



THE REGIONAL MUNICIPALITY OF PEEL

REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE

AGENDA

PPC - 4/2019

- DATE:** Thursday, September 5, 2019
- TIME:** 11:00 AM – 12:30 PM
- LOCATION:** Council Chamber, 5th Floor
Regional Administrative Headquarters
10 Peel Centre Drive, Suite A
Brampton, Ontario
- MEMBERS:** P. Brown (ex-officio); B. Crombie (ex-officio); G. Dhillon; P. Fortini;
N. Iannicca (ex-officio); J. Innis; S. McFadden; M. Palleschi;
C. Parrish; P. Saito; I. Sinclair; A. Thompson (ex-officio)

Chaired by Councillor Parrish.

1. **DECLARATIONS OF CONFLICTS OF INTEREST**
2. **APPROVAL OF AGENDA**
3. **DELEGATIONS**
 - 3.1. **Integrity Commissioners, Jeffrey A. Abrams and Janice Atwood-Petkovski, Principles Integrity, Presenting an Overview of the Region of Peel Code of Conduct Review (As requested at the May 16, 2019 Regional Council Policies and Procedures Committee meeting) (Related to 4.4) (Draft Code of Conduct is now available)**
4. **REPORTS**
 - 4.1. Designated Enhanced Voting Member (For information)
 - 4.2. Amendments to the Region of Peel Procedure By-law 9-2018 (**Deferred from the May 16, 2019 Regional Council Policies and Procedures Committee meeting due to lack of quorum**)
 - 4.3. Council Expense Policy, Conference Reporting (**Deferred from the May 16, 2019 Regional Council Policies and Procedures Committee meeting due to lack of quorum**)

- 4.4. Review of the Regional Council Code of Conduct for Members of Regional Council and Local Boards **(Deferred from the May 16, 2019 Regional Council Policies and Procedures Committee meeting due to lack of quorum)** (Related to 3.1)

5. **COMMUNICATIONS**

6. **OTHER BUSINESS**

7. **IN CAMERA MATTERS**

8. **NEXT MEETING**

Thursday, November 7, 2019, 9:30 a.m. – 11:00 a.m.
Council Chamber, 5th Floor
Regional Administrative Headquarters
10 Peel Centre Drive, Suite A
Brampton, Ontario

9. **ADJOURNMENT**

Request for Delegation

FOR OFFICE USE ONLY

MEETING DATE YYYY/MM/DD 2019/09/05	MEETING NAME Policies and Procedures Committee
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Attention: Regional Clerk
Regional Municipality of Peel
10 Peel Centre Drive, Suite A
Brampton, ON L6T 4B9
Phone: 905-791-7800 ext. 4582
E-mail: council@peelregion.ca

DATE SUBMITTED YYYY/MM/DD

2019/07/23

NAME OF INDIVIDUAL(S)

Jeffrey Abrams and Janice Atwood-Petkovski

POSITION(S)/TITLE(S)

Co-Principals

NAME OF ORGANIZATION(S)

Principles Integrity

E-MAIL

jeff@principlesintegrity.org, janice@principlesintegrity.org

TELEPHONE NUMBER

(647) 259-8697

EXTENSION

n/a

REASON(S) FOR DELEGATION REQUEST (SUBJECT MATTER TO BE DISCUSSED)

Presenting an overview of the Principles Integrity recommended Code of Conduct including a review of the Brampton, Caledon and Mississauga Codes for comparison.

A formal presentation will accompany my delegation Yes No

Presentation format: PowerPoint File (.ppt) Adobe File or Equivalent (.pdf) Picture File (.jpg) Video File (.avi,.mpg) Other

Additional printed information/materials will be distributed with my delegation : Yes No Attached

Note:

Delegates are requested to provide an electronic copy of all background material / presentations to the Clerk's Division at least seven (7) business days prior to the meeting date so that it can be included with the agenda package. In accordance with Procedure By-law 9-2018 delegates appearing before Regional Council or Committee are requested to limit their remarks to 5 minutes and 10 minutes respectively (approximately 5/10 slides).

Delegates should make every effort to ensure their presentation material is prepared in an [accessible format](#).

Once the above information is received in the Clerk's Division, you will be contacted by Legislative Services staff to confirm your placement on the appropriate agenda.

Notice with Respect to the Collection of Personal Information
(Municipal Freedom of Information and Protection of Privacy Act)

Personal information contained on this form is authorized under Section 5.4 of the Region of Peel Procedure By-law 9-2018, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Regional Council or a Committee of Council. The Delegation Request Form will be published in its entirety with the public agenda. The Procedure By-law is a requirement of Section 238(2) of the *Municipal Act, 2001*, as amended. Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. All Regional Council meetings are audio broadcast via the internet and will be posted and available for viewing subsequent to those meetings. Questions about collection may be directed to the Manager of Legislative Services, 10 Peel Centre Drive, Suite A, 5th floor, Brampton, ON L6T 4B9, (905) 791-7800 ext. 4462.

Please complete and return this form via email to council@peelregion.ca

Region of Peel Code of Conduct Review

September 5, 2019

Principles *Integrity*

Jeffrey A. Abrams & Janice Atwood-Petkovski

Integrity Commissioner for the
Region of Peel

Objectives of Workshop

1

The starting point

2

The trend

3

Recommended Approach

The Starting Point

Code of Ethical Conduct for Members of Council – City of Vaughan – 2009

Rule 1: Key Principles	Rule 2: Gifts and Benefits
Rule 3: Confidential Information	Rule 4: Use of Resources
Rule 5: Election Campaign Work	Rule 6: Business Relations
Rule 7: Improper Use of Influence	Rule 8: Conduct at Council
Rule 9: Transparency & Openness in Decision-Making and Member's Duties	Rule 10: Media Communications
Rule 11: Representing the City	Rule 12: Conduct Respecting Current and Prospective Employment
Rule 13: Respect for City and By-laws	Rule 14: Harassment
Rule 15: Discreditable Conduct	Rule 16: Conduct Respecting Staff
Rule 17: Nepotism	Rule 18: Adherence to Policies and Procedures
Rule 19: Reprisals and Obstruction	Rule 20: Compliance
Rule 21: Implementation	

Peel Regional Code of Conduct

8 pages

A. Application and Purpose	B. Definitions
C. Guiding Principles	D. Community Involvement and Values
E. Legislative Environment	F. Conduct at Regional Council
G. Conduct in Relation to Regional Business	H. Decision-Making
I. Regional Chair	J. Relations with the Corporation, Council and Staff
K. Expenditures, Hospitality and Gifts	L. Compliance
M. Review Process	

Code Comparison

Model Code*	Peel	Mississauga**	Brampton	Caledon
*mandatory provisions		**recommended by IC		
General Introduction	✓	✓	✓	✓
Framework and Interpretation	✓	✓	✓	✓
Guiding Principles	✓	✓	✓	✓
Definitions	✓	✓	✓	✓
Specific Rules				

Code Comparison

Model Code*	Peel	Mississauga**	Brampton	Caledon
Rule 1: Avoidance of Conflicts of Interest	<p style="text-align: center;">✓</p> <p style="text-align: center;">Avoid to best of ability Real or Apparent Conflicts of Interest</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Conflicts of Interest, Apparent and Real</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">Letter and Spirit, Pecuniary Interests</p>
Rule 2: Gifts, Benefits and Hospitality *	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>
Rule 3: Member's Expenses	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>		
Rule 4: Confidential information *	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>
Rule 5: Use of Resources *	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>

Code Comparison

Model Code*	Peel	Mississauga**	Brampton	Caledon
Rule 6: Election Campaigns		✓	✓	✓
Rule 7: Improper Use of Influence		✓	✓	
Rule 8: Business Relations		✓	✓	
Rule 9: Member Conduct *	✓	✓	✓	✓
Rule 10: Media Communications		✓	✓	✓

Code Comparison

Model Code*	Peel	Mississauga**	Brampton	Caledon
Rule 11: Respect By-laws and Policies	✓	✓	✓	✓
Rule 12: Respectful Workplace	✓	✓	✓	✓
Rule 13: Conduct Respecting Staff	✓	✓	✓	✓
Rule 14: Employment of Council Relatives/Family Members		✓	✓	

Code Comparison

Model Code*	Peel	Mississauga**	Brampton	Caledon
Rule 15: Not Undermine, Work Against Council's Decisions		✓		
Rule 16: Reprisals and Obstructing		✓	✓	
Rule 17: Acting on Advice of Integrity Commissioner		✓	✓	
Rule 18: Implementation (protocol)	✓	✓	✓	✓

Code of Conduct – Typical Concepts and Text

29 pages, 7 page protocol

General Introduction, Framework and Interpretation	Guiding Principles
Rule 1: Avoidance of Conflicts	Rule 2: Gifts, Benefits & Hospitality
Rule 3: Member Expenses	Rule 4: Confidential Information
Rule 5: Use of Regional Resources	Rule 6: Election Campaigns
Rule 7: Improper Use of Influence	Rule 8: Business Relations
Rule 9: Member Conduct	Rule 10: Media Communications
Rule 11: Respect for By-laws & Policies	Rule 12: Respectful Workplace
Rule 13: Conduct Respecting Staff	Rule 14: Employment of Relatives
Rule 15: Undermining Council Decisions	Rule 16: Reprisals and Obstructing
Rule 17: Acting on IC Advice	Rule 18: Implementation

Code of Conduct – Typical Concepts and Text

Complaint Protocol	
Informal Complaint Procedure	Formal Complaint Procedure
Local Board Code(s)	

General Introduction, Framework and Interpretation

- ▶ Members are held to a higher standard of behaviour and conduct
- ▶ Need to uphold both the letter and spirit of policies adopted by Council, including the Code of Conduct
- ▶ Broad, Liberal Interpretation
- ▶ Use of Commentary
- ▶ Clarification through Integrity Commissioner
- ▶ Other statutes, policy apply, as does the common law
- ▶ Definition of 'Family' is broader than the MCIA concept

Guiding Principles

1. Members of Council shall serve the public and their constituents in a conscientious and diligent manner.
2. Members of Council should be committed to performing their functions with integrity impartiality and transparency.
3. Members of Council shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Rule 1:

Avoidance of Conflicts of Interest

“disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.

“non-disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could participate impartially in the decision-making processes related to the matter so long as:

- Fully disclose the interest
- State why can still be impartial

Rule 1:

Avoidance of Conflicts of Interest

- ▶ May not participate when you have a disqualifying interest, including an MCI A pecuniary interest
- ▶ Make Transparency Disclosure if someone might perceive you to have an interest
- ▶ Rule contains other direction re contracting, occupations which conflict with your ability to serve on Council.

Rule 2: Gifts, Benefits and Hospitality

- ▶ Establishes a reporting threshold, so even if it fits under exception, members are required to report publicly the total value of benefits received from any single source
- ▶ Prevent perception that member is improperly benefitting, influenced
- ▶ Provide public transparency around receipt of gifts
- ▶ Ensure sound business practices with vendor, contractors doing business with municipality

Code of Conduct for Council

TABLE '1'

A	B	C	D
Type of Gift	Examples	Gift Disclosure. Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable	Gift No Longer Allowable Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$500 (allowable with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to Municipality	Not a 'Gift'. No need to record. Municipal staff (identify) to record and take possession unless otherwise on public display. Deemed Zero Value	N/A
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$500
	Business Meals	\$100	\$500
	Business Hospitality	\$100	-\$750 -More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event -More than one event per year from the same person or organization (allowable with IC approval)
	Official Hospitality	\$500	No limit

Code of Conduct for Council

3.1-19

TABLE '1'

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure.</u> Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable	<u>Gift No Longer Allowable</u> Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)

Code of Conduct for Council

3.1-20

TABLE '1'

A	B	C	D
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$500 (allowable with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to Municipality	Not a 'Gift'. No need to record. Municipal staff (identify) to record and take possession unless otherwise on public display. Deemed Zero Value	N/A

Code of Conduct for Council

3.1-21

TABLE '1'

A	B	C	D
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$300
	Business Meals	\$100	\$300
	Business Hospitality	\$100	-\$500 -More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event -More than one event per year from the same person or organization (allowable with IC approval)
	Official Hospitality	\$500	No limit

Rule 3: Member's Fundraising

- ▶ There are a range of expenses that support a Member's role in community engagement which are typically set out in Members' Expense policies and reinforced in codes of conduct.
- ▶ Key consideration: Members should not handle funds, even sponsorship or other contributions to community events

Rule 4: Confidential Information

- ▶ Information provided to members which is
 - Personal information about individuals (MFIPPA),
 - Third party confidential information
 - Solicitor-client privileged
 - Closed meeting deliberations (s.239)

Rule 5: Use of Regional Resources

- ▶ Members have access to property, equipment, services and supplies to assist in conduct of official municipal duties
- ▶ Should not abuse this privilege
- ▶ Cannot personally gain through use
- ▶ Regional information is considered a resource
- ▶ Special rules during election campaign

Rule 6: Election Campaigns

- ▶ Regional resources never permitted to be used to support an election campaign
- ▶ Separate social media accounts, email etc.
- ▶ cut-off date for publication of newsletters, booking of facilities for electioneering

Rule 7: Improper Use of Influence

- ▶ Office not to be used other than for official duties
- ▶ Avoid participating in tribunal hearings
- ▶ Not attend OMB/LPAT to a) oppose, or b) support (except with solicitor's approval)
- ▶ Council as a whole directs staff, and then through CAO

Rule 8: Business Relations

- ▶ Members must separate their business activities from their work as councillors
- ▶ Avoid prospects for future employment, borrowing money, acting as a paid agent, make referrals for financial gain

Rule 9: Member Conduct

- ▶ Appropriate Decorum at all times, (in Council or otherwise)
- ▶ High standard. Exemplary Behaviour
- ▶ Open and transparent
- ▶ Procedures support deliberation, important to follow them
- ▶ Convey the business of Council when acting as Council's appointee

Rule 10:

Media Communications

- ▶ Respect, Dignity and Decorum
- ▶ Accurate dissemination (may disagree, but may not be disparaging)
- ▶ Exercise restraint in social media; you cannot be a journalist and a council member at the same time

Rule 11:

Respect for Regional By-laws and Policies

- ▶ Encourage respect for Regional matters
- ▶ Adhere to established by-laws, policies and procedures
- ▶ Do not encourage disobedience

Rule 12: Respectful Workplace

- ▶ Members are governed by the Region's 'respectful workplace/harassment prevention' policies and Ontario Human Rights Code.
- ▶ Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
- ▶ Not engage in behaviours that threaten, harass, bully or intimidate
- ▶ Respect role of staff as professionals, politically neutral, objective
- ▶ Integrity Commissioner will investigate complaints (not an HR process)

Rule 13: Conduct Respecting Staff

- ▶ Not compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
- ▶ Not use, authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
- ▶ Be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.
- ▶ Not maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members

Rule 14:

Employment of Council Relatives/Family Members

- ▶ Anti-nepotism rule
- ▶ Do not supervise family members
- ▶ Follow HR recruitment practices

Rule 15:

Not Undermine, Work Against Council's Decisions

- ▶ Builds upon obligation to be respectful of Council's decision-making processes
- ▶ Cannot actively undermine a decision once made (subject to reconsideration rules, complaint procedures)
- ▶ May offer advice to community groups, but may not join them

Rule 16: Reprisals and Obstruction

- ▶ No obstruction of integrity commissioner
- ▶ No threats or actual reprisals against persons who complain, or cooperate with an IC investigation
- ▶ Must provide documents and information requested

Rule 17:

Acting on Advice of Integrity Commissioner

- ▶ Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the Member adhered to the advice given.

Rule 18: Implementation

- ▶ Members are responsible for compliance with Code of Conduct
- ▶ Annual Meetings with Integrity Commissioner

- ▶ Protocols ...

Complaint Protocol

Part A: Informal Complaint Procedure

- (1) advise the member that the behaviour or activity contravenes the Code;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

Complaint Protocol

Part B: Formal Complaint Procedure

- ▶ Initiation
- ▶ Classification
- ▶ Investigation
- ▶ Council Review of Report
- ▶ Confidentiality

Peel Region
Draft Code of Conduct for Members of Council

September 2019

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10

11

1
2 **A. General Introduction**
3

4 Members of Peel Regional Council recognize their obligation to serve their constituents
5 and the public in a conscientious and diligent manner understanding that as leaders of
6 the community, they are held to a higher standard of behaviour and conduct.
7

8 Members recognize that ethics and integrity are at the core of public confidence in
9 government and in the political process; that elected officials are expected to perform
10 their duties in office and arrange their private affairs in a manner that promotes public
11 confidence, avoids the improper use of influence of their office and conflicts of interests,
12 both apparent and real. They recognize the need to uphold both the letter and the spirit
13 of the law including policies adopted by Council.
14

15 This *Code of Conduct* ensures that Members of Council share a common basis and
16 understanding for acceptable conduct of Members of Council, in concert with and
17 beyond the minimum standards of behaviour set out in the existing legislative
18 framework.
19

20 This Code of Conduct is consistent with the principles of transparent and accountable
21 government, and with the Region’s core values which are reflective of the kind of
22 organization the Region aspires to be: open, dynamic, collaborative, transparent,
23 innovative and inclusive.
24

25 **B. Framework and Interpretation**
26

- 27 1. This *Code of Conduct* applies to all Members of Regional Council (“Members”)
28 including the Regional Chair. It is to be given broad, liberal interpretation in
29 accordance with applicable legislation and the definitions set out herein. As a living
30 document the Code of Conduct will be brought forward for review at the end of each
31 term of Council, when relevant legislation is amended, and at other times when
32 appropriate to ensure that it remains current and continues to be a useful guide to
33 Members of Council.
34
- 35 2. Commentary and examples used in this *Code of Conduct* are illustrative and not
36 exhaustive. From time to time additional commentary and examples may be added
37 to this document by the Integrity Commissioner and supplementary materials may
38 also be produced as deemed appropriate.
39
- 40 3. Where an elected official discloses all known facts to the Integrity Commissioner
41 and as long as those facts remain unchanged, the Member may rely on written
42 advice provided by the Integrity Commissioner. The Integrity Commissioner will be
43 bound by the advice given, as long as the facts remain unchanged, in the event that
44 he or she is asked to investigate a complaint.
45
- 46 4. Elected Officials seeking clarification of any part of this *Code* should consult
47 with the Integrity Commissioner.
48

1 5. The *Municipal Act, 2001* is the primary piece of legislation governing municipalities
 2 however there are other statutes that govern the conduct of elected municipal
 3 officials. It is intended that the *Code of Conduct* operate together with and as a
 4 supplement to the following legislation:

- 5 • *Municipal Act, 2001*;
- 6 • *Municipal Conflict of Interest Act (MCIA)*;
- 7 • *Municipal Elections Act, 1996*;
- 8 • *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*;
- 9 • *Criminal Code of Canada*.

10 Definitions

11
 12
 13 a. “Family” includes “child”, “parent” and “spouse” as those terms are defined in the
 14 *Municipal Conflict of Interest Act* (set out below for ease of reference), and also
 15 includes:

- 16 • step-child and grand-child;
- 17 • siblings and step-siblings;
- 18 • aunt/uncle, niece/nephew;
- 19 • in-laws, including mother/father, sister/brother, daughter/son;
- 20 • any person who lives with the Member on a permanent basis.

21
 22 “Child” means a child born within or outside marriage and includes an adopted child
 23 and a person whom a parent has demonstrated a settled intention to treat as a child
 24 of his or her family;

25
 26 “Parent” means a parent who has demonstrated a settled intention to treat a child as
 27 a member of his or her family whether or not that person is the natural parent of the
 28 child;

29
 30 “Spouse” means a person to whom the person is married or with whom the person
 31 is living in a conjugal relationship outside of marriage;

32
 33
 34 b. “Member” means a member of the Council of the Region of Peel, including the
 35 Regional Chair.

36
 37 c. “Social Media” means publicly available, third party hosted, interactive web
 38 technologies used to produce, post and interact through text, images, video and
 39 audio to inform, share, promote, collaborate or network.

40
 41 d. “Staff” includes the Chief Administrative Officer, Commissioners, Directors,
 42 Managers, Supervisors and all non-union and union staff whether full-time, part-
 43 time, contract, seasonal or volunteers.

44
 45 e. “Nomination Day” means the last day for filing or withdrawing a nomination as
 46 provided for by the *Municipal Elections Act, 1996*.

