



AGENDA

GOVERNANCE COMMITTEE

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

MONDAY, MAY 13, 2013 – 1:00 P.M.

COUNCIL CHAMBER, SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

Members

Councillor Jim Tovey, Ward 1 (Chair)
Councillor Pat Saito, Ward 9 (Vice-Chair)
Councillor Chris Fonseca, Ward 3
Councillor Bonnie Crombie, Ward 5
Councillor George Carlson, Ward 11
Mayor Hazel McCallion (Ex-officio)

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

CALL TO ORDER**DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST****APPROVAL OF THE AGENDA****DEPUTATIONS****PUBLIC QUESTION PERIOD**

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

MATTERS TO BE CONSIDERED**1. Approval of Minutes – March 18, 2013**

Minutes of the Governance Committee meetings held on March 18, 2013.

2. Request for Inquiry from Gail Reeves Reid

Integrity Commissioner's Report with respect to a request from Gail Reeves Reid for an inquiry.

RECOMMENDATION

That the Council Code of Conduct for the City of Mississauga be amended by adding the following to Rule 5 – Use of City Staff, Property, Services and Other Resources:

5. No member shall include in his or her website, newsletters, E-mails or other printed material, advertising of businesses in the City, including the distribution of gift certificates, free tickets and compiling a list of businesses located in a ward. Attending and reporting the opening of a new business in the City is permissible and a Member may thank verbally or in a newsletter, a business by name or an employee of that business, which contributes to a City or ward event provided that no such recognition shall include a description of its product, its address or telephone number.

3. Review of the Order of Business on General Committee Agendas

Memorandum dated May 9, 2013 from the Legislative Coordinator with respect to a request from General Committee to review the order of business on General Committee Agendas.

4. Governance Committee Outstanding Items List

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

OTHER BUSINESS

DATE OF NEXT MEETING – Wednesday, June 12, 2013 at 1:00 P.M.

ADJOURNMENT



Governance Committee

MAY 13 2013

MINUTES

GOVERNANCE COMMITTEE

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

MONDAY, MARCH 18, 2013 – 1:04 P.M.

COUNCIL CHAMBER, SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

Members Present:

Councillor Jim Tovey, Ward 1 (Chair)
Councillor Chris Fonseca, Ward 3
Councillor Bonnie Crombie, Ward 5
Councillor George Carlson, Ward 11
Mayor Hazel McCallion (Ex-officio) (Arrived at 1:06 p.m.)

Members Absent:

Councillor Pat Saito, Ward 9 (Vice-Chair) - (Other Municipal Business)

Staff Present:

Janice Baker, City Manager and CAO
Brenda Breault, Commissioner, Corporate Services and Treasurer
Martin Powell, Commissioner, Transportation and Works
Wendy Law, Deputy City Solicitor
Geoff Marinoff, Director, Transit
Ivana Di Millo, Director, Communications
Catherine Monast, Team Leader, Media External Communications
Karen Spencer, Advisor
Crystal Greer, Director, Legislative Services and City Clerk
Diana Rusnov, Manager, Legislative Services and Deputy Clerk
Sacha Smith, Legislative Coordinator

CALL TO ORDER - 1:04 PM**DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST - Nil****APPROVAL OF THE AGENDA**

Approved (Councillor Fonseca)

DEPUTATIONS

Mayor McCallion arrived at 1:06 pm.

Item 2 Karen Spencer, Advisor

Ms. Spencer spoke to the Committee of the Whole and Standing Committees and made comparisons to other municipalities with respect to timing of meetings, rotating chairs, Mayor as chair at committee meetings. She referred to results of the survey that indicated that Council, staff and the public are generally satisfied with the committee of the whole structure. She further spoke to comparisons with respect to the operations of Budget, Audit and the Citizen Nominating Committees at other municipalities such as the timing of annual budget deliberations and the Budget Committee is usually associated with another committee.

Ms. Spencer noted that councillors are on advisory committees and generally the membership would include 2 councillors. Other municipalities did not place limits on the number of times a councillor could serve on a committee or a requirement to rotate membership. Ms. Spencer noted that the Deputy Mayor or Acting Mayor is used and most municipalities seem to have this on a rotational basis.

