
Governance Committee

Date: January 30, 2023
Time: 1:00 PM
Location: Online Video Conference

Members

Mayor Bonnie Crombie	
Councillor Carolyn Parrish	Ward 5
Councillor Matt Mahoney	Ward 8
John Magill	Citizen Member
Sandy Milakovic	Citizen Member (Vice-Chair)

Participate Virtually, Telephone OR In-Person

Advance registration is required to participate and/or make a comment in the meeting. Questions and/or Presentation Materials must be provided in an advance of the meeting. Comments submitted will be considered as public information and entered into public record.

To register, please email allyson.dovidio@mississauga.ca and for Residents without access to the internet, please register by calling Allyson D'Ovidio at 905-615-3200 ext. 8587 **no later than Friday January 27, 2023 before 12PM**. Directions on how to participate will be provided.

An asterisk (*) symbol indicates an Item that has been either Revised or Added.

Contact

Allyson D'Ovidio, Legislative Coordinator, Legislative Services
905-615-3200 ext. 8587 | Email: allyson.dovidio@mississauga.ca

Find it Online

<https://www.mississauga.ca/council/committees/governance-committee/>

<https://www.mississauga.ca/council/council-activities/council-and-committees-calendar/>

1. **CALL TO ORDER**

2. **INDIGENOUS LAND STATEMENT**

We acknowledge the lands which constitute the present-day City of Mississauga as being part of the Treaty and Traditional Territory of the Mississaugas of the Credit First Nation, The Haudenosaunee Confederacy the Huron-Wendat and Wyandotte Nations. We recognize these peoples and their ancestors as peoples who inhabited these lands since time immemorial. The City of Mississauga is home to many global Indigenous Peoples.

As a municipality, the City of Mississauga is actively working towards reconciliation by confronting our past and our present, providing space for Indigenous peoples within their territory, to recognize and uphold their Treaty Rights and to support Indigenous Peoples. We formally recognize the Anishinaabe origins of our name and continue to make Mississauga a safe space for all Indigenous peoples.”

3. **APPROVAL OF AGENDA**

4. **DECLARATION OF CONFLICT OF INTEREST**

5. **MINUTES OF PREVIOUS MEETING**

5.1 Governance Committee Draft Meeting Minutes - June 7, 2022

6. **PRESENTATIONS**

6.1 Robert J. Swayze, Integrity Commissioner, City of Mississauga, Council Code of Conduct Education Session

7. **DEPUTATIONS - Nil**

8. **PUBLIC QUESTION PERIOD - 15 Minute Limit**

Public Comments: Advance registration is required to participate and/or to make comments in the public meeting. Any member of the public interested in speaking to an item listed on the agenda must register by calling 905-615-3200 ext. 8587 or by emailing allyson.dovidio@mississauga.ca by **Friday, January 27, 2023 before 12:00 PM.**

Pursuant to Section 58 of the Council Procedure By-law 0044-2022, as amended:

Governance Committee may grant permission to a member of the public to ask a question of Governance Committee, with the following provisions:

1. Questions may be submitted to the Clerk at least 24 hours prior to the meeting;
2. A person is limited to two (2) questions and must pertain specific item on the current agenda and the speaker will state which item the question is related to;
3. The total speaking time shall be five (5) minutes maximum, per speaker, unless

extended by the Mayor or Chair; and

4. Any response not provided at the meeting will be provided in the format of a written response.

9. CONSENT AGENDA

10. MATTERS TO BE CONSIDERED - Nil

11. MATTERS PERTAINING TO THE COUNCIL PROCEDURE BY-LAW - Nil

12. INFORMATION ITEMS - Nil

13. OTHER BUSINESS - Nil

14. DATE OF NEXT MEETING

15. ADJOURNMENT

Governance Committee

Date: June 7, 2022
Time: 3:00 PM
Location: Online Video Conference

Members Present

Mayor Bonnie Crombie	
Councillor Carolyn Parrish	Ward 5
Councillor Matt Mahoney	Ward 8
Councillor Pat Saito	Ward 9 (Chair)
Councillor George Carlson	Ward 11
John Magill	Citizen Member
Sandy Milakovic	Citizen Member (Vice-Chair)

Staff Present

Paul Mitcham, City Manager
Andra Maxwell, City Solicitor
Shari Lichterman, Commissioner, Corporate Services & CFO
Diana Rusnov, Director, Legislative Services & City Clerk
Sacha Smith, Manager, Legislative Services & Deputy Clerk
Michelle Sanstra, Legislative Coordinator

1. CALL TO ORDER – 3:00PM

2. INDIGENOUS LAND STATEMENT

Councillor Saito, Chair recited the Indigenous Land Statement.