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C. Guiding Principles

1. Members of Council shall serve the public and their constituents in a conscientious and diligent manner.
2. Members of Council should be committed to performing their functions with integrity impartiality and transparency.
3. Members of Council shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

1 **D. Specific Rules**

2
3 **Rule No. 1**

4 **Avoidance of Conflicts of Interest**

5
6 In this Rule:

7 a. “disqualifying interest” means an interest in a matter that, by virtue of the
8 relationship between the Member of Council and other persons or bodies
9 associated with the matter, is of such a nature that reasonable persons fully
10 informed of the facts would believe that the Member of Council could not participate
11 impartially in the decision-making processes related to the matter.

12
13 b. “non-disqualifying interest” means an interest in a matter that, by virtue of the
14 relationship between the Member of Council and other persons or bodies
15 associated with the matter, is of such a nature that reasonable persons fully
16 informed of the facts would believe that the Member of Council could participate
17 impartially in the decision-making processes related to the matter so long as:

18
19 The Member of Council fully discloses the interest so as to provide
20 transparency about the relationship; and

21
22 The Member of Council states why the interest does not prevent the
23 Member from making an impartial decision on the matter.
24

25 1. Members of Council shall not participate in the decision-making processes
26 associated with their office when prohibited to do so by the *Municipal Conflict of*
27 *Interest Act*.

28 2. Members of Council shall not participate in the decision-making processes
29 associated with their office when they have a disqualifying interest in a matter.

30 3. For greater certainty:

31 a. Members of Council shall not participate in the decision-making processes
32 associated with their office when they have a direct, indirect or deemed pecuniary
33 interest in a matter, except in compliance with the *Municipal Conflict of Interest*
34 *Act*.

35 b. Members of Council shall not participate in the decision-making processes
36 associated with their office when they have an interest that though in compliance
37 with the *Municipal Conflict of Interest Act*, is nevertheless a disqualifying interest
38 by virtue of the nature of the relationship between the Member and other persons
39 or bodies to be affected by the decision.

40 4. Treatment of Non-Disqualifying Interests:

41 a. Members of Council may participate in the decision-making processes associated
42 with their office when they have a non-disqualifying interest provided they file at
43 their earliest opportunity a Transparency Disclosure in a form and manner
44 established by the Regional Clerk acting in consultation with the Integrity
45 Commissioner.

- b. Transparency Disclosures are public documents and shall be available for public viewing on the Region web site.
- c. The determination of whether an actual disqualifying interest or an actual non-disqualifying interest exists, when challenged, is subject to the determination by the Integrity Commissioner of whether a reasonable person fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.

Commentary

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.

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 (MCIA). The Integrity Commissioner is empowered to investigate and rule on all conflicts of interest, whether pecuniary or non-pecuniary, however, until March 1, 2019, in the event an application under the MCIA is filed with the Court, the provisions of that statute may limit any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the Municipal Conflict of Interest Act.

Members of Council may seek conflict of interest or other advice, in writing, from the Integrity Commissioner. Where members choose to seek external legal advice on conflict of interest or other Code of Conduct issues, these fees will not be reimbursed by the Region of Peel and cannot be charged to any office account; with exceptions as permitted under the Region's Indemnity By-law 38-2005.

When a member, despite the existence of an interest, believes that he or she may still participate in a matter with an open mind, the public interest is best served when the Member is able to articulate the interest, and why the interest does not amount to a disqualifying conflict of interest. Examples might include: Sharing the same name with an interested party, though there is no actual familial relationship; having a courteous relationship with an acquaintance who is a party to an application, but not to such extent that the independence of the Member's judgment would be influenced (distinguishing between a nearby neighbour and a best friend).

Members must remain at arm's length when Regional staff or Council is asked to consider a matter involving a Family Member or a person or organization with whom

1 *the Member has a real or apparent conflict of interest.*
2

- 3 5. Members who seek advice from the Integrity Commissioner with respect to the
4 application of this Rule may rely on the provisions of Part B. "Framework and
5 Interpretation" (paragraph 3) and the Rule 17, "Acting on Advice of Integrity
6 Commissioner."
7 6. Members of Council shall avoid any interest in any contract made by him/her in an
8 official capacity and shall not contract with the Region or any agency thereof for the
9 sale and purchase of supplies, material or equipment or for the rental thereof.
10 7. Members of Council, while holding public office, shall not engage in an occupation or
11 the management of a business that conflicts with their ability to diligently carry out
12 their role as a Member of Council, and shall not in any case profit directly or indirectly
13 from such business that does or has contracted with the Region of Peel.
14

15 Commentary: *Members of Council may for example teach, or run a business that does*
16 *not conflict or interfere with their duties*
17

- 18 8. Despite paragraph 7., a Member of Council may hold office or a directorship in an agency,
19 board, commission or corporation where the Member has been appointed by Regional
20 Council or by the Council of their lower tier municipality, or by the Federal or Provincial
21 Government.
22
23 9. Despite paragraph 7. a Member of Council may hold office or directorship in a charitable,
24 service or other not-for-profit corporation subject to the Member disclosing all material facts
25 to the Integrity Commissioner and obtaining a written opinion from the Integrity
26 Commissioner approving the activity, as carried out in the specified manner, which concludes
27 that the Member does not have a conflict between his/her private interest and public duty. In
28 circumstances where the Integrity Commissioner has given the Member a qualified opinion,
29 the Member of Council may remedy the situation in the manner specified by the Integrity
30 Commissioner.
31

32 Commentary:

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

39 *The legislative obligation is set out in the Municipal Conflict of Interest (MCIA). If the*
40 *Member of Council, or a family member of the Member of Council, sits on a body which*
41 *has a pecuniary interest in a matter before Council (such as an application for grant,*
42 *support or other contribution), that Member has a deemed pecuniary interest. The*
43 *Member of Council should disclose the interest and should not participate in or vote*
44 *on such matter, in compliance with the obligations of s.5, MCIA.*

45 *The Code of Conduct captures the broader common law responsibility and requires*
46 *members to avoid any possible appearance of favoring organizations or groups on*
47 *which the Member's family members serve.*

3.1-47

1 *Family members of Members of Council are not precluded, or even discouraged, from*
2 *servicing on not-for-profit organizations or other bodies. However, where family*
3 *members of Members of Council serve in such a capacity, the Member should declare*
4 *a conflict of interest whenever there is a matter for Council consideration in which the*
5 *not-for-profit organization or body has a pecuniary interest.*

6 ***For this reason, the following questions may assist Members in assessing***
7 ***whether they should be a member of the body, or if their family member is a***
8 ***member of the body, when a matter may give rise to a conflict:***

9 *Is this a corporation created to carry on municipal business on behalf of the*
10 *Region, or to which I am appointed because I am a Council appointee? In these*
11 *cases the Municipal Conflict of Interest Act, s.4(h) exempts Members from MCIA*
12 *disclosure/recusal obligations.*

13 *If no, is this a body (a board, commission, or corporation) which seeks Regional*
14 *resources such as space, support, funds?*

15 *If yes, the Member of Council should not serve on the board of directors.*

16 *If a family member (spouse, sibling, child) of the Council Member is a member*
17 *of the body, then the Member of Council should declare a conflict of interest any*
18 *time Council is considering a matter in which the body has a pecuniary interest.*
19 *In this way, there is no perception that the Council Member is giving preferential*
20 *consideration to the body on which the Member's family member serves.*

21
22

1 **Rule No. 2**

2
3 **Gifts, Benefits and Hospitality:**
4

5 In this Rule:

- 6 a. "Gift" means money, fee, advance, payment, gift, gift certificate, promise to pay,
7 property, travel, accommodation, entertainment, hospitality or any other
8 personal benefit connected directly or indirectly with the performance of a
9 Member's duties of office, but excludes:
- 10 i. Compensation authorized by law;
- 11 ii. Political contributions otherwise reported by law, in the case of
12 Members running for office;
- 13 iii. Services provided by persons volunteering their time;
- 14 iv. Contributions of value that are specifically addressed in other
15 provisions of this Code
- 16 v. Gifts provided to the Region of Peel and which are logged,
17 archived and/or publicly displayed as such.
- 18
- 19 b. A Gift provided with the Member's knowledge to a Family Member or to
20 a Member's staff that is connected directly or indirectly to the
21 performance of the Member's duties, is deemed to be a Gift to that
22 Member.
- 23
- 24 c. "Token of Appreciation" means such gifts or benefits that normally
25 accompany the responsibilities of office and are received as an incident
26 of protocol or social obligation, or which are a suitable memento of a
27 function honouring the Member.
- 28
- 29 d. "Official Hospitality" means food, lodging, transportation and
30 entertainment provided by Provincial, Regional and local governments or
31 political subdivisions of them, by the Federal government or by a foreign
32 government within a foreign country or at a conference, seminar or event
33 where the Member is either speaking or attending in an official capacity
34 at an official event (such as at meetings of AMO, FCM, or conducted by
35 providers of continuing education).
- 36
- 37 e. "Business Hospitality" means entertainment, food and beverages
38 consumed at banquets, receptions or similar events, if:
- 39 i. attendance serves a legitimate business purpose;
- 40 ii. the person extending the invitation, or a representative of
41 the organization is in attendance; and
- 42 iii. the value is reasonable and the invitations infrequent;
- 43
- 44 f. "Publications" means communication to the offices of a Member,
45 including subscriptions to newspapers, and periodicals.
46

3.1-49

- 1 1. No Member shall accept any Gift unless expressly permitted by this Rule.
- 2 2. No Member shall accept any Gift involving the use of property or facilities, such as
3 a vehicle, office, club membership or vacation property at less than reasonable
4 market value or at no cost. Notwithstanding this prohibition, with specific approval
5 provided by Council, a Member may be sponsored to attend educational site visits
6 connected with an identified project.
- 7 3. Gifts identified in Column B of Table '1' may be accepted by a Member provided the
8 Gift is disclosed in accordance with the conditions set out in Column 'C'.
- 9 4. Gift Disclosure, where required, is to be accomplished by filing within 30 days of
10 receipt of the gift or reaching the annual limit, a Councillor Information Statement in
11 a form prescribed by the Integrity Commissioner and providing same to the Regional
12 Clerk for posting on the Region's web site.
- 13 5. Gifts identified in Column B shall not be accepted, without the Integrity
14 Commissioner's specific approval, when the conditions set out in Column 'D' are
15 applicable.
- 16
17 6. In providing advice to a Member about their obligations respecting Gifts, or in
18 considering any inquiry with respect to a Councillor Information Statement or an
19 assertion that this Rule has been breached, or in providing consent, where required,
20 that a Gift may be accepted, the Integrity Commissioner shall determine whether
21 the receipt of the Gift or might, in the opinion of the Integrity Commissioner, create
22 a conflict between a private interest and the public duty of the Member. In the event
23 that the Integrity Commissioner makes that preliminary determination, he/she shall
24 call upon the Member to justify receipt of the gift or benefit.
- 25 7. Should the Integrity Commissioner determine the receipt of a Gift was
26 inappropriate, the Integrity Commissioner may direct the Member to return the gift,
27 reimburse the donor for the value of any gift or benefit already consumed, or the
28 Integrity Commissioner may order the Member to forfeit the gift or remit the value
29 of any gift or benefit already consumed to the Region, or a Regional agency, board
30 or commission. Any such direction ordered by the Integrity Commissioner shall be
31 a matter of public record.
- 32

TABLE '1'
Gift Treatment and Disclosure

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure</u>	<u>Gift No Longer Allowable</u>
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$500 (allowable with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol and perishable items with actual value over \$100
	Gift to the Regional Corporation	Not a 'Gift'. No need to record. Regional staff (identify) to record and take possession unless otherwise on public display. Deemed Zero Value	N/A
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$500
	Business Meals	\$100	\$500
	Business Hospitality	\$100	\$750 More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization (allowable with IC approval)
Official Hospitality	\$500	No limit	

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1 Commentary
2

3 *Gifts and benefits are often received by elected officials in the course of their duties*
4 *and attendance at public functions; it is expected and is considered part of their role.*
5 *Business-related entertainment and gift-giving can be a token of respect and admiration*
6 *for the elected official, but can also be seen as an instrument of influence and*
7 *manipulation. The object of this rule is to provide transparency around the receipt of*
8 *incidental gifts and benefits and to establish a threshold where the total value could be*
9 *perceived as potentially influencing a decision. Gift provisions do not supercede the*
10 *Region's Procurement By-law.*

11
12 *The practical problems that nominal gifts and benefits create require a Code of Conduct*
13 *that provides clarity and transparency. Personal integrity and sound business practices*
14 *require that relationships with developers, vendors, contractors or others doing business*
15 *with the Region be such that no Member of Council is perceived as showing favouritism*
16 *or bias toward the giver. There will never be a perfect solution.*

17
18 *Members who are members of both Peel Regional Council and their lower tier council*
19 *will be subject to both this Rule and the rules in place for their lower tier council governing*
20 *the receipt of gifts, benefits and hospitality. Where a gift, benefit or hospitality offering is*
21 *made within the **exclusive** scope of the Member's duties as a Member of **either** Peel*
22 *Regional Council or their lower tier council it will be clear which provision will govern.*
23 *However, since business or personal interactions with Members of Council are not*
24 *always specific to a discrete matter easily identified as **either** an upper tier or local*
25 *matter, in many, if not most circumstances, the Member may be subject to both the*
26 *provisions adopted by both municipalities. In such cases the more stringent provision*
27 *would govern.*

28
29 *Each Member of Council is individually accountable to the public and is encouraged to*
30 *keep a list of all gifts and benefits received from individuals, firms or associations, with*
31 *estimated values, in their offices for review by the Integrity Commissioner in the event*
32 *of a complaint.*

33 *Use of real estate or significant assets or facilities (i.e. a vehicle, office, vacation*
34 *property or club membership) at a reduced rate or at no cost is not an acceptable gift or*
35 *benefit. The purpose of the Code is not to prohibit Members from accepting all*
36 *invitations to socialize at a vacation property with personal friends at their vacation*
37 *property, provided the Gift is disclosed in accordance with this Rule.*

38
39 *Proper caution and diligence must however be exercised when a social function*
40 *occurs within close proximity to the individual having an issue before Regional Council*
41 *or staff for approval. It is always prudent to consult with the Integrity Commissioner*
42 *before accepting or attending at any such engagements. Any doubts about the*
43 *propriety of a gift should be resolved in favour of not accepting it or not keeping it. It*
44 *may be helpful to consult with the Integrity Commissioner when a Member chooses to*
45 *decline a gift as well as when a recipient may opt to keep a gift.*

46
47 *An invitation to attend a function with a developer or supplier could be seen as*
48 *allowing the giver an opportunity to influence the elected official. Such invitations*

1 *should only be accepted if the invitation is within the scope of permissible gifts and*
2 *benefits, meaning that Members should not consistently accept invitations from the*
3 *same individual or corporation and should avoid any appearance of favouritism.*

4
5 *For clarification, an invitation to an event celebrating the successful completion of a*
6 *development or project or the opening of a new business within the Member's ward on*
7 *the other hand could serve a legitimate business purpose and be seen as part of the*
8 *responsibilities of office provided the person extending the invitation or that person's*
9 *representative is in attendance.*

10
11 *An invitation to attend a charity golf tournament or fund-raising gala, provided the*
12 *Member of Council is not consistently attending such events as a guest of the same*
13 *individual or corporation, is also part of the responsibilities of holding public office.*
14 *Likewise, accepting invitations to professional sports events, concerts or dinners may*
15 *serve a legitimate business purpose. Where a Member is uncertain in regards to*
16 *whether an invitation is or is not appropriate, it may be prudent to consult with the*
17 *Integrity Commissioner before attending any such event.*

18
19 *Regular invitations to lunch or dinner with persons who are considered friends of*
20 *Members of Council is acceptable in situations where the Member pays their portion of*
21 *the meal expense and treats it as a personal expense, meaning a claim is not made*
22 *under the Business Expense Accounts – Members of Council policy (F30-02). Proper*
23 *caution and diligence not to discuss matters before the Region for a decision must be*
24 *exercised at all times. When in doubt it is prudent to consult with the Integrity*
25 *Commissioner.*

1 **Rule No. 3**

2 **Member's Role in Funding Community / Charitable Activities:**

3
4 There are a range of expenses that support a Member's role in community
5 development and engagement activities within their ward. For federal and provincial
6 elected officials, these expenses are often paid for by Riding Association funds.
7 Municipal elected officials do not have this benefit. Members should refer to the
8 Business Expense Accounts – Members of Council policy (F30-02) for guidance of
9 expenses eligible for reimbursement.

- 10
11 1. As community leaders, Members may lend their support to and encourage
12 community donations to registered charitable, not-for-profit and other community-
13 based groups. Monies raised through fundraising efforts shall go directly to the
14 groups or volunteers or chapters acting as local organizers of the group and
15 Members of Council should not handle any funds on behalf of such organizations.

16
17 Members of Council routinely perform important work in supporting charitable
18 causes and in so doing, there is a need for transparency respecting the Member's
19 involvement. The following guidelines shall apply:

- 20
21 a. Members of Council should not directly or indirectly manage or control any
22 monies received relating to community or charitable organizations
23 fundraising;
24
25 b. Members of Council or persons acting on behalf of a Member shall not solicit or
26 accept support in any form from an individual, group or corporation, with any
27 pending significant planning, conversion or demolition variance application or
28 procurement proposal before Regional Council, which the Member knew or
29 ought to have known about.
30
31 c. With reference to member-organized community events, Members of
32 Council must report to the Integrity Commissioner, the names of all donors
33 and the value of their donation that supplement the event.
34
35 d. Where a Member of Council sponsors and/or lends support to a community
36 or charitable event, this *Code* recognizes that all donations are subject to
37 the Business Expense Accounts – Members of Council policy (F30-02).
38
39 e. No donation cheques should be made payable to a Member of Council or to the
40 Region of Peel. Members of Council may only accept donation cheques made
41 payable to a Business Improvement Association, charity or community group
42 and only for the purpose of passing the cheques on to such group.
43
44 f. Members of Council should not handle any cash on behalf of any charitable
45 organization, not-for-profit or community group, and should always remain at
46 arm's length from the financial aspects of these community and external events.
47 If a Member of Council agrees to fundraise on behalf of a charity or community
48 group, the Member should ensure that payment is received by a means that

1 does not involve cash, including bank draft, money order, credit card or cheque
2 made payable to the applicable group or organization.
3

4 2. Nothing included herein affects the entitlement of a Member of Council to:
5

- 6 i) use the Member's office expense budget champion or support community
7 events subject to the terms of the Business Expense Accounts – Members of
8 Council policy, section 8.2, relating to event expenses;
9
- 10 ii) urge constituents, businesses or other groups to support community events and
11 advance the needs of a charitable organization put on by others in the Region;
12
- 13 iii) play an advisory ex officio or honorary role in any charitable or non-profit
14 organization that holds community events in the Region; and,
15
- 16 iv) collaborate with the Region of Peel and its agencies, boards or commissions
17 to hold community events.
18

19 Commentary
20

21 *By virtue of the office, Members of Council will be called upon to assist various charities,*
22 *service clubs and other non-profits as well as community associations, by accepting an*
23 *honourary role in the organization, lending their name or support to it or assisting in*
24 *fundraising. Transparency and accountability are best achieved in today's era by*
25 *encouraging contributors to make donations to such organizations on-line through a*
26 *website or where that is not possible through a cheque made payable directly to the*
27 *organization. Cash should never be accepted.*

1 **Rule No. 4**

2
3 **Confidential Information:**

- 4
- 5 1. No Member shall disclose the content of any such matter, or the substance of
6 deliberations, of the *in-camera* meeting until the Council or Committee discusses the
7 information at a meeting that is open to the public or releases the information to the
8 public.
- 9
- 10 2. No Member shall disclose or release by any means to any member of the
11 public, any confidential information acquired by virtue of their office, in either oral or
12 written form, except where required by law or authorized by Council to do so.
- 13
- 14 3. No Member shall use confidential information for personal or private gain, or
15 for the gain of relatives or any person or corporation.
- 16
- 17 4. No Member should directly or indirectly benefit, or aid others to benefit, from
18 knowledge respecting bidding on the sale of Regional property or assets.
- 19
- 20 5. Members of Council should not access or attempt to gain access to confidential
21 information in the custody of the Region unless it is necessary for the performance of
22 their duties and is not prohibited by Council policy.
- 23

24 **Commentary:**

25 *Confidential Information includes information in the possession of, or received in*
26 *confidence by, the Region of Peel that the Region is either prohibited from disclosing, or*
27 *is required to refuse to disclose, under the Municipal Freedom of Information and*
28 *Protection of Privacy Act ("MFIPPA"), or any other legislation.*

29

30 *MFIPPA restricts or prohibits disclosure of information received in confidence from third*
31 *parties of a corporate, commercial, scientific or technical nature, information that is*
32 *personal, and information that is subject to solicitor-client privilege.*

33

34 *The Municipal Act, 2001 allows information that concerns personnel, labour relations,*
35 *litigation, property acquisitions and security of the property of the Regional or a local*
36 *board, and matters authorized in other legislation including MFIPPA, to remain*
37 *confidential. For the purposes of the Code of Conduct, "confidential information"*
38 *includes this type of information.*

39

40 *As elected officials, Members of Council will receive highly sensitive and confidential*
41 *information concerning residents who need their assistance. This is consistent with*
42 *the nature of the Members' duties. In accordance with the Municipal Freedom of*
43 *Information and Protection of Privacy Act (MFIPPA), where these types of records*
44 *remain at all times under the control of the Member they may not be subject to*
45 *municipal disclosure requirements, but the information contained in them should be*
46 *protected from inappropriate disclosure.*

47

1 *Under the Regional Council Procedure By-law, a matter that has been discussed at*
2 *an in-camera (closed) meeting remains confidential, until such time as a condition*
3 *renders the matter public. The following are examples of the types of information*
4 *that a Member of Council must keep confidential:*

- 5
- 6 • items under litigation, negotiation, or personnel matters;
- 7 • information that infringes on the rights of others (e.g. sources of complaints
- 8 where the identity of a complainant is given in confidence);
- 9 • price schedules in contract tender or request for proposal submissions if so
- 10 specified;
- 11 • information deemed to be “personal information” under the *Municipal*
- 12 *Conflict of Interest Act*; and
- 13 • statistical data required by law not to be released (e.g. certain census or
- 14 assessment data)
- 15

16 Where it is clear that a communication was not made in a confidential manner (i.e.

17 copied to others, or made in the presence of others) or the manner of communication

18 undermines the validity of labelling it “Confidential”, such communication will not be

19 given any higher level of confidentiality than any other communication. The words

20 “Privileged”, “Confidential” or “Private” will not be understood to preclude the

21 appropriate sharing of the communication for the limited purpose of reviewing,

22 responding or looking into the subject-matter of the communication.

