time and, data storage, cleansing and management that municipalities and MPAC are being forced to pay to maintain a broken system. During the 2010 municipal election, MPAC spent over 4 million dollars to deliver the Preliminary List of Electors (PLE). As Table 1 indicates, however, despite this significant expenditure, municipalities also incurred significant costs to revise and correct the data that they received from MPAC.

Table 1:

Sample of Financial Costs for Municipalities to Revise MPAC Data During 2010 Municipal Election

Activity	Cost, by population		
	87,000	121,000	350,000
MPAC PLE Revisions	\$10,750	\$15,000	\$6,500
Voters' List Revisions	\$15,750	\$20,500	\$15,000
Advance Vote and Election Day Revisions	\$19,500	\$23,600	\$91,500
Post-voting Revisions	\$1,000	\$16,000	\$31,500
Operating expenses (to complete revisions)	\$5,600	\$4,000	\$11,300
Total	\$51,600	\$79,100	\$155,800

Source: AMCTO Discussion Paper: *Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario*, January 30, 2012, 11

Creating a voters' list is a difficult task, and municipal administrators recognize this. However, municipalities are required to pay MPAC to create the PLE and then spend additional resources correcting it. Several AMCTO members have noted that the current quality relative to costs of the voters' list would not be tolerated in any other procurement process. Surely, the standards for fiscal responsibility and proper stewardship of increasingly scarce taxpayer dollars should apply to the voters' list as well.

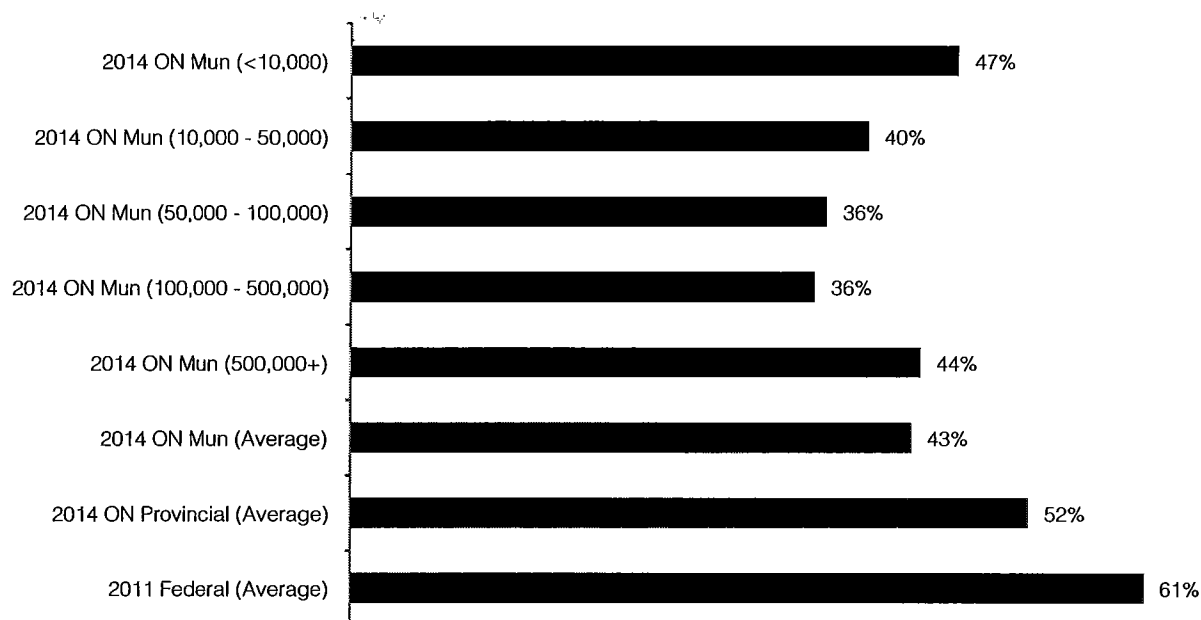
VOTER TURNOUT AND THE DEMOCRATIC PROCESS

There is also mounting concern about the possible effects that the poor quality of the voters' list is having on citizen participation, voter turnout, and the democratic process. Low voter

turnout is a concern at all three levels of government in Canada. However, as seen in Figure 3, participation during municipal elections is especially low.