3. APPROVAL OF AGENDA

Approved by (S. Milakovic)

4. DECLARATION OF CONFLICT OF INTEREST - Nil

5. MINUTES OF PREVIOUS MEETING

5.1 Governance Committee Draft Meeting Minutes - March 28, 2022

Approved (Councillor Parrish)

6. PRESENTATIONS- Nil

7. DEPUTATIONS

7.1 Athena Tagidou, Resident regarding Deputation Speaking Times at Council and Committees and the Opportunity to Address Comments (Verbal)

Ms.Tagidou spoke to the allotted deputation speaking time(s) at Council and Committee meetings and inquired if additional time could be added to allow the deputant an opportunity to clarify, address and/or provide feedback to Council Members.

Councillor Parrish thanked Ms.Tagidou for her deputation and made reference to the Presentations and Deputation section of the Procedural By-law.

Councillor Mahoney inquired about what the intention of a deputation is and inquired if there was an opportunity to further address inquiries through correspondence. Diana Rusnov, Director, Corporate Services and City Clerk responded to Councillor Mahoney's inquiry.

RECOMMENDATION GOV-0011-2022

Moved By Councillor M. Mahoney

Received

8. PUBLIC QUESTION PERIOD - 15 Minute Limit

No members of the public registered to speak.

9. CONSENT AGENDA

RECOMMENDATION GOV-0012-2022

Moved By Councillor C. Parrish

That the following item(s) were approved under the Consent Agenda:

10.2 Status of the Governance Committee Work Plan

10. MATTERS CONSIDERED10.1 Speaking Order Precedence and Protocol Elements to be Implemented During Official and Community-led Events

Councillor Parrish thanked staff for the report and referenced page three of the Corporate Report of Official Openings and Events Protocol.

RECOMMENDATION GOV-0013-2022

Moved By Councillor C. Parrish

1. That both the Speaking Order and Order of Precedence for Parades/Processions included in the City's Civic Protocol Policy 06-02-01 be adhered to as strictly as possible.
2. That the language included in the City's Civic Protocol Policy 06-02-01 be strengthened to make it mandatory to have the Mayor or councillor designate speak first at City-funded community events or events on City property if schedules allow.
3. That the language of the terms and conditions of City grant applications be strengthened to ensure the Mayor and or appropriate Member(s) of Council are invited to speak at events that are supported by City grants. During such events, the Mayor or Acting Mayor would speak first after initial welcome remarks by the event MC.
4. That the Director, Strategic Communications and Initiatives Division, review the language used in all grant and permit applications to ensure the protocol elements are included in the Terms and Conditions section of the applications before the contracts are signed, wherever possible.
5. That the City remove federal and provincial candidates from the invitation list used for all official openings during provincial and federal election periods.
6. That the City-approved Land Acknowledgement Statement be read during all official events and openings, and at all events hosted by groups receiving City grant funding.
7. That the Protocol Overview Statement be included on appropriate event and grant webpages.

Approved

10.2 Status of the Governance Committee Work Plan (CONSENT)

RECOMMENDATION GOV-0014-2022

Moved By Councillor C. Parrish

That the status of the Governance Committee Work Plan items, updated for the June 7, 2022 Governance meeting, be received.

Received

11. MATTERS PERTAINING TO THE COUNCIL PROCEDURE BY-LAW - Nil

12. INFORMATION ITEMS - Nil

13. OTHER BUSINESS

Members of the Committee engaged in discussion regarding reducing the initial speaking times, clarifying rules and training.

RECOMMENDATION GOV-0015-2022

Moved By Councillor C. Parrish

1. That a by-law be enacted to amend the Council Procedure By-law 0044-2022, regarding deputations to Council and Committees to include the following wording: "deputations shall be received and the matter shall be referred to staff for a report, unless there is a resolution or recommendation passed to simply "receive" the deputation. After a deputation is completed, members shall each have one opportunity to make a preamble statement and ask questions to the deputant(s) or staff for clarification purposes only, and without debate."; and
2. That the above mentioned wording be included as a standing item on all Council and Committee agendas for the Chair to read at the beginning of the deputations section of the agenda.