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Rule No. 5

Use of Regional Resources:

- 10 1. No Member shall use for personal purposes any Regional staff services, property,
11 equipment, services, supplies, websites, blogs, or other Region-owned materials,
12 other than for purposes connected with the discharge of Regional duties.
- 13
14 2. No Member shall obtain personal financial gain from the use or sale of Region
15 developed intellectual property (for example, inventions, creative writings and
16 drawings), computer programs, technical innovations or any other item capable of
17 being patented. Members acknowledge and do not dispute that all such property
18 remains exclusively that of the Region of Peel.
- 19
20 3. No Member shall use information gained in the execution of his or her duties that
21 is not available to the general public, for any purposes other than his or her
22 official duties.

Commentary

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24
25
26 *Members, by virtue of their position, have access to a wide variety of property,*
27 *equipment, services and supplies to assist them in the conduct of their Regional*
28 *duties as public officials.*

29
30 *While most of this property is provided within the confines of their office, much of it is*
31 *transportable or may be provided for home use, given the nature of the demands*
32 *placed on Members in carrying out their duties and in recognition of the fact that the*
33 *Region does not provide constituency offices to Members of Council. Members are*
34 *held to a higher standard of behaviour and conduct and therefore should not use such*
35 *property for any purpose other than for carrying out their official duties. For clarity,*
36 *this Rule is intended to prohibit the use of Regional resources for purposes such as*
37 *running a home business. It is not intended to prohibit occasional personal use, but it*
38 *should be subject to practical limitations.*

39
40 *Careful attention should be given to the provisions of the Region's Business Expense*
41 *Accounts – Members of Council policy F30-02 which identifies approvable allowable*
42 *expenses. During election campaigns, the provisions of Rules 6 and 7 will apply.*

- 43
44 4. No Member shall use the services of Regional staff, or make requests for document
45 or information from Regional staff, unless such information is required for the
46 purpose of carrying out their duties as public officials.

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5. No Member shall include in his or her website, newsletters, E-mails or other printed material, advertising of businesses in the Region, 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 or a business event in the Region 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 Regional or ward event provided that no such recognition shall constitute an endorsement of such business.

1 **Rule No. 6**

2
3 **Election Campaigns:**
4

- 5 1. Members are required to follow the provisions of the *Municipal Elections Act,*
6 *1996* and Members are accountable under the provisions of that statute.
7
- 8 2. No Member shall use the facilities, equipment, supplies, services, staff or other
9 resources of the Region (including Councillor newsletters, individual websites
10 linked through the Region 's website and social media accounts used for ward
11 communication) for any election campaign or campaign-related activities and all
12 such sites shall not use the Region of Peel logo.
13
- 14 a) If a member of Council uses any social media account for
15 campaign purposes, such account must not be created or
16 supported by Regional resources or use the Regional logo.
17 Social media accounts used for campaign purposes must utilize
18 personal cell phones, tablets and/or computers.
19
- 20 b) To avoid confusion with any website or social media accounts used
21 for Council Member work, Council members who choose to create
22 or use social media accounts for campaign communications must
23 include, for the duration of the campaign, a clear statement on each
24 campaign website or social media account's home page indicating
25 that the account is being used for election campaign purposes.
26
- 27 c) Despite the foregoing, Members are allowed to place campaign
28 phone numbers, websites and E-mail addresses on the election
29 pages on the Region 's website, which is available and authorized
30 for use by all candidates for municipal and school board office.
31
- 32 3. In a municipal election year, commencing July 2 until the date of the election,
33 Members may not publish Councillor newsletters or distribute them in municipal
34 facilities. All newsletters distributed through the mail must be post- marked by no
35 later than July 2 in an election year. Members of Council may, during such period,
36 use Regional facilities to communicate important notifications to the residents of
37 their ward by email in normal Outlook format or by letter on the Councillor's
38 stationery.

1 4. In a municipal election year, commencing on July 2 until the date of the election,
2 no candidate including Members, may directly or indirectly, book any municipal
3 facility for any purpose that might be perceived as an election campaign
4 purpose.

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11 Commentary
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13 *Staff should not interpret or provide advice to Members regarding the requirements*
14 *placed on candidates for municipal office.*

15
16 *The restriction on booking facilities ensures that election-related functions, or those*
17 *that could appear to be election-related, will not occur at any time there is an advance*
18 *or regular poll at the facility. The need to set up in advance means that election night*
19 *parties cannot be held in the same facilities that polling stations are located in.*
20 *Members should not authorize any event that could be perceived as the Region*
21 *providing them with an advantage over other candidates. It is the personal*
22 *responsibility of Members to ensure that any use of facilities or the services of*
23 *municipal staff are carried out in accordance with applicable legislation. Staff are not*
24 *responsible for monitoring and advising Members or any other candidates, in this*
25 *regard.*
26
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29

30 5. No Members shall use the services of persons for campaign related
31 Activities during hours in which those persons receive any compensation
32 from the Region.

33
34 6. The Integrity Commissioner may at any time be consulted with regard to
35 complying with any part of Rule 6 and in particular may rule on whether any
36 activity by staff in a Councillor's office during an election year is prohibited
37 election work or permitted activity sufficiently unrelated to the election.

1 **Rule No. 7**

2 **Improper Use of Influence:**

- 3
- 4 1. No member shall use the influence of his or her office for any purpose other than
5 for the exercise of his/her official duties.
- 6
- 7 2. Members shall not contact members of any tribunal regarding any matter before it,
8 except when called as a witness to a matter by a party to the proceedings.
- 9
- 10
- 11 3. If Council has taken a position in an Ontario Municipal Board/Local Planning Appeal
12 Tribunal ("OMB/LPAT") matter and instructed the Regional Solicitor to appear at a
13 hearing in support of such position, no member of Council who disagrees with such
14 position, shall give evidence at such hearing or otherwise work against the will of
15 Council in such matter. With the consent of the lawyer assigned to represent the
16 Region at an OMB/LPAT hearing, a member of Council who is in support of the
17 Council instructions to such lawyer, may give evidence at an OMB/LPAT hearing.
18 Notwithstanding the above, if the OMB/LPAT has decided to mediate a dispute
19 between parties in a matter, any member of Council may offer his or her services
20 to assist with such mediation regardless of his or her position in the matter and
21 participate, if approved by the OMB/LPAT mediator.

22

23 **Commentary**

24

25 *Examples of prohibited conduct are the use of one's status as a Member of Council to*
26 *improperly influence the decision of another person to the private advantage of oneself,*
27 *or one's Family Member, or friends. This would include attempts to secure preferential*
28 *treatment beyond activities in which Members normally engage on behalf of their*
29 *constituents as part of their official duties. Also prohibited is the holding out of the*
30 *prospect or promise of a future advantage through a Member's supposed influence*
31 *within Council in return for present actions or inaction.*

32 *Contact with members of tribunals appointed by Council on any case might be viewed*
33 *as attempts to intimidate the tribunal member. Generally, members of Council should*
34 *not take part in the proceedings of any other tribunal where the Region is a party unless*
35 *such participation is approved by the Integrity Commissioner*

- 36
- 37 4. Pursuant to corporate policy, the Chief Administrative Officer directs Regional
38 Commissioners, who in turn direct Regional staff. Regional Council and not
39 individual Members of Council appropriately give direction to the Regional
40 administration.

1 **Rule No. 8**

2 **Business Relations:**

- 3 1. No Member shall allow the prospect of his/her future employment by a person or
4 entity to affect the performance of his/her duties to the Region, detrimentally or
5 otherwise.
6
- 7 2. No Member shall borrow money from any person who regularly does business
8 with the Region unless such person is an institution or company whose shares
9 are publicly traded and who is regularly in the business of lending money, such
10 as a credit union.
11
- 12 3. No Member shall act as a paid agent before Council or a committee of Council
13 or any agency, board or committee of the Region.
14
- 15 4. No Member shall refer a third party to a person, partnership or corporation in
16 exchange for payment or other personal benefit.

17 **Rule No. 9**

18 **Member Conduct**

19 Conduct at Council and Committee Meetings:

20

21 1. Members shall conduct themselves at Council and committee meetings with
22 decorum in accordance with the provisions of the *Regional Council Procedure*
23 *By-law*.

24

25 2. Members shall endeavour to conduct and convey Council business and all their
26 duties in an open and transparent manner (other than for those decisions which by
27 virtue of legislation are authorized to be dealt with in a confidential manner in closed
28 session), and in so doing, allow the public to view the process and rationale which
29 was used to reach decisions and the reasons for taking certain actions.

30

31 Commentary

32 *Members recognize the importance of cooperation and strive to create an atmosphere*
33 *during Council and committee meetings that is conducive to solving the issues before*
34 *Council, listening to various points of view and using respectful language and behaviour*
35 *in relation to all of those in attendance.*

36

37 *Various statutes, the Regional Council Procedure By-law and decisions by courts and*
38 *quasi-judicial tribunals and the Information and Privacy Commission, establish when*
39 *Regional Council can discuss issues in closed session. Transparency requires that*
40 *Council apply these rules narrowly so as to best ensure that decisions are held in public*
41 *session as often as possible.*

42

43 *Unless prohibited by law, Members should clearly identify to the public how a decision*
44 *was reached and the rationale for so doing.*

45

46 3. Members shall make every effort to participate diligently in the activities of the
47 committees, agencies, boards, commissions and advisory committees to which
48 they are appointed by the Region or by virtue of being an elected official.

49

50 Commentary

51

52 *Individual Members are appointed to committees, agencies, boards and commissions*
53 *based on their various backgrounds and their ability to contribute to matters before them,*
54 *bringing their expertise and experience. Members shall not be absent from Council or*
55 *committee meetings, or from those of agencies, boards and commissions to which they*
56 *are appointed without reasonable justification (for example, illness of the Member, family*
57 *circumstance, lower tier Council business) for more than three consecutive scheduled*
58 *meetings or on a regular basis.*

59

60 4. Members shall conduct themselves with appropriate decorum at all times.

61

62

63 Commentary

64

65 *As leaders in the community, Members are held to a higher standard of behaviour and*
66 *conduct, and accordingly their behaviour should be exemplary.*

1 **Rule No. 10**

2
3 **Media Communications:**
4

- 5 1. Members of Council will accurately communicate the decisions of Council,
6 even if they disagree with the majority decision of Council, and by so doing
7 affirm the respect for and integrity in the decision-making processes of
8 Council.
9
- 10 2. Members of Council will keep confidential information confidential, until such time
11 as the matter can properly be made public.
12
- 13 3. In all media communications, including social media, members will treat each other,
14 staff and members of the public with decorum, dignity and respect, and shall avoid
15 messaging that amounts to abuse, bullying or intimidation.
16

17 **Commentary**
18

19 *A Member may state that he/she did not support a decision, or voted against the decision.*
20 *A Member should refrain from making disparaging comments about other Members of*
21 *Council or about Council's processes and decisions.*
22

23 *When communicating with the media, a Member should at all times refrain from*
24 *speculating or reflecting upon the motives of other Members in respect of their actions as*
25 *a Member of Council.*
26

27 *While openness in government is critical, governments also must respect confidentiality*
28 *when a matter must remain, at least for a period of time, confidential. Breaches of*
29 *confidentiality by Members erodes public confidence.*
30

31 *While Members are encouraged to actively participate in vigorous debate, Members*
32 *should understand that they are part of a democratically-elected representative body and*
33 *should not engage in social media as if they are outsiders. In this regard, caution should*
34 *be exercised when blogging, posting, tweeting, re-posting and linking to posts using social*
35 *media, whether the member is using a personal account or a Regional account.*
36

37 *Members who post blogs should recognize that the Canadian Association of Journalists*
38 *has identified the ethical conflict faced by journalists holding elected public office. It is*
39 *recognized that there is an irreconcilable conflict in holding both roles.*
40

41 *While social media can be an excellent tool for communicating quickly with constituents*
42 *and sharing ideas and obtaining input, social media can breed incivility that generally is*
43 *avoided in face-to-face interactions. In a world where a transitory comment can become*
44 *part of the permanent record, Members should exercise restraint in reacting too quickly,*
45 *or promoting the social media posts of others whose views may be disparaging of*
46 *Council's decisions or another Member's perspectives.*

1 **Rule No. 11**

2
3 **Respect for Regional By-laws and Policies:**
4

- 5 1. Members shall encourage public respect for the Region and its by-laws.
6 2. Members shall adhere to such by-laws, policies and procedures adopted by
7 Council that are applicable to them.

8
9 **Commentary**
10

11 *A Councillor must not encourage disobedience of a Regional by-law in responding to*
12 *a member of the public, as this undermines confidence in the Region and in the Rule*
13 *of Law.*

14 *Members of Council are required to observe the policies and procedures established by*
15 *Regional Council at all times, and are directed to pay special attention to, and comply*
16 *strictly with, the Council Procedure By-law and Business Expense Accounts – Members*
17 *of Council policy (F30-02). In exceptional circumstances, a Member may request Council*
18 *grant an exemption from any policy.*

19
20
21 **Rule No. 12**

22
23 **Respectful Workplace:**
24

- 25 1. All Members have a duty to treat members of the public, one another and staff
26 appropriately and without abuse, bullying or intimidation and to ensure that their
27 work environment is free from discrimination and harassment.
28
29 2. All complaints received involving members of Council shall be referred to the
30 Integrity Commissioner for processing in accordance with the *Council Code of*
31 *Conduct Complaints Protocol.*
32
33 3. The *Ontario Human Rights Code* also applies to Regional Council Members.

34
35 **Commentary**
36

37 *It is the policy of the Region of Peel that all persons be treated fairly in the workplace*
38 *in an environment free of discrimination or personal and sexual harassment.*
39
40
41
42
43
44

1 **Rule No. 13**

2
3 **Conduct Respecting Staff:**
4

- 5 1. No Member shall compel staff to engage in partisan political activities or be
6 subjected to threats or discrimination for refusing to engage in such activities.
7
8 2. No Member shall use, or attempt to use, their authority for the purpose of
9 intimidating, threatening, coercing, commanding or influencing any staff
10 member with the intent of interfering in staff's duties, including the duty to
11 disclose improper activity.
12
13 3. Members shall be respectful of the role of staff to advise based on political
14 neutrality and objectivity and without undue influence from any individual Member
15 or faction of the Council.
16
17 4. No Member shall maliciously or falsely impugn or injure the professional or ethical
18 reputation or the prospects or practice of staff, and all Members shall show respect
19 for the professional capacities of the staff of the Region.
20

21 **Commentary**

22 *Under the direction of the Chief Administrative Officer, staff serve the Council as a*
23 *whole, and the combined interests of all Members as evidenced through the decisions*
24 *of Council. Only Council as a whole has the authority to approve budget, policy,*
25 *committee processes and other matters.*

26
27 *Accordingly, Members shall direct requests outside of Council-approved budget,*
28 *process or policy directly to Council.*

29
30 *In practical terms, there are distinct and specialized roles carried out by Council as a*
31 *whole and by Councillors when performing their other roles. The key requirements of*
32 *these roles include dealing with constituents and the general public, participating as*
33 *Council committee members and chairs, and participating as Council representatives*
34 *on agencies, boards, commissions and other bodies. Similarly, there are distinct and*
35 *specialized roles expected of Regional staff in both the carrying out of their*
36 *responsibilities and in dealing with the Council. Staff are expected to provide*
37 *information to Members that they are entitled to.*

38
39 *Regional staff are accountable to the Chief Administrative Officer who is accountable to*
40 *Regional Council. Sometimes the line between staff duties and activities that are political*
41 *in nature is not clear. Members of Council must respect the difference between the two*
42 *in making requests of staff.*

43
44 *Members of Council should expect a high quality of advice from staff based on political*
45 *neutrality and objectivity irrespective of party politics, the loyalty of persons in power, or*
46 *their personal opinions.*
47

1 *Staff and Members of Council are all entitled to be treated with respect and dignity in*
2 *the workplace.*

3 *It is inappropriate for a Member to attempt to influence staff to circumvent normal*
4 *processes in a matter, or overlook deficiencies in a file or application. It is also*
5 *inappropriate for Members to involve themselves in matters of administration or*
6 *departmental management which fall within the jurisdiction of the Chief Administrative*
7 *Officer. Any such attempts should be reported to the Integrity Commissioner.*

8
9 **Rule No. 14**

10
11 **Employment of Council Relatives/Family Members:**
12

- 13 1. No Member shall attempt to influence the outcome, or to influence any Regional
14 employee to hire or promote a Family Member.
- 15
16 2. No Members shall make any decision or participate in the process to hire,
17 transfer, promote, demote, discipline or terminate any Family Member.
- 18
19 3. No Member shall supervise a Family Member, or be placed in a position of
20 influence over a Family Member.
- 21
22 4. No Member shall attempt to use a family relationship for his or her personal
23 benefit or gain.
- 24
25 5. Every Member shall adhere to the Region's Employment of Relatives policy (HR05-
26 01).

27
28 **Commentary**
29

30 If a Family Member of a Councillor is an applicant for employment with the Region or
31 is a candidate for promotion or transfer, the Family Member will proceed through the
32 usual selection process pursuant to the Region's hiring policies, with no special
33 consideration.

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Rule No. 15

Not Undermine, Work Against Council's Decisions:

1. Members of Council shall not actively undermine the implementation of Council's decisions.

Commentary

The role of elected officials, once a council decision is made, is to support the implementation of that decision, not to work against its implementation, publicly or behind the scenes. Council decisions are arrived at following discussion and debate, reflecting the democratic process. Members are expected to engage in debate with their fellow council members through the democratic process of government. However, once Council has made its decision, Members must recognize that decision as the duly-considered decision of the body of Council. As members of that body of Council, individual members – those who did not agree with the decision - are not to engage in activities that seek to challenge or undermine that decision.

Members can express disagreement with Council's decisions, but it is contrary to the ethical behaviour of members of Council to actively seek to undermine, challenge or work against Council's decisions.