Figure 3:

Voter Turnout by Population, 2014 Ontario Municipal Election³



Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

There is no doubt that multiple factors cause citizens to disengage with the democratic process, or forgo voting. A poor quality voters' list is not the sole, or even likely the most important factor contributing to low and declining levels of voter turnout. However, while there are many conditions that election administrators cannot control, ensuring an accurate voters' list is one thing that can be ensured. There is no need to risk inadvertently creating a barrier to eligible electors participating in elections.

ACCESSIBILITY

There is also no need to create unnecessary barriers for the use of alternative and unsupervised voting technologies. The use of unsupervised voting is increasing at a rapid pace in Ontario, especially with respect to Internet voting, with over 20 per cent of municipalities using it in 2014. Similarly, close to 60 per cent of respondents to AMCTO's post-election survey indicated that they would recommend that their municipality use Internet

³ Voter turnout average for the 2014 Ontario Municipal Election is based on responses to AMCTO's 2014 Post-Election Survey, and is not meant to serve as a statistically representative sample of the province as a whole.

voting in the 2018 municipal election⁴. However, unsupervised voting requires an accurate and legitimate list of electors, and the current problems with the voters' list threaten to jeopardize the use of this technology. Some AMCTO members have opted to forgo the data provided by MPAC and create their own lists in order to ensure that their data can be trusted, thus protecting their ability to innovate and make use of alternative forms of voting.

ACCOUNTABILITY

The current approach to the voters list is also bereft of any rational accountability. While Clerks are the mandated authority to administer free and fair elections, they have limited control over the voters' list. This creates a fragmented accountability relationship, where though MPAC is responsible for delivering the data that forms the municipal voters list, they are one step removed from the implementation and delivery of municipal elections. As a result, their accountability to the voter, who relies on the list to exercise their democratic franchise, is unclear. In the eyes of the public the burden of this responsibility rests with the municipality, unfair as that may be.

ONE VOTER, THREE LISTS

The accountability relationship is further complicated by the confusing structure of elections in Ontario, where there is one voter, and three separate voters' lists. Regardless of the merits of this composition, it creates confusion and frustration amongst the public, who wonder why they get a voting card for federal or provincial elections, but not for those at the local level.

The average voter may or may not be able to differentiate the responsibilities or functions of different levels of government, or understand why they are all creating their own separate lists. Regardless, the fragmentation of the one voter, three lists system in Ontario only serves to further confuse, disenchant and disengage Ontarians.

⁴ AMCTO 2014 Post Election Survey, January 2015 (n=112)

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WHY NOW?

Concern over the quality of the voters' list is not a new phenomenon, and neither is the desire to see it improved. In December of 2012 representatives of a number of municipalities, associations, and MPAC agreed that a different approach to the voters' list was necessary⁵. Since that time AMCTO has attempted to work with MPAC to find a solution and improve the enumeration process, yet fundamentally nothing has changed. Minor reforms have been implemented, but the larger system has not changed, and therefore not improved.

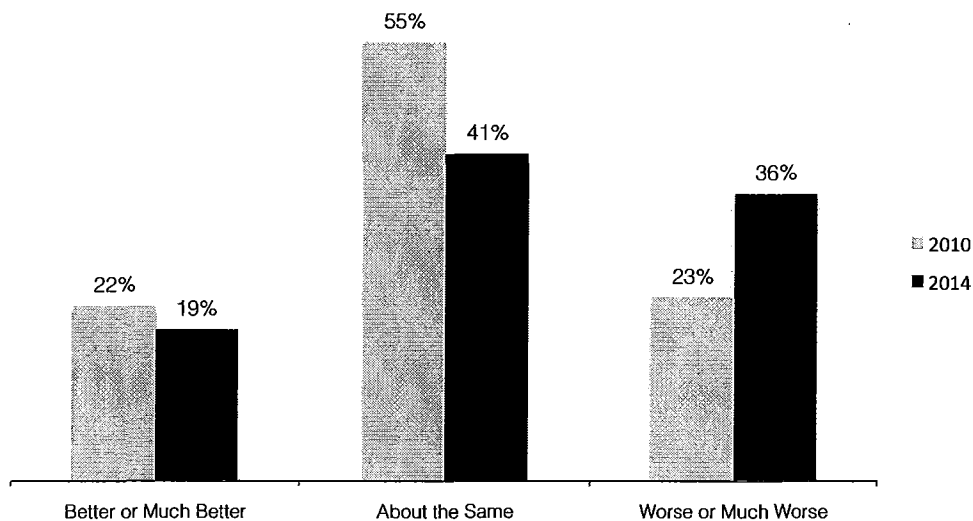
“Something has to be done about the quality of the voters' list. Each election it is the same excuse and nothing changes.”