Ms. Spencer addressed questions relating to the proposed transportation and transit committee. She noted that to combine the committee with infrastructure would not be recommended at this time as infrastructure is a broad topic and discussions may bring in multiple factors. A transit advisory committee would also not be recommended and it is not typical to have an advisory committee on the same topic as a standing committee.

Ms. Spencer highlighted the recommendations in the subject report. She explained that the report would be further considered by General Committee on April 3, 2013.

Members of Committee commented on the report and made the following comments:

- A transportation and transit Committee is needed to keep members of Council up to date on information regarding Metrolinx and transportation issues.
- Museums of Mississauga Advisory Committee are a valuable committee as the City is looking for a new museum and should remain as an advisory committee to Council.
- Citizen appointments are a very important process and it would be more efficient if it is in a committee of the whole structure.
- Support for the recommendations for Traffic Safety Council as there should be more responsibility on staff for Traffic Safety Council.
- The Mississauga Celebration Square should be treated like a City facility operated by staff and it would be appropriate to retire the Mississauga Celebration Square Events Committee.
- The Tour de Mississauga event should be operated by a 3rd party instead of the Mississauga Cycling Advisory Committee.
- The eligibility for citizen members on committees should be broadened to include business owners in the City.
- Support that the Road Safety Mississauga Advisory Committee be retired.
- Support for members of Council chairing meetings on a rotational basis.
- Support for a checklist with criteria for creating new committees and to evaluate existing committees.
- Suggestion to change the name of "Acting Mayor" to "Deputy Mayor"
- Support for the 3 week schedule as it would lead to more discussion time at General Committee and the new transportation and transit committee.
- Suggestion to provide educational sessions to citizen members on committees.

Ms. Spencer responded to questions from the Committee and advised that the suggestion to alternate meetings on Mondays with Planning and Development Committee would have to be referred to the City Clerk to review other options. Ms. Spencer further advised that it would be difficult to combine committees such as Road Safety Mississauga Advisory Committee with other committees.

Councillor Starr attended the meeting and noted his support for a transportation and transit committee and the citizen appointment committee becoming a committee of the whole. He further spoke to the Towing Industry Advisory Committee and Public Vehicle Advisory Committee and noted that he would support recommendation option 2 for both committees. He further noted that the Mississauga Celebration Square Events Committee is still providing ideas to City staff.

Mayor McCallion noted that consideration should be given to having night meetings. Items regarding Metrolinx and other matters would need the support from the public. She further noted that she would like to see the new committee implemented this year instead of the new term of Council. Mayor McCallion moved that staff report back on the implementation plan for the new meeting cycle.

PUBLIC QUESTION PERIOD

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

Jeremy Harvey, Chair, Museums of Mississauga Advisory Committee (MOMAC) spoke to the relevance and importance of MOMAC. Councillor Carlson enquired about the difference between the Friends of the Museum and MOMAC. Mr. Harvey explained that MOMAC is charged with the longer term strategy for museums, while the Friends of the Museums is more grass roots and provides volunteer assistance for events.

Councillor Fonseca enquired about Mr. Harvey's comments at a previous meeting that Clerk's Office staff are not required to be present at subcommittee meetings. Mr. Harvey clarified that MOMAC did not request staff support for the Collections and Storage Subcommittee. He explained that reports from the subcommittee would go to MOMAC for the committee's approval.

Chris Mackie, Miranet spoke to the Budget Committee and better public engagement in the budget process. Janice Baker, City Manager advised that staff have tried to accommodate Miranet and noted that a report would be brought forward to the Budget Committee to further public engagement and it would include benchmarking with other municipalities. Mayor McCallion spoke to the matter and noted that Miranet should provide information about what the City can do or not do to save money so that staff and Council can address these questions or issues.

Dorothy Tomiuk, resident spoke to the transportation committee that MIRANET has established and noted that there will be a Facebook page that would include a forum to discuss transportation issues. Ms. Tomiuk further spoke to the expansion of the Tour de Mississauga cycling event.

MATTERS CONSIDERED

1. Approval of Minutes – February 11, 2013 and February 27, 2013

Minutes of the Governance Committee meetings held on February 11, 2013 and February 27, 2013.