2. Members of Council shall not engage in litigation or other legal challenges against the municipality or Council's decisions. Despite this provision

- a. Members may pursue a complaint or request for investigation under any of the oversight, transparency and accountability mechanisms provided under Part V.1 and under section 239 of the *Municipal Act*;
- b. Members may pursue a complaint or request for investigation under a statutory scheme dealing with access to information, the protection of privacy, or the protection of human rights;
- c. Members are not restricted from participating in litigation or other legal challenges if they are uniquely impacted by the decision, such as when Council has imposed a penalty or reprimand following a report of the integrity commissioner;
- d. Members are not restricted from participating in litigation or other legal challenges if they did not participate, and were not entitled to participate, in the deliberations and respective decision of Council, or in regard to which the City has made a decision in regard to their interests, in circumstances where they are uniquely impacted by the decision.

Commentary

Members who were not entitled to participate in /council's original decision, as would be the case if they had recused themselves because they had a disqualifying interest

1 *because they were uniquely impacted (such as in regard to an application to develop their*
2 *personal residence), are not subsequently restricted from advocating on their own behalf*
3 *in the proper forum. The same is true with respect to decisions made by City staff within*
4 *their delegated or operating authority (such in respect of the issuance of a permit for an*
5 *addition on their personal residence).*

- 6
- 7 e. Members may seek to have a Council decision reconsidered in accordance with
- 8 Council's Procedure By-law
- 9

10 Commentary

11

12 *When members are allowed to participate in activities to challenge Council's properly*
13 *considered decisions, such as legal challenges or other forms of litigation, this is contrary*
14 *to the interests of the municipality as determined by the decision of the democratically*
15 *elected governing body, Council. It can create challenges to staff as to when and how*
16 *much information can be provided to Council (legal advice for example) because of the*
17 *presence of a legal challenge, which may benefit by 'insider knowledge'.*

18

19

20

21

22

1 **Rule No. 16**

2
3 **Reprisals and Obstruction:**
4

- 5 1. It is a violation of the *Code of Conduct* to obstruct the Integrity Commissioner
6 in the carrying out of his/her responsibilities.
7
8 2. No Member shall threaten or undertake any active reprisal against a person
9 initiating an inquiry or complaint under the *Code of Conduct*, or against a person
10 who provides information to the Integrity Commissioner in any investigation.
11
12 3. It is a violation of the *Code of Conduct* to destroy documents or erase
13 electronic communications or refuse to respond to the Integrity Commissioner
14 where a formal complaint has been lodged under the *Code of Conduct*.
15

16 **Rule No. 17**

17
18 **Acting on Advice of Integrity Commissioner:**
19

- 20 1. Any written advice given by the Integrity Commissioner to a Member binds the
21 Integrity Commissioner in any subsequent consideration of the conduct of the
22 Member in the same matter, as long as all the relevant facts were disclosed to the
23 Integrity Commissioner, and the Member adhered to the advice given.
24
25

26 **Rule No. 18**

27
28 **Implementation:**
29

- 30 1. Members are expected to formally and informally review their adherence to the
31 Code on a regular basis or when so requested by Council.
32 2. At the beginning of each term, Members will be expected to meet with the Integrity
33 Commissioner.
34

35 **Commentary:**
36
37

38 *Members are expected to understand the obligations on elected officials set out in this*
39 *Code of Conduct and are encouraged to contact the Integrity Commissioner for any*
40 *clarification required. A Code of Conduct component will be included as part of the*
41 *orientation for each new term of Council.*

April 2018

**COUNCIL CODE OF CONDUCT COMPLAINT
PROTOCOL**

PART A: INFORMAL COMPLAINT PROCEDURE

Any person or representative of an organization who has identified or witnessed behaviour or an activity by a member of Regional Council that they believe is in contravention of the *Regional Council Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that the behaviour or activity contravenes the Code;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE:

Initial Complaint

1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the “complaint”) shall be sent directly to the Integrity Commissioner by mail, courier, email or personal delivery substantially in the form attached to this Protocol as Schedule “A”.
- (2) All complaints shall be submitted by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code.

1 The complaint should include the name of the member, the provision of
2 the Code allegedly contravened, facts constituting the alleged
3 contravention, the names and contact information of witnesses, and
4 contact information for the complainant during normal business hours.

5
6 (4) Election Blackout Period:

7
8 No investigation shall be commenced or continued, nor shall the Integrity
9 Commissioner report to Council respecting an investigation, within the
10 election period described within s.223.4 and 223.4.1 of the *Municipal Act*,
11 except as described in those sections.

12
13
14
15
16 **Classification by Integrity Commissioner**

- 17
18 2. (1) Upon receipt of the request, the Integrity Commissioner shall make an initial
19 classification to determine if the matter is, on its face, a complaint with
20 respect to non-compliance with the Code and not covered by other
21 legislation, a complaint with respect to the *Municipal Conflict of Interest Act*
22 or other relevant Council policies.
- 23
24 (2) If the complaint, on its face, is not a complaint with respect to non-
25 compliance with the Code or another Council policy governing ethical
26 behaviour or the *Municipal Conflict of Interest Act*, or if the complaint is
27 covered by other legislation, the Integrity Commissioner shall advise the
28 complainant in writing as follows:
- 29
- 30 (a) if the complaint on its face is an allegation of a criminal nature
31 consistent with the *Criminal Code of Canada*, the complainant
32 shall be advised that if the complainant wishes to pursue any
33 such allegation, the complainant must pursue it with the
34 appropriate police force;
 - 35
36 (b) if the complaint on its face is with respect to non-compliance with
37 the *Municipal Freedom of Information and Protection of Privacy*
38 *Act*, the complainant shall be advised that the matter will be
39 referred for review to the Regional Clerk; and
 - 40
41 (c) the complainant shall be advised that the matter, or part of the
42 matter, is not within the jurisdiction of the Integrity Commissioner
43 to process, with any additional reasons and referrals as the
44 Integrity Commissioner considers appropriate. The Integrity
45 Commissioner may proceed with that part of the complaint that
46 is within jurisdiction.

- 1
- 2 (3) The Integrity Commissioner may assist the complainant in restating,
- 3 narrowing or clarifying the complaint so that the public interest will be
- 4 best served were the complaint to be pursued.
- 5
- 6 (4) The Integrity Commissioner may report to Council that a specific
- 7 complaint is not within the jurisdiction of the Integrity Commissioner.
- 8
- 9 (5) The Integrity Commissioner shall report annually to Council on
- 10 complaints not within the jurisdiction of the Integrity Commissioner, but,
- 11 where possible, shall not disclose information that could identify a
- 12 person concerned.

13 Investigation

- 14
- 15
- 16 3. (1) The Integrity Commissioner is responsible for performing the duties set out
- 17 in this Protocol independently and shall report directly to Council in respect
- 18 of all such matters. In applying this Protocol, the Integrity Commissioner
- 19 shall retain the discretion to conduct investigations applying the principles
- 20 of procedural fairness, and any deviation from the provisions of this
- 21 Protocol for that purpose shall not invalidate the investigation or result in
- 22 the Integrity Commissioner losing jurisdiction.
- 23
- 24 (2) If the Integrity Commissioner is of the opinion that a complaint is frivolous,
- 25 vexatious or not made in good faith, or that there are no grounds or
- 26 insufficient grounds for an investigation, or that the pursuit of the
- 27 investigation would not, in the opinion of the Integrity Commissioner be in
- 28 the public interest, the Integrity Commissioner shall not conduct an
- 29 investigation, or, where that becomes apparent in the course of an
- 30 investigation, terminate the investigation.
- 31
- 32 (3) The Integrity Commissioner shall file an annual report to Regional Council
- 33 respecting the advice, education and investigations carried out in the
- 34 previous year, and developments or recommendations of significance
- 35 related to the role of the Integrity Commissioner. Other than in exceptional
- 36 circumstances, the Integrity Commissioner will not report to Council on any
- 37 complaint described in subsection (2) except as part of an annual or other
- 38 periodic report.
- 39
- 40 (4) Where the Integrity Commissioner rejects or terminates an investigation
- 41 pursuant to this section, reasons shall be provided.
- 42
- 43 4. (1) If a complaint has been classified as being within the Integrity
- 44 Commissioner's jurisdiction and not rejected under section 3, the
- 45 Commissioner shall investigate and may attempt to settle the complaint.
- 46 (2) The Integrity Commissioner may in exceptional circumstances elect to
- 47 exercise the powers of a Commission under Parts I and II of the *Public*

1 *Inquiries Act*, as contemplated by Subsection 223.4(2) of the Act.
 2

- 3 (3) If the Integrity Commissioner elects to conduct an inquiry under the Public
 4 Inquiries Act, he/she shall report to Council before proceeding, setting out
 5 the reasons for the investigation, and providing an estimate of the expected
 6 cost and time that the investigation will require, and providing an opportunity
 7 for Council to respond to the reasonableness of the expenditure of public
 8 funds for the purpose of such Commission.
 9
- 10 (4) When the *Public Inquiries Act* applies to an investigation of a complaint, the
 11 Integrity Commissioner shall comply with the procedures specified in that
 12 Act and this Complaint Protocol, but, if there is a conflict between a provision
 13 of the Complaint Protocol and a provision of the *Public Inquiries Act*, the
 14 provision of the *Public Inquiries Act* prevails.
 15
- 16 5. (1) The Integrity Commissioner will proceed as follows, except where
 17 otherwise required by the *Public Inquiries Act* and/or in the context of a
 18 particular situation, the principles of procedural fairness:
 19
- 20 (a) provide the complaint and supporting material to the member whose
 21 conduct is in question and provide the member with a reasonable
 22 opportunity to respond.
 23
- 24 (2) Except where the Integrity Commissioner determines that it is not in the
 25 public interest to do so, the name of the complainant shall be provided as
 26 part of the complaint documents.
 27
- 28 (3) If necessary, after reviewing the written materials, the Integrity
 29 Commissioner may speak to anyone relevant to the complaint, access and
 30 examine any of the information described in subsections 223.4(3) and (4)
 31 of the *Municipal Act*, and may enter any Regional work location relevant to
 32 the complaint for the purposes of investigation and settlement.
 33
- 34 (4) The Integrity Commissioner shall not issue a report finding a violation of the
 35 Code of Conduct on the part of any member unless the member has had
 36 reasonable notice of the basis for and an opportunity to comment on the
 37 proposed findings.
 38
- 39 (5) The Integrity Commissioner may make interim reports to Council where
 40 necessary and as required to address any instances of interference,
 41 obstruction or retaliation encountered during the investigation.
 42
- 43 6. (1) The Integrity Commissioner shall report to the complainant and the member
 44 generally no later than 90 days after the making of the complaint.
 45
- 46 (2) Where the complaint is sustained in whole or in part, the Integrity
 47 Commissioner shall also report to Council outlining the findings, the terms
 48 of any settlement, or recommended corrective action.

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- (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
 - (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
8. The Regional Clerk shall process the report for the next meeting of Council.

Council Review

9. (1) Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- (2) In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the *Municipal Act*, but shall not refer the recommendation other than back to the Integrity Commissioner.
 - (3) Council can terminate the Integrity Commissioner only by a two-thirds vote of all members.
 - (4) Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:
 - (a) a reprimand; or
 - (b) suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days,

1 and may also take the following actions:
2

- 3 (c) removal from membership of a committee;
- 4 (d) removal as chair of a committee;
- 5 (e) repayment or reimbursement of monies received;
- 6 (f) return of property or reimbursement of its value;

7 **Confidentiality**
8

- 9 10. (1) A complaint will be processed in compliance with the confidentiality
10 requirements in sections 223.5 and 223.6 of the *Municipal Act*, which
11 are summarized in the following subsections.
12
- 13 (2) The Integrity Commissioner and every person acting under her or his
14 instructions shall preserve secrecy with respect to all matters that come to
15 his or her knowledge in the course of any investigation except as required
16 by law in a criminal proceeding.
17
- 18 (3) All reports from the Integrity Commissioner to Council will be made
19 available to the public.
20
- 21 (4) Any references by the Integrity Commissioner in an annual or other
22 periodic report to a complaint or an investigation shall not disclose
23 confidential information that could identify a person concerned.
24
- 25 (5) The Integrity Commissioner in a report to Council on whether a member
26 has violated the Code of Conduct shall only disclose such matters as in the
27 Integrity Commissioner's opinion are necessary for the purposes of the
28 report.

Schedule
"A"
Complaint

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I _____ hereby request the Integrity Commissioner for the the Region of Peel to conduct an inquiry about whether or not the following member(s) of the Regional Council has contravened the Council Code of Conduct or the *Municipal Conflict of Interest Act*:

I have reasonable and probable grounds to believe that the above member(s) has contravened the Council Code of Conduct and/or the *Municipal Conflict of Interest Act* by reason of the following (please include date, time and location of conduct, the Rules contravened, and particulars, including names of all persons involved, and of all witnesses, and information as to how they can be reached, (attach additional pages as needed):

I hereby request the Integrity Commissioner to conduct an inquiry with respect to the above conduct. Attached are copies of documents and records relevant to the requested inquiry.

Date: _____ Signature: _____

Name:

Address:

Email:

Phone:

Email completed Complaint to Principles *Integrity* at: postoffice@principlesintegrity.org

For Information

DATE: August 13, 2019

REPORT TITLE: **DESIGNATED ENHANCED VOTING MEMBER**

FROM: Catherine Matheson, Commissioner of Corporate Services

OBJECTIVE

To provide information on the option of adopting a designated enhanced voting model for the City of Mississauga members, as requested at the May 16, 2019 Regional Council Policies and Procedures Committee meeting.

REPORT HIGHLIGHTS

- Section 268 (1) of the *Municipal Act, 2001*, as amended (the “Act”) allows a local municipality to appoint one of its members as an alternate member of the upper-tier council to act in place of a member when a member is unable to attend a meeting of the upper-tier council for any reason.
- All City of Mississauga Council members sit on Regional Council and accordingly cannot appoint an alternate member.
- Section 218 (3) of the Act authorizes an upper-tier municipality to change the number of votes given to any member, but each member shall have at least one vote.
- Section 218 (3) of the Act allows for Regional Council to change the number of votes given to a designated enhanced voting member when one of the City of Mississauga members is going to be absent from a Regional Council meeting and gives appropriate notice of such absence to the Regional Clerk.
- The designated enhanced voting member would have two votes such that in the absence of a member from Mississauga and upon appropriate notice, Mississauga members would collectively maintain their voting weight in a manner comparable to the mechanism for the appointment of alternate members of Brampton and Caledon.
- Should Council choose to approve the designated enhanced voting member model, the Procedure By-law will be amended and presented for enactment.

DISCUSSION

1. Background

Under the *Regional Municipality of Peel Act, 2005*, and by-laws passed pursuant to it, Regional Council is comprised of 25 members, including:

4.1-2

DESIGNATED ENHANCED VOTING MEMBER

- a) A Regional Chair who is appointed,
- b) 7 members representing the City of Brampton, comprised of the head of council, 5 directly elected members and 1 member that is appointed to Regional Council by the local municipal council,
- c) 5 members representing the Town of Caledon, comprised of the head of council and 4 directly elected members, and
- d) 12 members representing the City of Mississauga, comprised of the head of council and 11 directly elected members.

Alternate Members:

Section 268 (1) of the *Municipal Act, 2001*, as amended (the "Act") allows a local municipality to appoint one of its members as an alternate member of the upper-tier council to act in place of a member when a member is unable to attend a meeting of the upper-tier council for any reason.

2. Options for voting at Regional Council Meetings

The City of Brampton has an 11 member local council of which 7 members sit on Regional Council. The City of Brampton has appointed Councillor Harkirat Singh as its alternate member. The City has 7 votes on Regional Council and if one of its Regional Councillors is unable to attend, the alternate member may attend and maintain Brampton's collective 7 votes on Regional Council. If both the alternate and regular member are unable to attend the Regional Council voting weight is reduced to 6, as it cannot send a second alternate.

The Town of Caledon has a 9 member local council of which 5 members sit on Regional Council. The Town has appointed Councillor Christina Early as its alternate member. The Town too can send its alternate member in place of an absent regular member and its voting weight of 5 votes is retained. If both members are absent, the Town's collective voting weight reduces to 4 votes.

The City of Mississauga has a 12 member local council and all of its 12 members sit on Regional Council. Mississauga therefore does not have any additional members to draw on to serve as an alternate member. The City has 12 votes on Regional Council and if one of its members is absent, the City's collective voting weight reduces by one vote.

The spirit of Section 268 (1) of the Act is to enable local municipalities to appoint alternate members when its regular member is unable to attend. This is not possible in the case of Mississauga and the designated enhanced voting member procedure proposed in this report has been identified as a means to address this circumstance.

A recent review of the 6 regional governments demonstrates that the Regional Municipality of Peel is the only regional government where a lower tier municipality has all of its local members sitting as Regional Councillors and therefore, does not have an alternate member to draw upon.

DESIGNATED ENHANCED VOTING MEMBER**Designated Enhanced Voting Member:**

Section 243 of the Act states that “except as otherwise provided, every member of council shall have one vote.”


Section 218 (3) of the Act authorizes an upper-tier municipality to change the number of votes given to any member, but each member shall have at least one vote. The section allows for Regional Council to change the number of votes given to a designated enhanced voting member when one of the City of Mississauga members is going to be absent and gives appropriate notice of such absence to the Regional Clerk.

The City of Mississauga would designate one member of its local council to act as a “Designated Enhanced Voting Member”. This member would have the ability to cast 2 votes at Regional Council meetings only (their own vote and one additional vote). The application of the designated enhanced voting member model would follow the same rules as govern the appointment of alternate members by the City of Brampton and Town of Caledon in that:

- a) The member must be predetermined and appointed by the Council of the City of Mississauga for the duration of the term of Council or until another member is appointed to take their place for the duration of the term,
- b) The designation only applies to absences from Regional Council meetings,
- c) The designated enhanced voting member’s voting power will be maintained throughout the meeting, meaning the member will have 2 votes on all items on the agenda in respect of which the member casts a vote,
- d) The designated enhanced voting member may only substitute for one absent member,
- e) If both the designated enhanced voting member and the regular voting member are away for the same meeting, another member cannot be appointed to sit in their place,
- f) If the regular voting member arrives to attend the council meeting before the meeting starts, the designated enhanced voting member will revert back to having one vote only,
- g) A regular voting member cannot replace the designated voting member after the council meeting has started,
- h) A City of Mississauga Councillor who is unable to attend a council meeting will simultaneously notify (in writing) the City Clerk, the Regional Clerk, the Regional Chair and Designated Enhanced Voting Member, as soon as possible, before the scheduled commencement of a Region of Peel Council meeting,
- i) The designated enhanced voting member will only carry one vote on council when all City of Mississauga members are present,
- j) The designated enhanced voting member will count as one member for quorum purposes, and
- k) The designated enhanced voting member will not receive any additional remuneration from the Region of Peel.

DESIGNATED ENHANCED VOTING MEMBER**CONCLUSION**

To remedy an inequity arising from the unavailability to the City of Mississauga of the alternate member appointment mechanism provided by Section 268 (1) of the Act, it is proposed to utilize Regional Council's authority under Section 218 (3) of the Act to increase the number of votes of one member of Mississauga Council designated by Mississauga Council from one to two in certain circumstances pertaining to an absence at Regional Council of a member (other than the designated member) from Mississauga.



Catherine Matheson, Commissioner of Corporate Services

Approved for Submission:

N. Polsinelli, Interim Chief Administrative Officer

For further information regarding this report, please contact Kathryn Lockyer, Regional Clerk and Director of Legal Services, ext. 4325, kathryn.lockyer@peelregion.ca.

Authored By: Tim Ivanyshyn, Legislative Specialist, Clerk's Division

*Reviewed in workflow by:
Legal Services*

DATE: August 23, 2019

REPORT TITLE: **AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

FROM: Catherine Matheson, Commissioner of Corporate Services

RECOMMENDATION

That the proposed revisions to the Region of Peel Procedure By-law 9-2018, as generally outlined in the report of the Commissioner of Corporate Services titled “Amendments to the Region of Peel Procedure By-law 9-2018”, be approved;

And further, that Region of Peel Procedure By-law 9-2018, and its amending By-law 52-2018, be repealed;

And further, that the necessary by-law to amend the Procedure By-law be presented for enactment.