—AMCTO Member (Source: AMCTO 2014 Post-Election Survey, January 2015)

The simple truth is that the current system is broken, and cannot be fixed. Since the municipal election in 2010, the quality of data that makes up the voters' list has not improved, and appears to have gotten worse (see Figure 4). Regardless of whether they lack the tools or the access, MPAC has not been able to fix the data for the voters' list, despite their attempts to do so.

Figure 4:

Quality of MPAC's Data, Compared to Previous Election (2010 and 2014)



Source: AMCTO 2014 Post Election Survey, January-February 2015 (n=112); and, AMCTO 2010 Post Election Survey, February-March 2011 (n=168)

⁵ ICA Associates Inc., Results: Ontario Voters' List Forum, December 5, 2012.

CONCLUSION

Ontario's municipal professionals take pride in being able to offer a high-level of service to the members of their respective communities. However, when it comes to elections their ability to do so is unjustifiably constrained by an unclear, inaccurate, and broken system for managing the voters' list.

There are no shortage of options to create a better outcome for all citizens and stakeholders. In 2012 AMCTO produced a discussion paper, which outlined many of these potential options. The purpose of this paper was not to advocate for a particular solution to the problem, but simply to state that this is a problem that can no longer go unaddressed. It is an issue that affects every citizen, and the very sanctity of the democratic process.

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Corporate Report

Clerk's Files

Originator's
Files

DATE: December 8, 2014

TO: Chair and Members of General Committee
Meeting Date: January 14, 2015

General Committee

JAN 14 2015

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

SUBJECT: Accessible Municipal Elections

RECOMMENDATION: That the report dated December 8, 2014, from the Commissioner of Corporate Services and Chief Financial Officer, entitled "Accessible Municipal Elections", be received for information.

BACKGROUND: The City Clerk is responsible for the administration of Municipal Elections in accordance with the *Municipal Elections Act, 1996*, which includes the following provisions related to accessibility:

12.1 (1) A Clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.

12.1 (2) Within 90 days after voting day in a regular election, the clerk shall submit a report to council about the identification, removal and prevention of barriers that affects electors and candidates with disabilities.

COMMENTS: As part of the planning and implementation of the 2014 Municipal Election, all election processes and practices were reviewed to identify barriers to accessibility. As a result, a number of actions were undertaken to either remove or prevent the barriers, in the context of

the following areas: Communication and Information; Voting Locations; Voting Process; Staff Training and Voting Methods (i.e. Vote tabulators).

The Election Accessibility Report in accordance with the *Municipal Elections Act, 1996* is attached as Appendix 1. One of the most significant measures undertaken to accommodate voters with disabilities was the availability of the Automark accessible voting equipment at voting locations for the 13 advance poll voting days. Areas for consideration for the 2018 Municipal Election have also been identified such as online voting.

FINANCIAL IMPACT: The majority of measures taken to accommodate voters had minimal cost given that accessibility options were incorporated into the overall election project. The exception was the cost of renting the Automark accessible voting equipment used at the Advance voting locations for approximately \$45,000.00.

CONCLUSION: In accordance with Section 12.1 (2) of the *Municipal Elections Act, 1996*, this report has been prepared to outline the identification, removal and prevention of barriers that affect electors and candidates with disabilities. The actions noted in the report will be used in the planning of the 2018 Municipal Elections.