Approved (Mayor McCallion)

2. City Committees of Council Structure Review – Recommendations to Governance Committee

Corporate Report dated March 4, 2013 from the City Manager and Chief Administrative Officer with respect to the final recommendations for the City Committees of Council Structure Review.

RECOMMENDATION

That the following recommendations resulting from the City Committees of Council Structure Review be considered by General Committee at the April 3, 2013 meeting:

1. That the report entitled, City Committees of Council Structure Review – Recommendations to Governance Committee, dated March 4, 2013, from the City Manager and Chief Administrative Officer, be received for information.
2. That the City Clerk be directed to implement the following recommendations by the start of the next term of Council (2015-2018):
 - a. That an additional Committee-of-the-Whole, specifically organized to deal with issues of transportation and transit items, be created and that the Council committee calendar meeting cycle be changed from a two-week cycle to a three-week cycle to accommodate the new Committee-of-the-Whole and that staff report back on the implementation plan.

Approved (Mayor McCallion)

- b. That the 'Mississauga Cycling Advisory Committee' (MCAC) remain as an Advisory Committee with the following changes:
 - i. That during the next term of Council, MCAC be directed to present a business model for the 'Tour de Mississauga' to determine if it will be a community –run event or a City-run event, including City resources required, for approval of the Budget Committee.

- ii. That during the next term of Council, staff be directed to analyze the opportunity and requirements to include 'Active Transportation' into the MCAC mandate, for approval of the Governance Committee.

Approved (Councillor Fonseca)

- c. That the 'Traffic Safety Council' (TSC) remain as an Advisory Committee with the following changes:
 - i. The Planning and Building Department be immediately transferred the responsibility for the site plan comments regarding school zones, as per an agreed upon checklist of criteria from the TSC.
 - ii. That by no later than the start of the next term of Council, items that wholly occur on school board property, specifically Dismissal Reports and Kiss and Ride Reports, be transferred to school board officials to manage.
 - iii. That by no later than the start of the next term of Council, the Engineering and Works division be transferred the duty from the Clerk's Office for both inspection(s) scheduling and creating the inspection reports from the field data collected.
 - iv. That during the next term of Council, staff be directed to analyze opportunities for the work of the Traffic Safety Council to be handled by City staff, and report back to the Governance Committee with this analysis.

Approved (Councillor Crombie)

- d. That the 'Museums of Mississauga Advisory Committee' be reorganized to provide input, guidance and support to the Manager, Museums and Traditions regarding the artifact collection and the future city-wide museum as a Committee of Council.

Approved (Councillor Carlson)

- e. That the 'Mississauga Celebration Square Events Committee' be reorganized to provide input, guidance and support to the Manager, Mississauga Celebration Square on sponsorship and other revenue opportunities to help the financial sustainability of the Square and strategic policies that affect the Square as a Community Reference Group as described in Appendix 1 attached to the Corporate Report.

Approved (Mayor McCallion)

- f. That the 'Road Safety Mississauga Advisory Committee' (RSM) be retired at the end of this term of Council (November 2014).

Approved (Councillor Crombie)

- g. That the membership of the 'Public Vehicle Advisory Committee' be restructured with a broad stakeholder membership and a specific mandate to provide input and advice on policy issues affecting the taxi industry.

Approved (Mayor McCallion)

- h. That the 'Towing Industry Advisory Committee' be restructured with a broad stakeholder membership and a specific mandate to provide input and advice on policy issues affecting the towing industry.

Approved (Councillor Fonseca)

- i. That the membership of the 'Citizen Appointments Committee' be restructured to include all Members of Council.

Approved (Councillor Crombie)

- j. That the policy entitled, 'Citizen Appointments to Committees, Boards and Authorities' (#02-01-01) be changed regarding Eligibility to also include citizens who own businesses in the City of Mississauga.

Approved (Councillor Fonseca)

- k. That a process be implemented whereby a proposed new Committee of Council is analyzed against the criteria list attached as Appendix 2, before the Governance Committee deliberates and approves the new Committee.

Approved (Mayor McCallion)

- l. That the Clerk's Office work with the Finance division to redefine the budgetary processes and accounting associated with the running of the Committees of Council by:

- a. Creating a single operating budget account that supports all typical annual expenditures for the Committees of Council including a policy outlining approved expenditures.
- b. Developing a system by which Committees of Council can receive Council-approved project funding in stand-alone capital accounts.