REPORT HIGHLIGHTS

- The current Procedure By-law 9-2018 (the “By-law”) was enacted on February 8, 2018 and amended by By-law 52-2018 on September 13, 2018.
- Subsequent to the last amendment, Council approved the following policy and procedure changes, necessitating further amendments to the By-law:
 - The establishment of a fifth section, Planning and Growth Management, to be added to the Regular Council meeting agenda;
 - A policy to address Council Member absences due to pregnancy and parental leave; and,
 - A process to establish a registry of Council Member declarations of interest.
- On April 11, 2019, Council approved a recommendation from the Policies and Procedures Committee to provide information regarding potential By-law revisions to accommodate Regional Council's consideration of *Planning Act* applications.
- A review of the By-law was undertaken by staff to accommodate the above recommendations and to also incorporate revisions with respect to: announcements; staff presentations; appointment of alternate members; and, to provide administrative/housekeeping updates.
- An amending by-law, outlining all required and proposed revisions, is included as Appendix I.
- The existence of previous amendments and the extent of changes now proposed make it preferable to repeal By-laws 9-2018 and 52-2018 and enact a new Procedure By-law.

AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018

DISCUSSION

1. Background

The Region of Peel Procedure By-law 9-2018 (the “By-law”) governs the calling, place and proceedings of the meetings of Council and its committees. Procedure By-law 9-2018 was enacted on February 8, 2018 and amended by By-law 52-2018 on September 13, 2018.

Subsequent to the last amendment, Council approved the following policy and procedure changes, necessitating further amendments to the By-law:

- The establishment of a fifth section, Planning and Growth Management, to be added to the Regular Council meeting agenda;
- A policy to address Council Member absences due to pregnancy and parental leave (required by the enactment of Bill 68, the *Modernizing Ontario’s Municipal Legislation Act, 2017*); and,
- A process to establish a registry of Council Member declarations of interest (also required by the enactment of Bill 68).

On April 11, 2019, Council approved a recommendation from the Policies and Procedures Committee to provide information regarding potential By-law revisions with respect to procedures that may be required to accommodate Regional Council’s consideration of *Planning Act* applications.

A review of the By-law was undertaken by staff to accommodate the above recommendations and to also incorporate revisions with respect to: announcements; staff presentations; appointment of alternate members; and, to provide administrative/housekeeping updates.

Proposed revisions are outlined below and included in the draft amending by-law included as Appendix I to this report.

2. Procedure By-law Amendments

a) Planning and Growth Management Council Agenda Section

On December 13, 2018, by Resolution No. 2018-869, Regional Council approved the establishment of a fifth section, Planning and Growth Management, to be added as a Regional Council Section heading on the Council agenda. Therefore, section 1.2.7 of the Procedure By-law is to be replaced with the following.

- 1.2.7 “Council Section” means the portion of the agenda under which reports and correspondence are grouped, and shall include but not necessarily be limited to Enterprise Programs and Services, Public Works, Health, Human Services, and Planning and Growth Management but shall not include those matters to be considered In Camera.

AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018

b) Revisions Resulting from Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017* – In Force March 1, 2019

The following revisions are required as a result of amendments to the *Municipal Act, 2001*, that came into force on March 1, 2019 through the enactment of Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*.

Absences Due to Pregnancy and Parental Leave

On February 28, 2019, by Resolution No. 2019-187, Regional Council approved that a new section "Pregnancy and Parental Leave – Members of Council", be added to policy HR 10-08 "Remuneration of Council Members". Therefore, the following sections are to be added to the Procedure By-law:

- 5.3.5 i) The office of a Member of Council shall not become vacant, and no resolution of Council is required, if a member is absent for twenty (20) consecutive weeks or less and the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member in accordance with Subsection 259(1.1) of the *Municipal Act, 2001, as amended*, and Section D of the Region of Peel Policy HR10-08 ("Parental Leave").
- 5.3.5 ii) A Member of Council on pregnancy or parental leave reserves the right to participate as a Member at any time during their leave.
- 5.3.5 iii) The Member shall provide advance written notice to the Regional Clerk and the Director, Human Resources outlining the expected duration of leave including the start date and the expected return date; information about which duties, if any, will continue to be undertaken by the Member of Council; and, indicate the Member(s) of Council whom he/she recommends Council appoint as a Member of any Committee(s) on which the Regional Councillor sits.

Registry of Declarations of Interest

On February 28, 2019, by Resolution No. 2019-188, Regional Council approved that a Declaration of Interest form be approved for use by Council Members when disclosing an interest at a meeting. Completed forms will be published on the Region of Peel web page which shall be made available for public inspection. Therefore, the following sections are to be added to the Procedure By-law:

- 5.12.2 Members of Regional Council and Regional Council Committees shall file a written statement of the declaration of conflict of interest and its general nature with the Regional Clerk, Deputy Clerk, Committee Clerk or the Secretary of the committee or local board.
- 5.12.3 A copy of each statement of declaration of conflict of interest shall be made available, in the form of a Registry, for public inspection on the Region of Peel web site in the manner and during the time that the Regional Clerk may determine.

AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018

c) Consideration of *Planning Act, R.S.O. 1990* Applications

On April 11, 2019, by Resolution No. 2019-308, Regional Council approved a recommendation from the Regional Council Policies and Procedures Committee that:

Staff be directed to include information regarding meeting processes and rules of procedure, with respect to Regional Council's consideration of applications under the *Planning Act, R.S.O. 1990*, in the Procedure By-law review report to be brought forward to a future Committee meeting.

The committee noted that the quasi-judicial process should be reviewed regarding consideration of *Planning Act* approvals, with respect to administrative law and fairness, public notice, and the involvement of all parties.

The Region has a Planning Advisory Committee which is legislated. The Terms of Reference for that committee are forthcoming to Council as per Council's direction. From a procedure perspective, the rules around public information meetings are provided for in the *Planning Act*. The Procedure By-law contains an appendix (Appendix 3 to the By-law) regarding Public Meetings, included as Appendix II to this report.

d) Announcements

It is proposed that the "Announcements" section be removed from the Regional Council meeting agenda and that Sections 1.2.1 and 5.5 regarding "Announcements" be removed from the By-law as outlined in Appendix I. This section has not been used as it is currently written since it was included in the last revisions of the Procedure By-law.

e) Staff Presentations

In accordance with the recent Council meeting practice, it is proposed that staff presentations, with related reports, be moved from the various Council Agenda Sections and listed under a new section, titled "Staff Presentations", to be placed immediately after the "Delegations" section.

It is proposed that Section 5.1.5 of the Procedure By-law be replaced with the following:

5.1.5 The draft Council agenda shall be prepared with staff reports and communications grouped under such Regional Council Section headings as in the opinion of the Regional Clerk may seem appropriate. Staff presentations and related staff reports shall be grouped under the heading "Staff Presentations".

f) Alternate Members

As of January 1, 2018 Section 268 of the *Municipal Act, 2001* permits the council of a lower-tier municipality to appoint one of its members as an alternate member of the upper-tier council, to act in place of a person who is a member of the councils of both the lower-tier municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason. In Peel, this requirement is

AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018

applicable to the Councils of the City of Brampton and the Town of Caledon which consist of both City and Regional Councillors. The alternate member will have the same powers and duties as a regular member of Regional Council only during a Regional Council meeting.

The current process utilized to appoint alternate members from Brampton and Caledon is attached as Appendix III. It is recommended that this form be added to the Procedure By-law as Appendix 5.

It is also proposed that Section 1.2.17 of the Procedure By-law be replaced, with the following:

1.2.17 “member” means a Regional Councillor, or an alternate member appointed under Section 268 of the *Municipal Act, 2001* while in attendance at a Regional Council meeting (as outlined in Appendix V and subject to sections 5.3.5.i., ii. & iii.) and includes the Regional Chair, except that in respect of an advisory committee it shall also refer to committee members who are not members of Regional Council provided that any such committee member shall not have the right to designate another person or member of Council to attend and vote in that member’s absence, unless specifically permitted to do so by the Terms of Reference of said committee. (see section 2.3.7)

And further, that the following section be added to the By-law:

2.3.7 At no time shall an alternate member (as appointed by a lower-tier municipality under Section 268 of the *Municipal Act, 2001*, as amended) be appointed as an alternate Chair for the Region of Peel. If an alternate member is substituting for the Councillor who is the Acting Chair for that specified period, then the procedures outlined in Section 2.3.1 shall be followed)

g) Administrative/Housekeeping Amendments

It is proposed that the Procedure By-law be amended to also provide administrative/housekeeping updates as outlined in Appendix I to this report.

An amending by-law, outlining all required and proposed revisions, is included as Appendix I.

CONCLUSION

Approved policy and procedure changes, and the subsequent review of the Regional Procedure By-law 9-2018, has provided an opportunity to enhance the clarity of the By-law. The existence of previous amendments and the extent of changes now proposed make it preferable to repeal By-laws 9-2018 and 52-2018 and enact a new Procedure By-law.



Catherine Matheson, Commissioner of Corporate Services

AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

APPENDICES

Appendix I – Proposed Amending Procedure By-law

Appendix II – Procedure By-law Public Meeting Process

Appendix III – Alternate Member Process (Brampton/Caledon) 2018-2022

For further information regarding this report, please contact Kathryn Lockyer, Regional Clerk and Director of Legal Services, ext. 4325, kathryn.lockyer@peelregion.ca.

Authored By: Jill Jones, Legislative Specialist

**APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

Procedure By-law 9-2018 with Proposed Amendments

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER XX-2019

A by-law to govern the calling, place, and proceedings of the meetings of Council and its committees and the conduct of their members and to repeal By-laws 9-2018 and 52-2018.

WHEREAS the Council of the Regional Corporation has by Resolution on the ___ day of _____, 2019 authorized the passing of a by-law to govern the proceedings of Council and its committees pursuant to Section 238(2) of the *Municipal Act, S.O. 2001*, Chapter 25, as amended, and the *Regional Municipality of Peel Act, 2005*, S.O. 2005, Chapter 20;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

1. GENERAL

1.1 RULES OF PROCEDURE

1.1.1 Subject to the provisions of any applicable statutes, the calling, place and proceedings of meetings of Council and its committees and the conduct of their members, shall be governed by the rules and procedures contained in this by-law and the provisions of this by-law may be referred to as the "Rules of Procedure".

1.1.2 Where any matter related to the conduct of meetings is not expressly or by necessary implication provided for in this by-law, the rules of procedure as contained in Robert's Rules of Order shall be followed for governing the proceedings of Council and its committees and the conduct of ~~their~~its members.

1.1.3 The Rules of Procedure, with the exception of Appendix 4, may be suspended with respect to the consideration of one or more matters or questions during the course of a single meeting by a two-thirds vote. Such a motion shall identify the basis of the request for the suspension of rules.

1.1.4 Informal meetings of Council or committee may be called so long as there is not a quorum of Councillors present; the meeting does not materially advance the business or decision making of Council, the local board or committee; and, during

**APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

any such informal meetings, no motion may be presented and no resolution or by-law may be passed. A notice of motion may be added to the agenda for consideration at a subsequent formal meeting of Council or committee as the case may be.

1.2 DEFINITIONS

Remove ANNOUNCEMENTS

~~1.2.1 “announcements” means any announcement related to Regional programs and services to an event of interest to the general public, and shall not include a delegation. These are intended for the purpose of sharing information about a community or staff events, activities or functions and shall be sponsored by a Council member.~~

~~1.2.2~~ 1.2.1 “by-law” means an enactment of Council in writing described on its face as a by-law of The Regional Municipality of Peel, the original of which has been authenticated by the signatures of the Regional Chair and the Regional Clerk and ‘by-law’ may be used to refer to the written document presented to Council for enactment as a by-law where the context requires.

~~1.2.3~~ 1.2.2 “committee” means any advisory committee or other committee, subcommittee, task force or similar entity, of which at least 50 per cent of the committee members are members of Regional Council unless membership is otherwise provided for in the committee’s Terms of Reference. The members of the committee who are Regional Council members have the right to designate another member of Council, other than the Regional Chair, to attend and vote in that member’s absence.

~~1.2.4~~ 1.2.3 “Committee Chair” means the member of a committee that was elected to preside over the committee meetings by the members of the committee.

~~1.2.5~~ 1.2.4 “committee recommendation” means a recommendation passed by a committee that is presented for adoption as a resolution by Council.

~~1.2.6~~ 1.2.5 “committee report” means the minutes of a committee meeting containing any committee recommendations.

Move staff PRESENTATIONS

~~1.2.7~~ 1.2.6 “Council Section” means the portion of the agenda under which reports, and correspondence and presentations are grouped, and shall include but not necessarily be limited to Health, Human Services, Enterprise Programs and Services, and Public Works, and Planning and Growth

Add 5th COUNCIL SECTION

**APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

Management but shall not include those matters to be considered In Camera.

~~4.2.81.2.7~~ 4.2.91.2.7 "Council Section Chair" means the person elected to preside over a Council Section during a Council meeting.

~~4.2.91.2.8~~ 4.2.91.2.8 "delivery" or "agenda delivery" means the manner of distributing the agendas to Members of Council, and the Regional Chair including hand-delivery, distribution via courier, use of electronic means and/or e-mail not less than 48 hours prior to a Council or committee meeting.

~~4.2.101.2.9~~ 4.2.101.2.9 "eligible to vote" means having as a member the right to vote at a meeting. At a meeting of Council every member present, including the Section Chair, other than the Regional Chair, has the right to vote, except in the case of an equality of votes in which case the Regional Chair shall have a vote, and at any committee meeting every member present including the Presiding Officer and the Regional Chair has the right to vote.

~~4.2.111.2.10~~ 4.2.111.2.10 "ex-officio" means by virtue of the office or position. The Regional Chair is an ex-officio member of all committees who shall have the full voting privileges and be counted for quorum.

~~4.2.121.2.11~~ 4.2.121.2.11 "Inaugural Meeting" means the first meeting of Regional Council following a regular election.

~~4.2.131.2.12~~ 4.2.131.2.12 "In Camera" means that part of a meeting that is closed to the public, other than those persons specifically invited by the Regional Chair, Council or committee members to remain and may also be referred to as "Closed Session".

1.2.13 "Investigator" means the person or agency retained by The Regional Municipality of Peel to conduct closed session investigations or appeals.

1.2.14 "local board" means any board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of the municipality; excluding the police services board, school boards, public library boards, any other local board as may be prescribed, and conservation authorities.

~~4.2.141.2.15~~ 4.2.141.2.15 "majority vote" means more than half of the votes cast by the members who are present and eligible to vote.

~~4.2.151.2.16~~ 4.2.151.2.16 "meeting" includes any regular, special or other meeting of Council or committee where a quorum of members is present and members discuss or otherwise deal

APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018

with any matter in a way that materially advances the business or decision making of the council, local board or committee.

ALTERNATE MEMBER

~~4.2.16~~1.2.17 “member” means a Regional Councillor, or an alternate member appointed under Section 268 of the Municipal Act, 2001 while in attendance at a Regional Council meeting (as outlined in Appendix 5 and subject to sections 5.3.5.i., ii. & iii.) and includes the Regional Chair, except that in respect of an advisory committee it shall also refer to committee members who are not members of Regional Council provided that any such committee member shall not have the right to designate another person or member of Council to attend and vote in that member’s absence, unless specifically permitted to do so by the Terms of Reference of said committee. (see section 2.3.7)

~~4.2.17~~1.2.18 “Notice of Motion” means a motion provided by a member who shall be the owner of the motion to be brought forward at the next meeting and will be listed under the Notice of Motion section of a Council agenda.

~~4.2.18~~1.2.19 “motion” means a proposal by a member presented in a meeting in accordance with the Rules of Procedure, that Council resolve and effect a decision and includes a committee recommendation contained in a committee report.

~~4.2.19~~1.2.20 “other business” means new business or a matter not related to an item on the draft agenda pertinent to the business of the Region that may be of an urgent nature; require direction from Council or committee or report back to a future meeting of Council or committee.

~~4.2.20~~1.2.21 “Presiding Officer” means the Regional Chair or the Council Section Chair or the Committee Chair while they are presiding at a meeting, and such other person as may be authorized or appointed to preside at a meeting in their absence under the Rules of Procedure, or as provided in the committee’s Terms of Reference.

~~4.2.21~~1.2.22 “public meeting” means a public meeting under the *Municipal Act, 2001, as amended*, or the *Planning Act*, or any other statute that requires or permits Council to hold a public meeting, in accordance with Appendix 3 – Public Meetings.

~~4.2.22~~1.2.23 “quorum” means a majority of members representing all lower-tier municipalities at Council meetings or a majority of the total number of committee members or as provided in a committee’s Terms of Reference.

**APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

~~4.2.23~~1.2.24 “recorded vote” means a vote in which the votes of all members present for the vote are recorded showing the names, whether they voted in favour or opposed or abstained.

~~4.2.24~~1.2.25 “Region” and “Regional Corporation” means The Regional Municipality of Peel.

~~4.2.25~~1.2.26 “Regional Chair” means the head of Council.

~~4.2.26~~1.2.27 “Regional Clerk” and “Clerk” means the Clerk of the Region appointed under the *Municipal Act, 2001, as amended*, and shall include ~~thean~~ “~~Acting Regional Deputy Clerk~~” and any other employee of the Regional Corporation to whom the Regional Clerk has delegated any of the Clerk’s powers and duties under the *Municipal Act, 2001, as amended*, to the extent that they are authorized to perform any of the duties of the Clerk under this by-law.

~~4.2.27~~1.2.28 “resolution” means the decision on any motion passed or committee recommendation adopted in a meeting of Council.

~~4.2.28~~1.2.29 “special meeting” means a separate session of Council or committee held at a time different from that of any regular meeting; convened only to consider one or more items of business specified in the call of the meeting; and the reason for special meetings is to deal with matters that may arise between regular meetings; to dedicate an entire session to one or more particular matters; or to deal with a contentious item that could attract a significant number of delegation requests and discussions.

~~4.2.29~~1.2.30 “two-thirds vote” means at least two-thirds of the votes cast by members who are present and eligible to vote.

~~4.2.30~~1.2.31 “vacant” or “vacancy” means a vacant seat under the *Municipal Act, 2001, as amended*.

~~4.2.31~~1.2.32 “Vice-Chair” refers to the Vice-Chair of a Council Section or the Vice-Chair of a committee who upon election has the function of presiding over a meeting or portion of a meeting in the absence of the Council Section Chair or the Committee Chair.

1.2.33 “workshop” means a meeting of Council that may be conducted in accordance with section 5.10 of this by-law, intended for all members of Council, for the purpose of:

- a. receiving a briefing on municipal business;
- b. discussing emerging priorities and issues, including strategic planning; and/or
- c. training purposes.

**APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

2. REGIONAL CHAIR

2.1. GENERAL

- 2.1.1 The Regional Chair shall be appointed by Council at its Inaugural Meeting in accordance with the procedures as set out in Appendix 4 – Appointment of the Regional Chair. For the purpose of clarity, the Regional Chair appointed by the previous Council is not entitled to vote for the appointment of the Regional Chair at the Inaugural Meeting, under any circumstances.
- 2.1.2 It shall be the role of the Regional Chair to carry out the responsibilities set forth in the *Municipal Act, 2001, sections 225 and 226.1*, as amended from time to time, as well as the responsibilities outlined in this by-law.
- 2.1.3 The Regional Chair shall be an ex-officio member of all committees but shall not be counted in determining the size of the committees and shall have the full voting privileges and be counted for quorum.
- 2.1.4 The Regional Chair shall not be eligible to be a Council Section Chair or Vice-Chair but may preside in place of a Council Section Chair or Vice-Chair when both are absent from a meeting.
- 2.1.5 The Regional Chair shall not vote in a Council meeting except in the event of an equality of votes.

2.2. DUTIES

- 2.2.1 The Regional Chair shall be the Presiding Officer at meetings of Council and it shall be the duty of the Regional Chair:
- a. to call the members to order, call the roll, announce the business before Council and conduct the meeting in accordance with the Rules of Procedure;
 - b. to enforce the Rules of Procedure;
 - c. to preserve order and decide points of order;
 - d. to expel or exclude from any meeting any person who has been determined to be guilty of improper conduct at the meeting;
 - e. where it is not possible to maintain order, the Regional Chair may, without any motion being put, adjourn the meeting to a time to be named by the Regional Chair;
 - f. to authenticate by signature all by-laws, resolutions, and minutes of Council;
 - g. to call upon the Council Section Chair to preside over their respective Council section;

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- h. to receive and put to a vote all motions, resolutions and by-laws presented by the members of Council and to announce the result when this function is not performed by a Council Section Chair or Vice-Chair; and
- i. to preside over all in camera matters.