ATTACHMENTS: Appendix 1: City of Mississauga Election Accessibility Report

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Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

Prepared By: Katie McConkey, Elections Coordinator

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City of Mississauga Election Accessibility Report

Identification of Barriers

The following actions were taken to identify barriers that affect electors and candidates with disabilities:

Actions	Considerations for 2018
<p>Assessed past election administration practices, identifying the likelihood of our practice creating a risk to accessibility of candidates and electors and then identified the impact of the risk and developed measures to mitigate or minimize the risk.</p> <p>Assessed and addressed accessibility issues that arose in the 2010 Elections and took necessary measure to avoid issues.</p> <p>Discussed the need of persons with disabilities insofar as they relate to municipal elections and made accommodations based on these needs.</p>	Practice to be repeated in 2018.
<p>Met with the Accessibility Advisory Committee (AAC) to review initiatives and consider additional options based on the committee's feedback.</p> <p>Updated the Accessibility Staff Working Group regarding steps taken to ensure the election was administered in accordance with applicable legislation.</p>	Practice to be repeated in 2018.
Gathered comments and recommendations from the municipality's Accessibility Coordinator on methods to meet accessibility needs.	Continue this consultation process on a routine basis.
Updated voting location site inspection checklist to include feedback from Accessibility Coordinator to ensure all standards are met.	Continue expanding checklist to exceed current standards, including assessing distance from parking and doorways to the voting locations within the facility; identifying locations with working accessibility mechanisms for door openers, and ensuring washroom facilities meet size standards.
Assessed accessible voting equipment options to meet the needs of the elector.	Investigate accessible equipment options which would streamline the voting process so that the process is less time consuming.

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Removal and Prevention of Barriers

We took the following actions to remove and prevent barriers that affect electors and candidates with disabilities:

Actions	Considerations for 2018
Ensured communications initiatives and information for candidates and electors were available in alternate formats, and that election related materials were available through TTY phone service and 3-1-1.	Continue to ensure that all information is universally accessible through the use of appropriate: -fonts -text sizing -colours -spacing -lighting Continue to make information available in a variety of formats upon request.
Posted all information to municipality's website to ensure all material would be available to all persons. The majority of missississaugavotes.ca content are text based making easy for screen readers to translate the content. All images have "alt" and "title" description describing the content of the image.	Practice to be repeated in 2018.
Had the ability to provide all documentation and forms in large print request, to aid those with low vision.	Practice to be repeated in 2018. Acquire magnifiers to assist at all polling locations. As in 2014, ensure all forms online are a fillable format and expand the list of forms available in this format.
Provided candidates and staff with information relating to accessible customer service.	Continue directing candidates to organizations and information to encourage open dialogue regarding persons with disabilities and ensuring that persons with disabilities have access to campaigns.

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Provided information to candidates regarding Campaign expenses and particular rules affecting disabled candidates.	Practice to be repeated in 2018.
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Voting Locations

Actions	Considerations for 2018
Conducted site visits of all potential voting locations to ensure full accessibility. In the event that city standards were not met the following actions were taken: -Hired hall monitors who could open doors and direct electors directly to the voting place. -Ensured that ramps could be installed. -Made provisions for an increased number of accessible parking spots.	Increase our expectations/standards regarding the physical accessibility of voting locations; stay abreast of any legislative changes regarding the Building Code to ensure that locations used in 2018 exceeds standards.
Developed a template for voting location set-up to ensure full accessibility which included: - Advance Poll and Election Day set ups allowed electors to easily maneuver through the polling location. -Having regard to specific needs of election workers who might have difficulty sitting or standing for long periods of time, etc.	As per the AAC's suggestion, investigate the possibility of online voting as a way to support persons with disabilities.
Provided voting locations on advance voting days with accessible voting equipment. Provided an operator at each advance poll location to operate the Automark (accessible voting equipment).	Practice to be repeated in 2018.
Addressed accessibility concerns with school boards and ensured that steps could be taken to avoid barriers such as erecting temporary ramps and providing staff to open manual doors etc.	Practice to be repeated in 2018.
Provided appropriate signage at voting locations so that information was clearly visible to those with low vision.	Practice to be repeated in 2018.
Set up a process to facilitate notifications of any last minute disruptions in service or voting location changes, should an emergency occur including posting signage and having hall monitors relay information to electors upon entry to the voting location.	Practice to be repeated in 2018.
Ensured designated or reserved parking for persons with disabilities at each voting location and made provisions to provide additional accessible parking if necessary.	Practice to be repeated in 2018.