Approved (Mayor McCallion)

3. That the Clerk's Office be directed to consider the administrative suggestions outlined in the report attached as Appendix 1 and report back to the Governance Committee at a later date regarding implementation.

Approved (Mayor McCallion)

4. That all applicable by-laws and policies be updated accordingly.

Approved (Councillor Carlson)

Recommendation GOV-0019-2013

3. Revised Conflict of Interest Policy

Corporate Report dated March 1, 2013 from the City Manager and Chief Administrative Officer with respect to a revised Conflict of Interest Policy.

RECOMMENDATION

That the revised Corporate Policy and Procedure – Conflict of Interest, attached as Appendix 1 to the report dated March 01, 2013 from the City Manager and Chief Administrative Officer, be approved.

Approved (Councillor Crombie)

Recommendation GOV-0020-2013

4. Governance Committee Outstanding Items List

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

RECOMMENDATION

That the listing of outstanding items presented at the March 18, 2013 meeting that were directed to staff by the Governance Committee, be received.

Received (Councillor Fonseca)

5. Correspondence List

List of correspondence received by the Governance Committee and an update on the status for each matter.

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RECOMMENDATION

That the list of correspondence received by the Governance Committee and an update on the status for each matter as presented at the March 18, 2013 meeting, be received.

Received (Councillor Carlson)

OTHER BUSINESS - Nil

CLOSED SESSION - Nil

DATE OF NEXT MEETING – Monday, April 15, 2013 at 1:00 P.M.

ADJOURNMENT – 3:34 PM

DRAFT

2.

ROBERT J. SWAYZE

BARRISTER & SOLICITOR

CERTIFIED BY THE LAW SOCIETY OF UPPER CANADA AS A SPECIALIST IN
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20736 Mississauga Road
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Integrity Commissioner's Report

DATE: May 7, 2013

TO: Chair and members of the Governance Committee
Meeting Date: May 13, 2013

FROM: Robert J. Swayze
Integrity Commissioner

SUBJECT: Request for Inquiry from Gail Reeves Reid

Governance Committee
MAY 13 2013

RECOMMENDATION: That the Council Code of Conduct for the City of Mississauga be amended by adding the following to Rule 5 – Use of City Staff, Property, Services and Other Resources:

5. No Member shall include in his or her website, newsletters, E-mails or other printed material, advertising of businesses in the City, including the distribution of gift certificates, free tickets and compiling a list of businesses located in a ward. Attending and reporting the opening of a new business in the City is permissible and a Member may thank verbally or in a newsletter, a business by name or an employee of that business, which contributes to a City or ward event provided that no such recognition shall include a description of its product, its address or telephone number.

BACKGROUND: I received a Request for Inquiry on March 22, 2013 from Ms. Gail Reeves Reid, a real estate agent in Ward 10. (the “Complainant”) She

is a subscriber to the monthly Ward 10 newsletter and her complaint relates to the March, 2013 version and other E-mails issued by Councillor Sue McFadden. In a section of the Newsletter entitled "Spring Checklist for your Home" the reader is directed to visit the personal website of another real estate agent in Ward 10 and to contact the agent for gift certificates and a free subscription to a magazine. Her phone number, E-mail address and the name of her brokerage was also included. The Complainant received two further E-mails from the Councillor on March 6 and 7, 2013 which offered free Toronto Home Show tickets courtesy of the same real estate agent, naming her brokerage but not including her phone number or website.

The Complainant alleges that the preferential treatment accorded to the real estate agent is contrary to the Council Code of Conduct in that the Councillor is committed to performing her functions with integrity and avoiding the improper influence of her office.

I extended my review to other newsletters from the Councillor, her website and a publication issued by her office entitled "The Ward 10 Information Guide". In several newsletters, the reader is encouraged to E-mail the Councillor and receive free gift certificates from businesses such as Starbucks and Boston Pizza. The Councillor advised me that she takes none of these gift certificates for herself and the distribution of them substantially increases the activity on her website. In the April newsletter the card of two other Ward 10 real estate agents was inserted implying that they should be contacted for home renovation tips. The Councillor argues that this insertion shows that "the opportunity to cross-promote is available to any individual or business who approaches me". Another newsletter advertised a free manicure from a spa and the justification offered by the Councillor was that its business was suffering.