2.3. REGIONAL CHAIR ABSENT

- 2.3.1 During all absences of the Regional Chair, or if the Office of the Regional Chair becomes vacant, each member of Council in rotation is hereby appointed Acting Regional Chair from time to time in the place and stead of the Regional Chair during the calendar month for which that member is designated on the Acting Regional Chair list prepared by the Regional Clerk.
- 2.3.2 At the beginning of each term of Council the Regional Clerk shall prepare an Acting Regional Chair list designating each member, other than the Regional Chair, for each calendar month during the term by first listing the members who were members of Council during the immediately preceding term in alphabetical order, then followed by the newly elected members in alphabetical order, then followed by all members in alphabetical order as are needed to complete designations for each calendar month during the term.
- 2.3.3 Should any member be unable to carry out the duties of Acting Regional Chair during the month for which the member is designated, the next member on the list is hereby appointed as Acting Regional Chair during such inability. At such time as the originally designated member is able to carry out the duties of Acting Regional Chair in that same month, the appointment shall return to that member.
- 2.3.4 If the Regional Chair is known to be absent or if the Regional Chair does not attend a meeting of Council within 15 minutes after the time appointed, the Acting Regional Chair shall call the members to order, and if a quorum is present, shall preside during the meeting or until the arrival of the Regional Chair.
- 2.3.5 The Acting Regional Chair is authorized to exercise the powers and carry out the duties of the Regional Chair while so acting, save and except that the Acting Regional Chair shall have one vote on any question at a meeting of Regional Council and shall not be permitted to have a casting vote following an equality of votes.
- 2.3.6 The Regional Chair shall formally advise Council of any intention to be absent from the office for a period longer than three consecutive weeks.

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ALTERNATE MEMBER

2.3.7 At no time shall an alternate member (as appointed by a lower-tier municipality under Section 268 of the *Municipal Act, 2001*, as amended) be appointed as an alternate Chair for the Region of Peel. If an alternate member is substituting for the Councillor who is the Acting Chair for that specified period, then the procedures outlined in Section 2.3.1 shall be followed)

3. PRESIDING OFFICERS OF A COUNCIL SECTION

- 3.1 The initial term of Council Section Chairs and Vice-Chairs shall be 24 months, unless superseded by a resolution of Council. The second term of Council Section Chairs and Vice-Chairs shall be for the remainder of the term of Council, unless superseded by a resolution of Council.
- 3.2 The Council Section Chairs and Vice-Chairs shall be elected by Council, in accordance with Appendix 1 - Election of Council Section Chairs and Vice-Chairs. The election of Council Section Chairs and Vice-Chairs shall be conducted at the first Council meeting after the Inaugural Meeting, and at the meeting closest to, but not after, 24 months after the beginning of the term of Council.
- 3.3 A member shall only serve as a Chair or Vice-Chair of one section during a term of Council Section Chairs and Vice-Chairs.
- 3.4 If the position of Council Section Chair or Vice-Chair becomes vacant, Council shall appoint a member to fill the vacancy.
- 3.5 A Council Section Chair or Vice-Chair shall preside over their respective Council sections to receive and put to a vote all motions and resolutions presented by the members of Council and to announce the result.
- 3.6 A Council Section Chair or Vice-Chair will vote on all motions and resolutions even when they are presiding over an agenda section for their respective Council sections.

4. MEETINGS

- 4.1. INAUGURAL MEETING - Council
- 4.1.1 The Inaugural Meeting shall be held after the councils of the local municipalities have held their first meetings, but in any event, not later than the 14th day following the day on which the term of office commences.
- 4.1.2 The Regional Clerk shall call the Inaugural Meeting at such time as may be appropriate.

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- 4.1.3 The place of the Inaugural Meeting shall be the Region of Peel Council Chambers, unless otherwise determined by the Regional Clerk.
- 4.1.4 The Regional Clerk shall preside at the Inaugural Meeting until the Regional Chair is appointed and has taken the required declaration of office.

4.2. REGULAR MEETINGS - Council and Committees

4.2.1 The schedule of regular meetings of Council and such other committees as have been struck by Council shall be established by Regional Council on an annual basis in September for the next calendar year. The Regional Clerk shall prepare and present a draft schedule of regular meetings to Regional Council in the month of September each year. Changes to the schedule may be made by the Regional Clerk by the addition or cancellation of meetings in accordance with this by-law or the Terms of Reference of a committee or by changing the times of meetings.

4.2.2 The draft schedule of regular meetings prepared by the Regional Clerk shall provide for the following:

- a. all regular Council meetings will be held on a Thursday beginning at 9:30 a.m., or at the call of the Regional Chair;
- b. there shall be a two-week rotation of meetings of Council to be followed by committee meetings as follows:
 - i) Week 1 and Week 3 – Committee meetings
 - ii) Week 2 and Week 4 – Council meetings
 - iii) Week 5 – Regional business days;
- c. despite the two-week rotation there shall be no Council or committee meetings during the one-week designated by the Peel School Boards for the March break or during the week before or after Christmas or the week after New Year's or during the month of October in the year of a regular election;
- d. during July, there shall be only one meeting which shall be held on the first or second Thursday of the month in order to accommodate the Canada Day Statutory Holiday, which shall be a meeting of Council;
- e. no Council or committee meeting will be held during August, unless called by the Regional Chair; and
- f. public notice of all regularly scheduled meetings of Council and committees shall be given by posting on the Region of Peel website, the schedule of regular meetings as same may be amended from time to

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time, for the ensuing year as approved by Regional Council pursuant to Section 4.2 of this by-law.

- 4.2.3 Notwithstanding the foregoing, the schedule of regular meetings established by Council may vary from the requirements of clause 4.2.2 as Council may determine, or as the Regional Clerk may determine from time to time.
- a. public notice of all meetings not shown on the schedule of regular meetings shall be given by posting on the Region of Peel website a Notice of the meeting in a form sufficient to indicate the date, time and location of the meeting and the nature of the matters to be considered, at least 48 hours before the meeting is to be held.
- 4.2.4 Unless otherwise directed by Council, all Thursdays shall be considered as Regional business days to be held available by members for meetings of Council or committee, workshops or other Regional business.
- 4.2.5 The Regional Chair, in consultation with the Regional Clerk, may at any time cancel or reschedule any regular meeting of Council or ~~any~~ other committee.
- 4.2.6 A Committee Chair, in consultation with the Regional Clerk, may cancel or reschedule his or her committee meeting.
- 4.2.7 In addition to the schedule of regular meetings, the Regional Chair may call a meeting of Council upon 48 hours notice to all members.
- 4.2.8 Committees shall meet at such date, time and place as Council or the committees ~~themselves~~ decide or at the call of the Committee Chair with 48 hours notice, in accordance with 4.2.3.a.
- 4.2.9 No committee shall meet while Council is in session.
- 4.2.10 Seating at Council meetings shall be in alphabetical order of the members' surnames, with the first member seated closest to the left of the seat provided for the Regional Chair.
- 4.2.11 All meetings of Council and committees shall be held in the Council Chambers at 10 Peel Centre Drive, Suite A, Brampton or at such other place within the Region of Peel as is specified in the notice calling the meeting or as may be determined by Council or the committee as the case may be.
- 4.2.12 A regular meeting of Council shall not carry on past 3:30 p.m. except that Council may pass a by-law confirming the

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proceedings of the meeting to that point of the meeting and may pass a resolution to carry on past that time. Subject to a resolution to the contrary, the meeting shall be adjourned at 3:30 p.m. and the business on the agenda for that meeting which was not dealt with at that meeting shall be placed on the agenda for the next regular meeting of Council.

4.2.13 When a meeting of Council commences before noon and carries on or is likely to carry on after noon, the Regional Chair shall call a recess approximately between noon and 12:30 p.m. for the purpose of a half hour lunch break.

4.2.14 Any meeting may by resolution by majority vote be recessed from time to time to resume at the location and at the time and date stated in the resolution.

4.3 SPECIAL MEETINGS – Council and Committees

4.3.1 Upon notice as set out in clause 4.3.3 the Regional Chair may at any time summon a special meeting of Council in which case the Regional Clerk shall provide notice in accordance with Section 4.3.3.

4.3.2 Upon notice as set out in clause 4.3.3 a Committee Chair may at any time summon a special committee meeting of the committee of which he or she is Committee Chair in which case the Regional Clerk shall provide notice in accordance with Section 4.3.3.

4.3.3 Special meetings summoned under clauses 4.3.1 and 4.3.2 shall not be held unless written notice of the special meeting detailing the date, time and place and the matters to be considered at the meeting is delivered not less than 48 hours before the time set for the meeting, to all members at the members' municipal offices or by electronic means.

a. public notice of special meetings as set out in clause 4.3.1 and 4.3.2 shall be given by posting on the Region of Peel website a Notice of the meeting in a form sufficient to indicate the date, time and location of the meeting and the nature of the matters to be considered at least 48 hours before the meeting is to be held.

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4.4. MEETINGS OF COUNCIL FOR EMERGENCIES

4.4.1 Despite any other provisions of this ~~b~~By-law, a meeting of Council for an emergency may be called by the Regional Chair, without written notice, to deal with an emergency, provided that an attempt has been made by the Regional Clerk to notify members about the meeting as soon as possible and in the most expedient manner available.

4.4.2 The only business to be dealt with at a meeting of Council to deal with an emergency shall be business dealing directly with the emergency.

4.4.3 The lack of receipt of a notice of, or an agenda for, a meeting of Council to deal with an emergency by any Member of Council shall not affect the validity of the meeting or any action taken at such meeting.

4.5. QUORUM - Council and Committees

4.5.1 Thirteen members of Council, including at least one member representing each local municipality, are necessary to form a quorum at a meeting of Council. The Regional Chair shall be counted in determining quorum.

4.5.2 A quorum for a committee is a majority of the total number of committee members or as provided in the Terms of Reference for that committee and does not require that all three ~~area-local~~ municipalities be represented, unless required under the committee's Terms of Reference as approved by Council. ~~The Regional Chair shall not be counted in determining quorum.~~

4.5.3 No meeting shall commence or conduct business unless quorum is present.

4.5.4 If no quorum is present 30 minutes after the time appointed for a meeting of Council or committee, the Presiding Officer shall call the roll and the Regional Clerk ~~or recording secretary~~ shall record the names of the members present and the members shall then be discharged.

4.5.5 If during the course of a meeting quorum is lost, then the meeting shall be deemed to have recessed for 30 minutes to reconvene when quorum is regained. If quorum is not regained within 30 minutes then the Presiding Officer shall call the roll and the Regional Clerk ~~or recording secretary~~ shall record in the minutes the names of those present, and the meeting shall stand adjourned.

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- 4.5.6 If a meeting of Council or committee stands adjourned for lack of quorum, the business on the agenda for that meeting which was not dealt with at that meeting shall be placed on the agenda for the next regular meeting of that body.
- 4.5.7 Notwithstanding clauses 4.5.3, 4.5.4 and 4.5.6, where no quorum is present, members who are present at the time and place set for the meeting may receive submissions or information from the public or staff unless the submissions or information are in respect of a hearing required under statute. The Regional Clerk shall prepare a report to Council which shall record:
- a. the place, date and time of meeting;
 - b. the name of the Presiding Officer and the record of attendance of the members; the name ~~of the recording secretary,~~ senior staff and Clerk's staff present; and
 - c. the report of the Regional Clerk may contain such notes and annotations as may describe portions of the submissions or information received from the public or staff.

5. MEETING PROCEEDINGS

5.1. AGENDA - Council and Committees

- 5.1.1 The Regional Clerk shall prepare a draft agenda for all meetings of Council and committees. The Regional Clerk may amend the draft agenda by adding matters to or deleting matters from the draft agenda at any time before the commencement of the meeting.
- 5.1.2 Before considering any business at a meeting for which a draft agenda or revised draft agenda has been prepared, Council or committee as the case may be, shall by resolution approve or amend and approve the draft agenda or revised draft agenda as the agenda for the meeting. A motion to further amend the agenda following its approval shall require a two-thirds vote. ~~Subject to any resolution to the contrary,~~ The order of the agenda can be changed at the direction of Council or of the Regional Chair and no vote shall be necessary for the giving of such direction.
- 5.1.3 a. Despite section 5.1.2 above, or any provision of this by-law to the contrary, any member of Council or committee, at any time whether before or after the approval of the agenda, may move a motion without the need for the motion to be seconded that the meeting be immediately closed to the public to receive

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advice that is subject to solicitor-client privilege as to whether any matter listed on the agenda to be considered in camera may properly be considered in closed session.

- b. Any motion as outlined in Section 5.1.3.a above is not debatable and shall be immediately put to a vote and may be passed by a majority vote.

5.1.4. Despite section 5.1.2 above, a motion may be passed by a majority vote to amend the agenda to move any matter listed in the closed session portion of the agenda to the appropriate section of the public agenda.

STAFF PRESENTATIONS

5.1.5 The draft Council agenda shall be prepared with staff reports, and communications ~~and presentations~~ grouped under such Regional Council Section headings as in the opinion of the Regional Clerk may seem appropriate. Staff presentations and related staff reports shall be grouped under the heading "Staff Presentations" in accordance with Section 5.6 of this by-law.

5.1.6 Should Council or committee be unable to consider all agenda items in the allotted time before adjournment, all outstanding matters shall be placed on the draft agenda for the next regularly scheduled meeting of that body.

5.1.7 The order of consideration of Regional Council Sections in the draft agenda shall be rotated from meeting to meeting or as deemed appropriate by the Regional Clerk.

5.2. DELIVERY OF AGENDA TO MEMBERS - Council and Committees

5.2.1 The Regional Clerk shall cause to be delivered to each member, not less than 48 hours before the time appointed for the holding of a regular meeting of Council, the draft agenda and copies of related materials.

5.2.2 Any materials received in the Office of the Regional Clerk less than 48 hours prior to the time appointed for holding of a regular meeting of Council which relate to an item already listed on the draft agenda will be presented to Council at the time of the approval of agenda portion of the meeting. Any materials received in the Office of the Regional Clerk less than 48 hours prior to a meeting which do not relate to an item already listed on the draft agenda shall be added to the agenda at the next appropriate meeting, with the exception of requests for delegation which may be added to the agenda upon approval of committee or Council at the approval of the agenda.-

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5.2.3 The draft agenda and related materials shall be made available electronically to every member.

5.2.4 The draft agenda and related materials shall be made available to the public on the Region of Peel website 24 hours after the members of Council are provided with the agenda and materials.

5.2.5 Draft agenda and related materials provided to members of Council less than seven days before the time appointed for the holding of a regular meeting of Council shall be made available to the public on the Region of Peel website on the same day.

5.3. MINUTES - Council and Committees

5.3.1 The Regional Clerk shall prepare minutes of all meetings of Council and committees which shall record:

- a. the place, date and time of meeting;
- b. the name of the Presiding Officer and the record of the attendance of the members; the name of ~~the recording secretary,~~ senior staff and Regional Clerk's staff present; and
- c. all resolutions, decisions and directives, recorded votes, and other proceedings;
- d. the minutes of Council meetings shall record the resolutions, decisions and other proceedings without comment, whereas the minutes of any committee meeting may contain such notes and annotations as may describe portions of the debate.

5.3.2 The minutes of each Council meeting shall be presented to Council at the next regular meeting of Council for approval.

5.3.3 After the Council minutes have been approved by Council, they shall be signed by the Regional Chair and the Regional Clerk.

5.3.4 The committee report of each committee meeting ~~shall~~ be presented on the next appropriate regular meeting of Council for deliberation of committee recommendations contained in it.

5.3.5 The Members of Council shall inform the Office of the Regional Clerk in writing for which purpose, email shall be sufficient, of all planned absences, late arrivals and early departures from Council and committee meetings in order that the recording of such and the related reasons may be accurately reflected in the minutes.

- i) The office of a Member of Council shall not become vacant, and no resolution of Council is required, if a

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member is absent for twenty (20) consecutive weeks or less and the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member in accordance with Subsection 259(1.1) of the *Municipal Act, 2001*, as amended, and Section D of the Region of Peel Policy HR10-08 ("Parental Leave").

ii) A Member of Council on pregnancy or parental leave reserves the right to participate as a Member at any time during their leave.

iii) The Member shall provide advance written notice to the Regional Clerk and the Director, Human Resources outlining the expected duration of leave including the start date and the expected return date; information about which duties, if any, will continue to be undertaken by the Member of Council; and, indicate the Member(s) of Council whom he/she recommends Council appoint as a Member of any Committee(s) on which the Regional Councillor sits.

5.3.6 The Closed Session Report of each committee meeting shall be presented at the next appropriate regular meeting of Council for deliberation of in camera committee recommendations contained within it.

5.3.7 The Regional Clerk shall have the authority to approve and implement any minor administrative changes to the minutes of any Council or committee meeting.

5.4. DELEGATIONS - Council and Committees

5.4.1 Persons desiring to address members on any matter may by written notice to the Regional Clerk request to be listed as a delegation on a draft agenda.

5.4.2 Written notice from a delegation shall include the person's complete name, address, telephone number, reasons for the delegation, including the specific nature of their presentation, and if applicable, the name, address and telephone number of any person, corporations or organizations which he or she represents.

5.4.3 Council/Committee Placement

a. Upon receipt of written notice requesting listing as a delegation, the Regional Clerk shall list the delegation

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requested on the draft agenda for the next appropriate meeting if such request is received by the Regional Clerk not less than 48 hours prior to ~~before~~ the time ~~that of~~ the committee meeting or Council meeting.

- b. If the written notice requesting listing as a delegation is received by the Regional Clerk less than ~~within~~ 48 hours prior to ~~of~~ the time of the committee meeting or Council meeting, the delegation will be added to the agenda only upon the approval of ~~committee or~~ Council or committee at the meeting.

5.4.4 Delegations shall be received without comment or debate and the matter shall be referred to staff for a report, unless there is a resolution passed to simply "receive" the delegation.

5.4.5 After a delegation has completed its presentation, members shall each have one opportunity to ask questions of the delegation for clarification purposes only, and without debate. If the delegate's answer to the clarifying question requires a further clarifying question, a member shall have one further opportunity to clarify. The clarifying question, answer and follow-up shall not exceed five (5) minutes. The Presiding Officer may cut off the clarifying questions and answers at or after five (5) minutes. When all members who have indicated a desire to ask clarifying questions have finished, the persons appearing as a delegation shall withdraw from the place designated.

5.4.6 No persons addressing Council or committee as a delegation shall:

- a. speak disrespectfully of any person;
- b. use offensive words or unparliamentary language;
- c. engage in improper conduct;
- d. speak on any subject other than the subject for which they have received approval to address Council or committee; or
- b. disobey the Rules of Procedure or a decision of the Presiding Officer or of Council or committee.

5.4.7 Each delegation to Council shall be limited to speaking not more than five minutes in total, except that a delegation consisting of more than five persons shall be limited to two speakers, each limited to speaking not more than five minutes.

5.4.8 Each delegation to committee shall be limited to speaking not more than ten minutes in total, except that a delegation consisting of more than five persons shall be limited to two speakers, each limited to speaking not more than ten minutes.

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~~5.4.9—If persons appearing as a delegation have not completed their presentation within the time allotted, the Presiding Officer or any member may make a motion, without a seconder, that the time be extended by a majority vote in which case the time shall be extended for such reasonable time as the Presiding Officer may determine. The Regional Chair may move to extend a delegate's time to present, without a seconder and the time shall be extended by a majority vote for such reasonable time as the Regional Chair determines.~~

5.4.10 The Presiding Officer may curtail any delegation or any questions of a delegation for disorder or any other breach of the Rules of Procedure or if in the Presiding Officer's discretion, the questions are not of a clarifying nature, and, if the Presiding Officer rules that the delegation is concluded, the persons appearing shall withdraw from the place designated for delegations.

5.4.11 Delegations may only appear once on the same matter within a one-year period, unless a recommendation pertaining to the same matter is included on the agenda within the one-year period and only to provide additional or new information.