Approved

14. DATE OF NEXT MEETING - TBD

15. ADJOURNMENT

3:52PM (Councillor Carlson)

Code of Conduct Workshop

by R. J. Swayze

City of Mississauga

Jan 30, 2023



Roles and Responsibilities

This Code of Conduct operates along with and as a supplement to Federal and Provincial legislation that govern the conduct of members of Council, those being:

- * The Criminal Code of Canada;
- * The Municipal Conflict of Interest Act,
- * The Municipal Elections Act, 1996
- * The Municipal Freedom of Information and Protection of Privacy Act;
- * The Municipal Act,
- * The Human Rights Code
- * Planning Act
- * All by-laws and policies approved by Council of the City of * * * *,

- * **1.2** The public expects the highest moral and ethical standards of conduct from Members that it elects. The behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the City's reputation and integrity.

- * 1. 1.3 The key statements of principle that underline this Code are as follows:
- * (a) the decision-making process of Council is open, accessible and equitable and respects the City's governance structure;
- * (b) public office is not to be used for the personal financial benefit of any Member;
- * (c) City residents should have confidence in the integrity of their local government and of their Members; and
- * (d) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

Legal Opinion to Toronto Integrity Commissioner – 2005

“Therefore we conclude that the statement of principles in the Code of Conduct do not provide an independent or stand alone set of obligations, the alleged violation of which, can be the proper subject of an investigation by the Integrity Commissioner”

A Member shall:

- (a) only be entitled to have access to information in the possession of the City that is relevant to matters before Council or a Committee or that is relevant to their role as Members of Council. Otherwise, they have the same access rights to information as any member of the public. and
- (b) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

No Member shall:

(b) disclose, release or publish by any means, including social media any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;

(d) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body;.

- * No Member shall use their status as a Member of Council to improperly influence the actions or decisions of staff or others to the private advantage of the Member or his or her family, employees or business associates.

8.1 Only Council as a whole and no single Member including the Mayor, has the authority to direct employees, approve budgets, policy, and other such matters, unless specifically authorized by Council.

8.3 No Member shall:

- (a) maliciously or falsely impugn the professional or ethical reputation of any staff;
- (b) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
- (c) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere the lawful exercise of the duties of staff.

9.1 No Member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.

Exceptions:

- (a) gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected office;
- (f) services provided without compensation by persons volunteering their time;

- * Exceptions (Cont'd):
- * (g) a suitable memento of a function with nominal value, honouring the Member or the City;
- * (i) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance;

- * 10.1 A Member shall:
 - (a) only use City property for activities relevant to their role as Members of Council; and
 - (b) not obtain any personal financial gain or advantage from the use of City property.
- * 11.1 Members may not use City resources for any type of political activity during a municipal election and at any other time, including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

“Any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:

- i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.”

- * 15.2 (d) Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
- * (e) Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
- * (f) Requests from members of council and of local boards for advice respecting their obligations under the Municipal Conflict of Interest Act.

- * 16.1 A complaint that a member has contravened the Code may be initiated by any person, any Member of Council, or by Council as follows:
 - (a) a complaint shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - (b) a complaint must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);

16.3 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, if the complaint is not alleging a contravention of the Code or other corporate policy applying to Members or if the complaint relates to the following matters:

- (i) Criminal Matter
- (ii) Freedom of Information
- (iii) Municipal Elections Act

If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner.

Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.

16.1 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:

- (a) issue a report to Council on the findings of the investigation and, where there is a finding of contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
- (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.

Penalties

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006.

An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of council or a member of a local board.

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

- 16.11 Upon conclusion of an Application investigation, the Integrity Commissioner may, if he/she considers it appropriate, apply to a Judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened Section 5, 5.1 or 5.2 of the Act.

16.12 THE INTEGRITY COMMISSIONER SHALL:

- (a) advise the applicant if he or she will not be making an application to a judge; and
- (b) after deciding whether or not to apply to a judge, provide a written report providing reasons for the decision.