Voting Process

Actions	Considerations for 2018
Ensured that workers were equipped to provide service to persons who required assistance on election day. Workers were trained to provide bed side voting at institutions and retirement homes.	Investigate provision of online voting for persons who have difficulty going to the voting locations. Investigate provisions of curb-side voting to accommodate electors with mobility issues.
Provided instructions on the use of the accessible voting equipment and made an Automark operator available to assist persons with disabilities.	Practice to be repeated in 2018.
Additional advance poll days scheduled to provide more opportunities for the electors with disabilities who would like to use the accessible voting machine (Automark).	Practice to be repeated in 2018.
Promoted advance voting opportunities for electors with disabilities as well as extending the communications to multiple media channels to ensure a broad audience was captured.	Practice to be repeated in 2018.
As per the <i>Municipal Act, 1996</i> , provided voting opportunities on the premises of (a) an institution in which 20 or more beds are occupied by persons who are disabled, chronically ill or infirmed; (b) a retirement home in which 50 or more beds are occupied	Practice to be repeated in 2018. Update inventory of institutions and retirement homes eligible for on-site polling location.
Added tools to assist with ensuring accessibility such as sharpies that are easily gripped for filling in ballots.	Practice to be repeated in 2018.

Staff Training

Actions	Considerations for 2018
Training incorporated provisions to meet accessible customer service standards which also included a comprehensive online training module.	Practice to be repeated in 2018.

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Provided reference materials such as the City of Mississauga's "May I Help You?" and "Understanding Accessible Customer service" booklet.	Practice to be repeated in 2018.
Monitored elector's concerns and ensured that their needs were met, i.e. if an individual with a walker was in a long line, a chair was offered and the elector's place in line was maintained.	Practice to be repeated in 2018.
Encourage election workers to approach an elector if it appeared that the elector required assistance maneuvering through the voting location and offer to assist.	Practice to be repeated in 2018.
Checked the access doors frequently to offer assistance and watch for electors unable to easily enter the building.	Practice to be repeated in 2018
Evaluated effectiveness of training post-election.	Practice to be repeated in 2018

Voting Methods

Actions	Considerations for 2018
Traditional paper ballot, markers were provided that were easy to grip.	Practice to be repeated in 2018. Magnifiers to be provided at each voting location.
Reviewed the accessible voting equipment with Accessibility Advisory Committee (AAC). Considered recommendation made by the AAC and the Accessibility Staff Working Group regarding online voting.	Practice to be repeated in 2018. Further investigate online voting. Making accessible voting machines available on Election day.
Audio ballots available using the Automark.	Practice to be repeated in 2018.
Other assistive devices (sip and puff, rocker paddles, etc.) were used in conjunction with the Automark.	Practice to be repeated in 2018.

Municipal Elections Act, 1996

Excerpts: sections 78.(1) to 78(5), 79.(1), 88.(1) and 88.(2)

The following are excerpts of the *Municipal Elections Act, 1996* including sections 78.(1) to 78(5), 79.(1), 88.(1) and 88.(2):

Financial statement and auditor's report

78. (1) On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,

- (a) in the case of a regular election, as of December 31 in the year of the election; and
- (b) in the case of a by-election, as of the 45th day after voting day. 1996, c. 32, Sched., s. 78 (1); 2000, c. 5, s. 35 (1); 2002, c. 17, Sched. D, s. 29 (1); 2009, c. 33, Sched. 21, s. 8 (41).

Supplementary financial statement and auditor's report

78. (2) If the candidate's election campaign period continues during all or part of the supplementary reporting period, he or she shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period. 1996, c. 32, Sched., s. 78 (2); 2002, c. 17, Sched. D, s. 29 (2); 2009, c. 33, Sched. 21, s. 8 (42).

Supplementary report

78. (3) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1) and in any previous supplementary statement or report under subsection (2), as the case may be, updated to reflect the changes to the candidate's election campaign finances during the supplementary reporting period. 2000, c. 5, s. 35 (2).

Auditor

78. (4) An auditor's report shall be prepared by an auditor licensed under the *Public Accounting Act, 2004*. 1996, c. 32, Sched., s. 78 (4); 2004, c. 8, s. 46.

Exception re auditor's report

78. (5) No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000. 1996, c. 32, Sched., s. 78 (5).

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Surplus and deficit

79. (1) A candidate has a surplus if the total credits exceed the total debits, and a deficit if the reverse is true. 2009, c. 33, Sched. 21, s. 8 (44).

120-day retention period

88. (1) The clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election under section 55. 1996, c. 32, Sched., s. 88 (1); 2009, c. 33, Sched. 21, s. 8 (49).