~~5.5—ANNOUNCEMENTS—Council~~

Remove ANNOUNCEMENTS

~~5.5.1—Announcements shall be permitted at a Council meeting only.~~

~~5.5.2—No motions or directions to staff will arise from announcements.~~

~~5.5.3—In the event that a member of the public wishes an announcement to be made at a Council meeting, the request and the details shall be received in writing in a form established by the Regional Clerk and shall include a Member of Council sponsorship, by the Regional Clerk seven days prior to the meeting.~~

~~5.5.4—It shall be the decision of the Regional Clerk, in consultation with the Regional Chair, whether the announcement will be included on the agenda, and the Regional Clerk shall notify the sponsoring Member of Council and the person who requested the announcement of the decision made.~~

~~5.5.6—A Member of Council shall be permitted to sponsor only one announcement per Council meeting.~~

~~5.5.7—The agenda shall list the name of the member of the public to make the announcement, the name of the sponsoring Member and the general nature thereof.~~

~~5.5.8—The sponsoring Member of Council shall be permitted not more than one minute to introduce the announcement and the~~

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~~member of the public making the announcement shall be limited to speaking not more than two minutes.~~

~~5.5.9 The sponsoring Member of Council shall respond to the question related to the announcement on behalf of Council and no other member shall speak. No questions, comments or debate from any member will be allowed.~~

~~5.5.10 Announcements may only appear once on the same matter within a one-year period, unless a recommendation pertaining to the same matter is included on the agenda within the one-year period and only to provide additional or new information.~~

5.6. **STAFF PRESENTATIONS - Council**

5.6.1 Staff presentations to Council and committee meetings shall not exceed 10 minutes, except during annual budget meetings; however, the Presiding Officer or any member may make a motion without a seconder, that the time be extended by a majority vote in which case the time shall be extended for such reasonable time as the Presiding Officer may determine.

5.7 **EMERGENCY BRIEFING**

5.7.1 When the Regional Emergency Operations Centre has been operating while Council is in session, senior staff is authorized to provide an immediate briefing to Council. This briefing takes precedence over all other agenda items and does not require suspension of the rules.

5.7.2 In the event of a public health emergency, enhanced response and/or communicable disease outbreak, particularly where Regional resources are required as part of the response, and with the consent of the Regional Chair, the Medical Officer of Health is authorized to brief Council or the relevant committee, without requiring suspension of the Rules of Procedure. Such briefings may take precedence over regular business on the agenda.

5.8. **CORRESPONDENCE AND PETITIONS - Council and Committees**

5.8.1 a. All correspondence within the jurisdiction of a committee shall be referred by the Regional Clerk directly to the appropriate committee, unless the communication relates to a subject that has been dealt with by Council or is to be placed on a draft agenda for a meeting of Council in which case it may be placed on the draft agenda for the Council meeting.

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b. ~~b.~~—No motions other than motions for receipt or a motion directing staff to report to either Council or a committee on a matter contained within a correspondence shall arise from an item listed as correspondence, for receipt, except as provided in section 5.8.1.c.

b.c. Correspondence from local boards and community groups, requesting that a Councillor(s) be nominated to or appointed as a member(s) to the board or community group shall be listed as, direction required; and, motions for receipt, direction to staff, or for appointment may arise from the item.

5.8.2 All correspondence received from municipalities and local boards requesting endorsement or consideration of resolutions, or from other entities which are deemed by the Regional Clerk to be of interest to members of Regional Council, including notices of upcoming workshops, seminars and conferences, shall:

- a. be reported to each member of Council every two weeks or as warranted by the nature and volume of resolutions, as determined by the Regional Clerk without being placed on a draft agenda; and
- b. be placed on a Council or committee draft agenda only at the request of a member.

5.8.3 Every petition to be presented to Council shall be legibly written or printed and shall be signed by at least two people and submitted to the Regional Clerk.

5.8.4 Any petition within the jurisdiction of a committee shall be referred by the Regional Clerk directly to the appropriate committee, unless the matter relates to a subject or a report already scheduled to be dealt with by Council.

5.8.5 Petitions will be placed on the appropriate Council or committee agenda for receipt, unless otherwise specified by Council or committee.

5.9. MOTIONS AND BY-LAWS - Council and Committees

5.9.1. A motion to adopt a committee report in whole or in part may be made and if carried, the committee recommendations contained in the report or the part adopted, except only those explicitly excluded, shall be adopted and passed as resolutions at the meeting.

5.9.2. The proceedings of every meeting of Council shall be confirmed by by-law so that every resolution and decision of

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Council passed at that meeting shall have the same force and effect as if each and every one of them had been the subject of a separate by-law duly enacted.

- 5.9.3. No by-law shall be presented to Council unless its enactment has been approved by resolution of Council except:
- a. a by-law to confirm the proceedings of Council;
 - b. a by-law to accept, assume and dedicate, pursuant to the *Municipal Act, 2001, as amended*, lands acquired by the Region for the purpose of widening the public highways forming part of the Regional Roads System or for the purpose of permitting an access to such highways at locations approved pursuant to the Controlled Access By-law, as amended.
- 5.9.4. Copies of each by-law to be considered need not be distributed in advance to the members of Council provided such by-laws are available for examination by members of Council at least 48 hours in advance of the day of the meeting at which the by-law will be considered. Failure to observe this requirement shall not invalidate a by-law enacted despite not having been available for examination by members of Council 48 hours in advance of the day of the meeting at which the by-law shall be considered.
- 5.9.5. The Regional Clerk, in consultation with the Regional Solicitor, is authorized to make minor deletions, additions or other changes in form, to any by-law before same is signed, sealed and numbered, to ensure correct and complete implementation of the intention of Council, including without limiting the generality of the foregoing, the following:
- a. Correction of spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - b. Alteration of the style or presentation of text or graphics to improve electronic or print presentation and accessibility.
 - c. Correction of errors in the numbering of non-operative provisions and any changes in cross-reference that are required as a result.
- 5.9.6. All amendments to any by-law approved by the Council shall be deemed to be incorporated into the by-law and if the amending by-law is enacted and passed by the Council as a by-law, the amendments shall be inserted.
- 5.9.7. By-laws listed on the agenda shall be taken as read, prior to being enacted.
- 5.9.8. Every by-law once enacted shall be signed by the Regional Chair and Regional Clerk, the corporate seal affixed thereto, and retained at the Office of the Regional Clerk.

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5.10. CLOSED MEETINGS ("IN CAMERA")

5.10.1 Except as provided in this section or in accordance with applicable legislation, all meetings shall be open to the public.

5.10.2 Any member is entitled to be present at a meeting which has been closed to the public, unless that member has an interest which the member is obligated to disclose, in accordance with the *Municipal Conflict of Interest Act*.

5.10.3 A meeting or a part of that meeting may be closed to the public if the subject matter being considered is:

- a. the security of the property of the municipality or local board;
- b. personal matters about an identifiable individual, including municipal or local board employees;
- c. proposed or pending acquisition or disposition of land by the municipality or local board;
- d. labour relations or employee negotiations;
- e. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g. a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h. information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j. a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

5.10.4 A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

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- a. a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, committee, board commissioner or other body is the head of an institution for the purposes of that Act; or
 - b. an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act, 2001, as amended*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act, 2001, as amended*.
- 5.10.5 A meeting held for the purpose of educating or training the members may be closed, provided that no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.
- 5.10.6 Before holding a meeting or a part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution:
- a. the fact of the holding of the closed meeting or portion of the meeting; and
 - b. the general nature of the matter to be considered at the closed meeting.
- 5.10.7 Subject to clause 5.10.8, a meeting shall not be closed to the public during the taking of a vote.
- 5.10.8 Despite clause 5.10.7, a meeting may be closed to the public during the taking of a vote if:
- a. subsection 5.10.3 or subsection 5.10.5 permits or requires a meeting or a portion of a meeting to be closed to the public; and
 - b. the vote is for a procedural matter or for giving directions or instructions to officers, legal counsel, employees or agents of the Regional Corporation or persons retained by or under contract with the Regional Corporation.
- 5.10.9 Any request from a person for an investigation, under the *Municipal Act, 2001, as amended*, of whether a Council or committee meeting or part of a meeting, that was closed to the public, has complied with the relevant provisions of the *Municipal Act, 2001, as amended*, or this Procedure By-law, shall be referred by the Regional Clerk to the Investigator appointed by Council for that purpose.

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5.10.10 If a report is received from a person referred to in clause 239.1 (a) or (b) of the *Municipal Act, 2001, as amended*, reporting his or her opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), Regional Council shall pass a resolution stating how it intends to address the report.

5.11. WORKSHOPS

5.11.1 All workshops or education sessions will be open to the public, unless ~~otherwise directed by Regional Council~~ permitted to be in closed session by the applicable legislation or section 5.10.5 of this by-law, and shall be coordinated through the Office of the Regional Clerk. ~~Closed session workshops are permitted in accordance with applicable legislation and Section 5.10.5 of this by-law.~~

5.11.2 Upon confirmation that the workshop is to proceed, the Regional Clerk shall give notice to all members of Council in accordance with this by-law regarding the subject, date, time and location of the workshop.

5.11.3 Preparation of an “agenda” will be dependent on the subject of the workshop. Program staff hosting the workshop shall consult with the Regional Clerk and shall keep a copy for the public record and public inspection.

5.11.4 Notice of the workshop subject, date, time and location will be made available to the public in accordance with sections 4.2 or 4.3, and comply with any additional requirements set out in Council policy or in a by-law.

5.11.5 Quorum of Council is not required for the workshop to proceed.

5.11.6 Any member of the public who does attend, will be permitted to observe the workshop during public session.

5.11.7 Staff shall report the outcome of the workshop at a Council meeting. No decision shall be made at a workshop. Any matter requiring a decision shall be reported to Council or committee for consideration, debate and approval at a subsequent meeting of Council or committee.

5.12. CONFLICT OF INTEREST

5.12.1 Members shall declare conflicts of interest in accordance with the *Municipal Conflict of Interest Act*.

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DECLARATIONS
OF CONFLICTS

5.12.2 Members of Regional Council and Regional Council Committees shall file a written statement of the declaration of conflict of interest and its general nature with the Regional Clerk.

5.12.3 A copy of each statement of declaration conflict of interest shall be made available, in the form of a Registry, for public inspection on the Region of Peel web site in the manner and during the time that the Regional Clerk may determine.

5.13. RECORDING OF MEETINGS

5.13.1 Meetings of Council and committees shall be recorded by the Regional Clerk where possible and practical to do so.

5.13.2 Recordings of meetings made by the Regional Clerk shall be retained in accordance with the Region of Peel Records Retention By-law.

5.13.3 Audio and video recording equipment may be used by staff, the public and the media to record all or any portions of a meeting that is open to the public provided that it is not disruptive to the conduct of the meeting. The location and use of such recording equipment will be at the discretion of the Regional Clerk.

5.14. ACCESS TO COUNCIL FLOOR

5.14.1 Unless delegating, no members of the public or anyone other than members of Regional Council and Regional staff, delegates or invitees of the Presiding Officer shall be permitted on the Council floor during Council or committee meetings, except at the discretion of the Regional Chair or Regional Clerk.

5.15. OTHER BUSINESS

5.15.1 A member may, with the consent of majority vote of the members present, introduce a motion under Other Business which due to its urgent nature cannot properly be presented at a future meeting of Council or committee.

5.15.2 Items to be considered under Section 5.15 that may be pertinent to the business of the Region and are not related to a report, delegation, presentation, requests for information, request for staff to report back on Regional issues or items that are to be placed on the draft agenda for Council or committee shall be listed under Other Business upon

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approval of the Regional Chair and Regional Clerk, including new business or enquiries from Regional Councillors.

6. MOTIONS

6.1. GENERAL

6.1.1 The following ranking for matters and motions is in descending order, such that each matter or motion takes precedence (if moved, must be decided before others ranking below it) over those that are below it in this list. For example, a motion to adjourn takes precedence over a motion to recess, which takes precedence over all matters and motions listed from question of privilege to the main motion.

- a. fix the time at which to adjourn;
- b. adjourn;
- c. recess;
- d. point of privilege;
- e. point of order;
- f. call the question;
- g. limit or extend limits of debate;
- h. postpone (defer) to a certain time;
- i. refer;
- j. amend;
- k. postpone (defer) indefinitely; and
- l. the main motion.

6.1.2 In Council, the following matters and motions may be introduced orally without notice or specific permission, except as otherwise provided by the Rules of Procedure:

- a. postpone (defer);
- b. refer;
- c. call the question;
- d. adopt or deny committee recommendations or reports;
- e. direct staff;
- f. presentation of a petition;
- g. suspend the Rules of Procedure;
- h. any other procedural motion; and
- i. adjourn.

6.1.3 Except as provided in subsection 6.1.2 or as permitted by the Regional Chair, all motions in Council shall be in writing.

6.1.4 In committee, motions do not require a seconder, and need not be in writing.

6.1.5 No member shall speak to any motion until it is first received by the Presiding Officer, and the mover is entitled to speak first.

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- 6.1.6 Any motion may be put forth and considered during Council or committee, providing it relates to the subject of a motion, recommendation or report under debate by Council or committee and is presented at the time of such debate, otherwise previous notice of motion is required.
- 6.1.7 After a motion has been received by the Presiding Officer, it shall be deemed to be in possession of Council or committee and may be withdrawn by the mover and seconder, if applicable, before decision or amendment only with the permission of Council or committee.
- 6.1.8 A motion which requires the exercise of a power or powers by Council or committee which are not within the jurisdiction of Regional Council (*ultra vires*), shall not be in order.
- 6.1.9 No matters can be added at a meeting except for Notices of Motion to be heard at the next or subsequent meetings or directions to staff to provide a report at a subsequent or future meetings of Council, except that a motion arising from a local municipal council of an urgent nature may be presented to Regional Council or committee and may be received without notice.
- 6.1.10 Directions to staff shall be in the form of a motion.

6.2. MOTION TO ADJOURN

- 6.2.1 A motion to adjourn:
 - a. is neither debatable nor amendable, and cannot be reconsidered;
 - b. without qualification, if carried, brings a meeting or session to an end; and
 - c. if made with reference to a specific time or if made with a provision to reconvene upon the happening of a specific event, suspends the meeting to continue at the time specified.

6.3. MOTION TO AMEND A PENDING MOTION

- 6.3.1 A motion to amend a pending motion:
 - a. is debatable only if the main motion being amended is debatable;
 - b. if more than one, shall be voted on in reverse order to which they were put;
 - c. shall not be amended more than once; and

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- d. shall be relevant and not contrary to the motion under consideration.

6.4. MOTION TO CALL THE QUESTION (Call the Vote)

6.4.1 A motion that the question be called enables immediate closure of debate; and:

- a. is not allowable in committees;
- b. is not debatable, although reasons for moving the motion may be given;
- c. cannot be amended;
- d. cannot be moved on a main motion when there is an amendment to that motion under consideration;
- e. shall preclude all further amendments of the main motion;
- f. when resolved in the affirmative, the main motion is to be put forward without further debate or amendment;
- g. cannot be moved by the last member to debate the motion;
- h. requires a two-thirds vote.

6.5. MOTION TO POSTPONE (Defer) A PENDING MOTION

6.5.1 A motion to postpone is a motion by which action of a pending motion can be put off, within limits, to a definite day, meeting, or hour, or until after a certain event; and:

- a. shall only be to the pending motion;
- b. is not debatable although reasons for moving the postponement may be given;
- c. is amendable, as to the time to which the pending motion is to be postponed; and
- d. shall not include clauses for the purpose of amending the pending motion or making any statement on the merit of the pending motion.

6.6. MOTION TO RECONSIDER A DECISION MADE IN THE SAME MEETING

6.6.1. A motion to reconsider enables Council or committee to bring back for consideration the decision on a motion previously voted on during the same meeting, whether or not the previous motion was carried, and:

- a. can only be made by a member who voted with the prevailing side;

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- b. can only be made during the same meeting in which the previous motion to be reconsidered was voted on;
- c. is debatable in all cases in which the previous motion was debatable, and when debatable, opens to debate the merits of the previous motion which is proposed to be reconsidered;
- d. is not amendable;
- e. requires a two-thirds vote regardless of the vote necessary to adopt the previous motion to be reconsidered; and
- f. prior to a vote being taken, temporarily suspends any action resulting from the decision on the previous motion that is proposed to be reconsidered.

6.6.2. A motion to reconsider is not in order when applied to the following:

- a. a vote on a motion to reconsider;
- b. when a motion to reconsider is practically the same as a motion to reconsider already decided; and
- c. when practically the same result can be obtained by some other parliamentary motion.

6.6.3. Should the motion to reconsider carry by a two-thirds vote, the motion to be reconsidered is called up, resulting in Council or committee voting again on the motion:

- a. does not require a seconder;
- b. shall be called up and voted on at the same meeting as the motion to reconsider was passed; and
- c. when requested by a member, the Presiding Officer shall state the previous motion as pending.

6.7. MOTION TO RECONSIDER A DECISION AT A SUBSEQUENT MEETING WITHIN THE SAME TERM OF COUNCIL

6.7.1. A motion to reconsider a decision from a previous meeting within the same term of Council:

- a. is amendable; and
- b. is debatable.

6.7.2. A motion to reconsider the decision on a previous motion adopted within the same term of Council requires a two-thirds vote to carry.

6.7.3. No matter, after being decided by Council, shall be reconsidered within the same term of Council without first passing a motion to reconsider.

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- a. No discussion of the main question shall be allowed until the motion for reconsideration is carried.
- b. A motion to reconsider may not be introduced, without notice, unless the Council, without debate, dispenses with notice which requires a two-thirds vote to carry.
- c. Once the matter is opened for reconsideration, it is reopened in its entirety unless the motion to reconsider specifies otherwise.
- d. If the motion is reopened, all previous decisions of the Council remain in force unless the Council decides otherwise.
- e. No motion to reconsider may, itself, be the subject of a motion to reconsider.
- f. An amendment cannot be the subject of reconsideration independently of the motion, by-law or other matter amended.
- g. If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

6.7.4 A motion to reconsider the decision on a previous motion within the same term of Council is not in order when applied to the following:

- a. when the previous motion was passed earlier in the same meeting in which case only a motion to reconsider in the same meeting may be allowed;
- b. when it has previously been moved to reconsider the vote on the previous motion, and the question can be reached by calling up the motion to reconsider in the same meeting;
- c. when something has been done pursuant to the decision on the previous motion that is impossible to undo (the unexecuted part of an order, however, can be rescinded or amended);
- d. when the previous motion authorized entering into a contract when that contract has been entered into;
- e. when a resignation has been acted upon, or a person has been elected to or expelled from membership or office, and the person was present or has been officially notified of the action.

6.8 MOTION TO RECONSIDER A PREVIOUSLY DECIDED MOTION NOT IN THE SAME TERM OF COUNCIL

6.8.1 A motion to reconsider a previously decided motion not in the same term of Council requires a majority vote to carry.

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6.8.2 The provisions of Sections 6.7.1, 6.7.3 and 6.7.4 shall be applied to this section of the by-law.

6.9. MOTION TO REFER

6.9.1 A motion to refer is a motion by which a matter, action or a pending motion can be sent or directed to a Council or committee, other body or official named in the motion specified, to report back to Council or committee; and:

- a. shall only be made in respect of a main motion or a report or matter listed on an agenda;
- b. shall include the name of the Council or committee, other body or official to whom the matter is to be referred;
- c. shall not include clauses for the purpose of amending the main motion;
- d. is debatable, subject to debate being confined to its merits of the referral only, and cannot go into the main motion; and
- e. is amendable.

6.10. MOTION TO AMEND

6.10.1 A motion to amend changes the wording of a motion before it is voted on.

6.10.2 A motion to amend must relate to the pending motion. No new business may be introduced by moving an amendment to a motion.

6.10.3 An amendment which, in effect, is nothing more than a rejection of the main Motion (ie. a contrary motion) is not in order.

6.10.4 On an amendment, members may only debate the merits of the amendment, not the merits of the motion the amendment proposes to amend.

6.10.5. An amendment may only be amended once, and the amendments must relate to each other.

6.10.6. Voting on a motion to amend shall be in the following order:

- a. First vote – the amendment to an amendment;
- b. Next vote – the original amendment;
- c. Final vote – the main Motion (if an amendment is adopted, the final vote will be on the main Motion, as amended).

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6.11 MOTION TO RESCIND

6.11.1 A motion to rescind a previous resolution of Council requires a two-thirds majority vote and can only be considered if notice has been given pursuant to section 6.12.

6.12. NOTICE OF MOTION

6.12.1. Notice of Motion is a written notice given by a member that the motion described in the Notice of Motion will be made or presented for adoption ~~at a subsequent meeting specified in the Notice~~ in accordance with Section 6.12.2.

6.12.2. Notice of Motion may be given in the following ways:

- a. contained in a committee report on a Council agenda;
- b. presented by a member at a meeting, for consideration at a subsequent meeting ~~specified in the notice~~;
- c. delivered to the Regional Clerk not later than seven days preceding the specified meeting date at which it is to be considered, for placement on the agenda. This action shall constitute the notice required by Section 6.12.1;
- d. oral motions presented at a meeting will be considered at the next Regional Council meeting.