The Ward 10 website includes a section entitled "Business Links" which contains a list of businesses located in Ward 10. The list includes the real estate agent referred to in the March newsletter but not the Complainant. The "Ward 10 Information Guide" includes a section entitled "Businesses in Ward 10" and again includes the agent in the March newsletter but not the Complainant.

Prior to writing this report, the Complaint Protocol was complied with

and notice was given to both parties of the Complaint and the response. An advance copy of this report has been given both to the Complainant and Councillor McFadden. As part of the Inquiry, I conducted two interviews, one by telephone with the Complainant as she requested and the other with Councillor McFadden in person.

PRESENT STATUS:

I have considered the wording of the Council Code of Conduct which does not contain a rule specifically prohibiting advertising in publicly funded newsletters or websites. I have also reviewed Corporate Policy No. 03-05-01 relating to Technology which is expressed to apply to elected officials. There is also no specific prohibition in that document but one statement was helpful to me. The Policy states that "no information should be distributed which would not be distributed under the City's letterhead or logo. Councillor McFadden agreed with me when I suggested that the City should not provide space on its website to allow businesses to offer gift certificates as her newsletters do.

COMMENTS:

I certainly can understand the reason for the complaint. The business of residential real estate agency is territorial and success is often measured by the word of mouth and number of signs in a single neighbourhood. This localized exposure in the ward for one real estate agent is not fair to the others.

Councillor McFadden and her staff have worked very hard on her newsletters and website but in my opinion, the sections in her publications referred to in this report amount to publicly funded advertising and should be prohibited. Giving equal opportunity to all businesses is not an answer and a councillor is not competent nor should he or she be put in the position of managing which businesses are selected. The purpose of Councillors' newsletters and websites is to communicate to their constituents information and events (mostly public) occurring in their ward. The appearance of endorsing a single business in the ward should at all times be avoided.

I have recommended above an addition to Rule 5 – Use of City Staff, Property, Services and Other Resources – which I believe to be more appropriate than amending the rule relating to use of influence. In my

opinion, the prohibition should not extend to attending or reporting business openings in a ward because they are events that should be supported and communicated. It is also appropriate for a councillor to recognize and thank any business that contributes to a ward event but reference should only be made to the business name or an officer of the business but not a description of its product or its coordinates.

CONCLUSION:

My finding from this Inquiry is that Councillor McFadden did not contravene the Council Code of Conduct or any other policy of the City and I am not recommending any sanction against her. Hopefully she will recognize however that cross promotion of businesses in her ward publications is not appropriate for the reasons expressed in this report. I am directed to regard the Council code of Conduct as a living document and have recommended a change to prohibit in future, any form of advertising businesses in publicly funded City documents.



Robert J. Swayze
Integrity Commissioner

Prepared By: Robert Swayze

Memorandum



3.

TO: Chair and Members of Governance Committee

FROM: Sacha Smith, Legislative Coordinator

DATE: May 9, 2013

SUBJECT: Review of the Order of Business on General Committee Agendas

Governance Committee

MAY 13 2013

At the May 1, 2013 General Committee meeting, it was requested that the Governance Committee discuss the current set-up of the General Committee Agenda. On a regular basis, under the "Councillors' Enquiries" section of the Agenda, members of Council have made statements on events and news stories. Direction is sought from the Committee as to whether changes should be made to the order of business to add "Other Business" as a heading on the Agenda.

A handwritten signature in cursive script, appearing to read "S. Smith".

Sacha Smith
Legislative Coordinator

Governance Committee-Outstanding Items List

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Issue	Last Discussed on	Who	Status
1. Code of conduct for citizen members on committees of Council (including for profit Boards)	February 27, 2013	City Clerk and Integrity Commissioner	Integrity Commissioner to meet with Chairs of committees of Council.
2. Review any differentiation between the Mayor and Councillors accepting gifts and citizen members working for municipal election campaigns	November 12, 2012	Integrity Commissioner	Coming to a future meeting date.
3. Municipal Election Campaign Rebate Program	February 27, 2013	City Clerk	Proposed for the June 12, 2013 meeting date.

Governance Committee
MAY 13 2013