Destruction of records

88. (2) When the 120-day period has elapsed, the clerk,

- (a) shall destroy the ballots, in the presence of two witnesses; and
- (b) may destroy any other documents and materials related to the election. 1996, c. 32, Sched., s. 88 (2); 2009, c. 33, Sched. 21, s. 8 (50).

Exception, recount

88. (3) However, the clerk shall not destroy the ballots, documents or materials if,

- (a) a court orders that they be retained; or
- (b) a recount has been commenced and not finally disposed of. 1996, c. 32, Sched., s. 88 (3).

Exception, election campaign finance documents

88. (4) Subsection (2) does not apply to documents filed under sections 78 and 79.1, which the clerk shall retain until the members of the council or local board elected at the next regular election have taken office. 1996, c. 32, Sched., s. 88 (4); 2009, c. 33, Sched. 21, s. 8 (51).

City of Mississauga Corporate Report



Date: October 30, 2015 To: Chair and Members of Governance Committee From: Crystal Greer, Director, Legislative Services and City Clerk	Originator's files:
	Meeting date: 2015/11/16

Subject

Ranked Choice Voting - Addendum Report to August 25, 2015 Report

Recommendation

That the Report dated October 30, 2015, from the Director of Legislative Services and City Clerk providing an update on the financial and administrative impact of Ranked Choice Voting, be received for information.

Background

A report dated September 21, 2015 was prepared for consideration by the Governance Committee, titled "2014 City of Mississauga Municipal Election, 2015 City of Mississauga Municipal By-election review and technology options for future Municipal Elections". As part of this report, the concept of Ranked Choice Voting (RCV), which has been introduced by the Ministry of Municipal Affairs and Housing as part of the Municipal Elections Act review, was addressed.

Although no further information has been made available by the Ministry with respect to their consultation, the Elections Office has continued to research the concept of Ranked Choice Voting and the financial and administrative impact for the City of Mississauga.

Comments

As the City of Mississauga reviews the feasibility of implementing RCV it has been determined that the current vote counting equipment and systems must be updated or replaced in order to accommodate RCV. The City currently owns 201 M100 Vote Tabulators which would have to be upgraded or replaced by renting or purchasing DS200 Vote Tabulators. In addition new software would be required for the election administration. The City of Mississauga currently has a contractual agreement with Elections Software and Systems (ES&S) until the end of the 2022 General Election. Should the City of Mississauga implement RCV prior to the end of the ES&S contract, all equipment would be required to be provided through ES&S. The cost of upgrading the equipment and software has been explored and the initial estimate is between \$900,000 to \$1,000,000. The cost to replace the equipment would be higher, but has not been explored. As a reference, the cost to purchase the existing equipment and software in 2000 was \$1.6 million. A preferred

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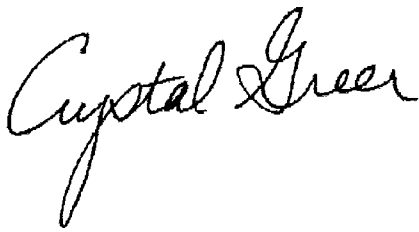
option would be to coordinate the introduction of RCV with the timing of the replacement of the existing election equipment following the 2022 Municipal Election.

Financial Impact

Initial estimates of the cost of the upgrading of existing election equipment and software to accommodate RCV indicate the cost to be approximately \$900,000 to \$1,000,000.

Conclusion

Research continues to be undertaken by the Elections Office regarding RCV, however, until the Municipal Elections Act review is completed by the Province, no firm recommendations can be made, as RCV is currently not permitted by legislation.



Crystal Greer, Director, Legislative Services and City Clerk

Prepared by: Crystal Greer, Director, Legislative Services and City Clerk

City of Mississauga
Memorandum



To: Chair and Members of Governance Committee

From: Sacha Smith, Legislative Coordinator

Date: November 6, 2015

Subject: 2016 Governance Committee Meeting Dates

This memorandum is to advise of the following Governance Committee meeting dates that are scheduled for 2016 at 1:00 pm:

- Monday, February 22
- Monday, April 18
- Monday, June 20
- Monday, September 19
- Monday, November 14

All meetings are scheduled to commence at 1:00 pm in the Council Chamber, 2nd Floor, Civic Centre. Please ensure that you include these dates in your calendar.

Sacha Smith
Team Lead, Legislative Coordinator
Legislative Services Division