6.12.3. A Motion shall be added to an appropriate agenda for the meeting specified in the Notice of Motion.

6.12.4. If the Motion is not dealt with at the appropriate meeting, then it shall be added to the agenda for each of the two succeeding meetings until the motion is considered or otherwise disposed of; and if in the two succeeding meetings it has not been disposed of, it shall be removed from the agenda by the Regional Clerk unless Council by resolution directs otherwise.

6.12.5 Prior to Council's consideration of a motion for which notice has been given previously, a revised motion on the same subject, approved by both the mover and seconder, may be substituted for the original one contained in the Notice of Motion.

7. VOTING

7.1. GENERAL - Council and Committees

7.1.1 Except as otherwise required under the *Municipal Act, 2001*, as amended, any other statute or this by-law, all motions,

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resolutions and by-laws shall be carried, passed and enacted as the case may be by a majority vote.

- 7.1.2 Immediately preceding the taking of a vote, the Presiding Officer may restate the motion in the precise form in which it shall be recorded in the minutes, and shall do so if requested by a member. ~~Unless otherwise provided in this by-law or requested by the Presiding Officer a member may indicate the vote or by the use of electronic voting.~~
- 7.1.3 Every member present and in his/her seat when a vote is called, shall vote on the motion unless prohibited by statute, in which case that fact shall be recorded.
- 7.1.4 A member not in his/her seat at the call of the vote shall not be entitled to vote.
- 7.1.5 A member who is present and in his/her seat and does not vote shall be considered as voting in the negative.
- 7.1.6 All members eligible to vote shall vote yes, no or abstain. A member who refuses to vote (abstain) will be recorded as voting in the negative.
- 7.1.7 Each member shall occupy his or her seat until the result of the vote has been declared.
- 7.1.8 No vote may be taken by any method of secret voting.
- 7.1.9 After a vote is called by the Presiding Officer, no member shall speak to the motion nor shall any motion be made until after the result is declared, and the decision of the Presiding Officer as to whether the vote has been called shall be final.
- 7.1.10 Every member eligible to vote shall vote on every motion unless a member indicates a conflict of interest, in which case the member shall recuse ~~him/herself~~themselves.

7.2. RECORDED VOTE - Council

- 7.2.1 Recorded votes may only be taken during a Regional Council meeting.
- 7.2.2 Recorded votes will be conducted for all motions at Regional Council meetings, with the exception of the following, unless specifically requested by a member of Council:-
- a. Approval of the Agenda
 - b. Adoption of Minutes
 - c. Declaration of Conflict of Interest

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- d. Presentations for receipt
- e. Delegations for receipt
- f. Correspondence, for receipt or referral to staff
- ~~g.~~ Directions to staff
- ~~h-g.~~ By-laws
- ~~i-h.~~ Moving in and out of closed session
- ~~i.~~ Calling a question
- ~~j.~~ Recess
- ~~k.~~ Deferral
- ~~l.~~ Referral to Committee
- ~~m.~~ Withdraw
- ~~j-n.~~ Amend
- ~~k-o.~~ Adjournment

7.2.3 Once a recorded vote is called, the Clerk shall conduct the vote by:

- a. electronic means; or
- b. asking the members in favour to indicate their vote and then those opposed to indicate their vote in the event the electronic system is not available.

7.2.4 The Regional Clerk shall display or announce the results and record the votes in the minutes.

7.3. DIVISION OF MOTION - Council and Committees

7.3.1 A motion containing distinct recommendations or propositions shall be divided at the request of any member, and a majority vote on each proposal shall be taken separately. The decision of the vote on whether the motion can be divided shall be final.

7.4. EQUALITY OF VOTES - Council and Committees

7.4.1 When a vote is taken and results in an equality of votes both for and against the motion, the motion shall be lost, unless during a Regional Council meeting where the Presiding Officer, who otherwise does not have a vote, may cast a vote to decide the question.

7.5. DISPUTED VOTE - Council and Committees

7.5.1 The result of a vote is not a ruling and therefore cannot be appealed.

7.5.2 If a member doubts the result of a vote as announced by the Presiding Officer or Regional Clerk, the member may call for the vote to be taken again and members shall stand or indicate

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the vote during the retaking of the vote and the vote shall not be a recorded vote except in a meeting of Council where the vote shall be a recorded vote.

- 7.5.3 A member who was not in his or her seat at the time that a vote was taken may not vote in any retaking of the vote.

8. CONDUCT AND DEBATE - COUNCIL AND COMMITTEES

8.1. GENERAL

8.1.1 No member shall:

- a. speak disrespectfully of any person;
- b. use offensive words or unparliamentary language;
- c. engage in improper conduct;
- d. speak on any subject other than the subject in debate; or
- e. disobey the Rules of Procedure or a decision of the Presiding Officer on questions of order or practice or upon the interpretation of the Rules of Procedure.

8.1.2 Procedures that may be used by the Presiding Officer in the event of a breach of order are as follows, in increasing order of severity provided that the Presiding Officer may use any such procedure regardless of order of severity where circumstances warrant:

- a. advise and correct the member;
- b. request an apology or withdrawal of a remark by the member;
- c. warn the member;
- d. call the member to order, by which the member shall be seated and not speak further until recognized by the Presiding Officer;
- e. name the member, by which the member shall be called to order and further, that the member's name and offence shall be entered into the minutes; and
- f. expel or exclude the member

8.2. RAISING A POINT OF PERSONAL PRIVILEGE

- 8.2.1 To raise a point of personal privilege is a device that permits a request or main motion relating to the rights and privileges of Council or committee (for example: to comfort of members with respect to heating, ventilation, lighting, noise; to conduct of its officers, employees or visitors; or to accuracy of published reports of its proceedings) or an individual member (for example: to an incorrect record of a member's participation in a

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meeting contained in minutes approved in a member's absence, or to charges circulated against a member's character).

8.2.2 When a member desires to address a point of personal privilege, the member shall ask permission of the Presiding Officer to raise a point of personal privilege; after permission is granted, the member shall state the point of personal privilege to the Presiding Officer and the point of personal privilege shall be immediately decided by the Presiding Officer.

8.2.3 Thereafter, a member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's decision to Council or committee.

8.2.4 If no member appeals, the decision of the Presiding Officer shall be final.

8.3. POINT OF ORDER

8.3.1 A point of order is a device by which a member advises the Presiding Officer and Council or committee that the rules of procedure are being violated (for example: a member recognizing committee is continuing its business without quorum being present).

8.3.2 When a member desires to address a point of order, the member shall ask permission of the Presiding Officer to raise a point of order; after permission is granted, the member shall state the point of order to the Presiding Officer and the point of order shall be immediately decided by the Presiding Officer.

8.3.3 Thereafter, a member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer decision to Council or committee.

8.3.4 If no member appeals, the decision of the Presiding Officer shall be final.

8.4. DEBATE

8.4.1 A member desiring to speak shall indicate by using the request to speak system. In instances where the request to speak system is unavailable a member desiring to speak shall indicate same. Upon being recognized by the Presiding Officer, the member shall address the Presiding Officer.

8.4.2 When two or more members indicate a desire to speak, the Presiding Officer shall recognize the member who, in the

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opinion of the Presiding Officer, so signified first and next recognize in order the other members.

8.4.3 Members may remain seated while speaking.

8.4.4 When a member is speaking, no other member shall interrupt the member except to raise a point of order or personal privilege.

8.4.5 In Council, no member shall speak more than twice to the same motion (including questions to or through the Presiding Officer) without the permission of the Presiding Officer, except that a member who has presented a substantive motion rather than an amendment may reply to questions.

8.4.6 In committee, there is no limit to the number of times a member may speak to the same motion.

8.4.7 In Council, no member shall speak to the same motion for longer than five minutes on each occasion that the member is recognized by the Presiding Officer without permission of the Presiding Officer.

8.4.8 A member may request the motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

8.4.9 A member may ask a question of the Presiding Officer for the purpose of clarifying the motion, and in seeking the clarification, the member is not to debate the matter to which the question refers.

8.5. APPEAL RULING OF THE PRESIDING OFFICER

8.5.1 When a member appeals a ruling of the Presiding Officer, the member shall give notice to the Presiding Officer that his or her ruling is being appealed; after notice has been given to the Presiding Officer, the member shall state the nature of the appeal and the appeal shall be immediately decided by Council or committee by a majority vote.

8.5.2 If appealed, the Regional Clerk shall call a vote without debate on the following question; "Shall the decision of the Presiding Officer be sustained?", and the decision on that vote shall be final.

8.5.3 An appeal takes precedence over any question pending at the time.

APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018

9. COMMITTEES

9.1. GENERAL

- 9.1.1 Committees and Council Sections may be established by Council at any time as is deemed necessary for the consideration of matters within its jurisdiction.
- 9.1.2 By notifying the Regional Clerk (either orally or in writing) before the commencement of a meeting, a Council member of a committee may designate another Council member to attend such a committee meeting in his or her absence and the member so designated shall be deemed to be a member of such committee for the designated meeting and may vote at the meeting provided that the member making the designation remains absent from the meeting.
- 9.1.3 Only members appointed to a committee and members designated by absent Council or committee members are entitled to vote on motions under consideration by that committee, unless otherwise provided for in the committee's Terms of Reference.
- 9.1.4 Should any member appointed to a committee fail to attend three successive committee meetings of the same committee without authorization from the Committee Chair, that member's appointment to the committee is terminated and Council may appoint another member to take his or her place, unless the member is in a Parental Leave as described in Section 5.3.5.
- 9.1.5 A non-Council member may only designate another non-Council member to attend in his or her absence if such designation is provided for in the committee's Terms of Reference.
- 9.1.6 Upon resignation of a member from a committee, Council may appoint another member to take his or her place on the committee, unless otherwise provided for in the committee's Terms of Reference.
- 9.1.7 The Regional Clerk, or an employee designated by the Regional Clerk, shall act as recording secretary to every committee.

9.2. COMMITTEES, TASK FORCES, AD HOC COMMITTEES AND ADVISORY COMMITTEES

- 9.2.1 All appointments to a committee shall be made by Council and unless otherwise specifically provided for in the appointment, or in the committee's Terms of Reference, all

**APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

appointments shall be for the term of Council, or, unless membership in the committee is ex-officio by reason of a member's position as Council Section Chair, in which case the appointments shall be for the duration of the member's tenure as the Council Section Chair¹, but not beyond the term of Council.

9.2.2 Ad hoc committee~~, or~~ task force ~~or advisory committee~~ means a special purpose committee of limited duration, created by Council to inquire into and report to either Council on a particular matter or concern and which dissolves automatically upon submitting its final report unless otherwise directed by Council or specified in the Ad hoc committee ~~or~~ task force ~~or advisory committee~~ Terms of Reference.

9.3 COMMITTEE CHAIRS AND VICE-CHAIRS

9.3.1 It shall be the duty of the ~~c~~Committee Chairs and Vice-Chairs:

- a. to receive and put to a vote all motions presented by the members of a committee, and to announce the result;
- b. to enforce the Rules of Procedure;
- c. to preserve order and decide points of order;
- d. to expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting; and
- e. where it is not possible to maintain order, the committee Chair or Vice-Chair may, without any motion being put, adjourn the meeting to a time to be named by the Presiding Officer.

9.3.2 The term of a ~~c~~Committee Chair and Vice-Chair will be 24 months from the date of his or her election or appointment and shall terminate at the end of the 24 months, the end of term of Council or the end of the committee's mandate, whichever occurs first.

9.3.3 If the Committee Chair is known to be absent or is absent for a period of 15 minutes after the time appointed for the holding of a committee meeting, and a quorum is present, the Committee Vice-Chair shall preside during the meeting or until the arrival of the Committee Chair. If both the Committee Chair and Vice-Chair are absent for a period of 15 minutes after the time appointed for the holding of a committee meeting, the committee may appoint an Acting Presiding Officer who shall preside during the meeting or until the arrival of the Committee Chair or Vice-Chair.

9.3.4 The Chair and Vice-Chair of any committee shall be elected by the members of the committee from among the members of the committee, using the procedures for election of the Council Section Chairs and Vice-Chairs as contained in Appendix 1 –

**APPENDIX I
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

Election of Council Section Chairs and Vice-Chairs, with necessary modifications.

9.4. COMMITTEE EXCEPTIONS TO COUNCIL PROCEDURES

9.4.1 Committees shall conform to the rules governing procedure in Council, with the following exceptions:

- a. there is no limitation on the number of times a member may speak to a motion;
- b. there is no limitation on how long each member may take while speaking;
- c. recorded votes are not allowed;
- d. a motion to call the question is not allowed;
- e. a motion made in committee need not be seconded;
- f. a motion may be made orally;
- g. notices of motion are not required; and
- h. quorum does not require representation from all municipalities, unless required under the committee's Terms of Reference as approved by Council.

9.5. SPECIAL PURPOSE BODIES

9.5.1 Council shall appoint persons to any special purpose body as may be appropriate or in accordance with applicable legislation and the provisions of Appendix 2 – Appointments to Special Purpose Bodies shall apply to such appointments.

10. REPEAL

10.1. GENERAL

10.1.1 This by-law supersedes and repeals all conflicting by-laws and resolutions with respect to Rules of Procedure for Council and its committees, including By-laws 100-2012, 117-2013, ~~and 12-2016,~~ 9-2018 and 52-2018.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this ___ day of _____, 2019.

APPENDIX 3
BY-LAW 9-2018

PUBLIC MEETINGS

1. PURPOSE

- 1.1 Public Meetings shall enquire into a matter over which Council has authority under the *Municipal Act, 2001, as amended*, the *Planning Act*, or any other statute that requires or permits Council to hold a public meeting.

2. DELEGATED HEARING OR MEETING

- 2.1 Where any statute confers a right for the public to be heard by Council before the passing of a by-law, or where Council by statute is required to hold a public meeting before the passing of a by-law, such a meeting or hearing may be held immediately prior to a Regional Council meeting

3. RULES OF PROCEDURE

- 3.1 Public Meetings shall be governed by all applicable rules and procedures of this by-law, save and except for Section 4.5 – Quorum at Council or committees and Section 5.9 – Motions and By-laws.

4. NOTICE OF MEETINGS

- 4.1 Notice of Public Meetings will be made available on the Region of Peel website.
- 4.2 Appropriate notice/advertising of a Public Meeting to advise interested persons shall be undertaken as required by any applicable legislation, by-law or Regional policy.

5. MEETING PROCEEDINGS

- 5.1 The date and time of when to hold a Public Meeting will be coordinated by the Regional Clerk or determined by Council, as required.

- 5.2 The place of the Public Meeting shall be in the Region of Peel Council Chambers, unless otherwise determined by Regional Council.
- 5.3 Quorum is not required for Public Meetings, unless required by legislation.
- 5.4 At the commencement of each Public Meeting, the Regional Chair shall explain that the intent of the meeting is to hear the views of the public, and the members shall not enter into discussion or debate on the subject.
- 5.5 The Regional Clerk shall prepare an agenda in the following order for the use of members at Public Meetings:
 - a. Declarations of Conflicts of Interest
 - b. Opening of Public Meeting
 - c. Confirmation of Notification
 - d. Further Notice Request
 - e. Staff Presentations
 - f. Public Participation (Oral Submissions)
 - g. Public Participation (Written Submissions)
 - h. Conclusion and Closing of Public Meeting
- 5.6 Delegations may submit a request to the Regional Clerk in order to speak at a Public Meeting.
- 5.7 The Regional Clerk shall not accept any form of submission that contains any obscene or improper language or content, as determined by the Regional Clerk in consultation with the Regional Chair.
- 5.8 No persons addressing Council as a delegation shall:
 - a. speak disrespectfully of any person;
 - b. use offensive words or unparliamentary language;
 - c. engage in improper conduct;
 - d. speak on any subject other than the subject for which they have received approval to address Council; or
 - b. disobey the Rules of Procedure or a decision of the Presiding Officer or of Council.

- 5.9 The Presiding Officer may curtail any delegation or any questions of a delegation for disorder or any other breach of the Rules of Procedure or if in the Presiding Officer's discretion, the questions are not of a clarifying nature, and, if the Presiding Officer rules that the delegation is concluded, the persons appearing shall withdraw from the place designated for delegations.
- 5.10 After a delegation has completed its presentation, members shall each have one opportunity to ask questions of the delegation for clarification purposes only, and without debate. If the delegate's answer to the clarifying question requires a further clarifying question, a member shall have one further opportunity to clarify. When all members who have indicated a desire to ask clarifying questions have finished, the persons appearing as a delegation shall withdraw from the place designated.
- 5.11 The report of the Regional Clerk for each Public Meeting shall be presented to Council at the next appropriate meeting of Council, for receipt.
- 5.12 No decision shall be made at a Public Meeting. Any matter requiring a decision shall be reported to Council for consideration debate and approval at a subsequent meeting of Council.

**APPENDIX III
AMENDMENTS TO THE REGION OF PEEL PROCEDURE BY-LAW 9-2018**

**Process for Appointing an Alternate Member
to Attend Regional Council Meetings**

- One City Councillor to serve as an Alternate Council Member for the absence of a Regional Councillor at a meeting of the Regional Council for any reason. (*Municipal Act, s. 268*)
 - Only applies to absence from Region of Peel Council meetings
 - If more than one Regional Councillor is absent, the alternate member may only substitute for one of the absent Regional Councillors
 - The alternate member only applies to short-term substitutions when a Regional Councillor is absent from a Region of Peel Council meeting for any reason.
- A Regional Councillor shall simultaneously notify (in writing) the City Clerk, Regional Clerk, alternate member and Regional Chair of the absence as soon as possible before the scheduled commencement of a Region of Peel Council meeting.
- Only one designation of an alternate member replacement can occur for each Regional Council meeting
- The City Clerk shall notify (in writing) all Brampton or Caledon Regional Councillors of the designation of the alternate member for the Regional Council meeting
- If the Regional Councillor, who was to be absent, and after notification has been provided in writing,
 - Attends the Regional Council meeting before the start of the meeting, the alternate member shall immediately withdraw from the meeting and the Regional Councillor shall assume his or her seat at the Regional Council meeting, or
 - Attends the Regional Council meeting after the start of the meeting, will be subject to the rules of the Region of Peel Council in regard to the formal representation status of the Regional Councillor and alternate member at that meeting
- The alternate member, while serving on Regional Council, will not receive additional remuneration from the Region of Peel and will be subject to all the applicable Region of Peel policies and procedures at the discretion of the Regional Clerk.

DATE: August 23, 2019

REPORT TITLE: **COUNCIL EXPENSE POLICY, CONFERENCE REPORTING**

FROM: Catherine Matheson, Commissioner of Corporate Services

RECOMMENDATION

That the Conference Registration Notification form included as Appendix I to the Report of the Commissioner of Corporate Services, titled “Council Expense Policy, Conference Reporting”, be approved;

And further, that the Conference Summary form included as Appendix II to the subject report, be approved;

And further, that the Business Expense Accounts – Members of Council Policy (F30-02) be amended to exempt the Federation of Canadian Municipalities and the Association of Municipalities of Ontario from conference reporting requirements.

REPORT HIGHLIGHTS

- Sections 6.2.2 a) and b) of the Business Expense Accounts – Members of Council Policy (the “Policy”) require Members of Regional Council to provide to Council advance notice of conference registration; and, subsequent to attending, provide a summary of the conference.
- In accordance with section 6.2.2. b) of the Policy, both the conference notice and summary are required to be included on a Council agenda.
- It is recommended that a Conference Registration Notification form and a Conference Summary form, included as Appendices I and II, be approved to provide compliance with this requirement of the Policy.

DISCUSSION

1. Background

The Business Expense Accounts – Members of Council Policy (F30-02) (the “Policy”) provides Members of Council with guidelines for reimbursement of expenses for business travel and incidental business expenses.

In the summer of 2017, Council formed the Council Expense Policy Review Committee which reviewed the Policy and made several changes. The current policy reflects those changes and was approved by Regional Council on January 11, 2018.

COUNCIL EXPENSE POLICY, CONFERENCE REPORTING

The purpose of this report is to inform the Regional Council Policies and Procedures Committee (the “Committee”) of requirements under Section 6.2.2, Attendance at Conferences; and, to provide a procedure for complying with the requirements.

Section 6.2.2 Attendance at Conferences

As outlined below, Sections 6.2.2 a) and b) require Members of Regional Council to provide to Council advance notice of conference registration; and, subsequent to attending, provide a summary of the conference. In accordance with section b) both the notice and summary are required to be included on a Council agenda.

Section 6.2.2, Attendance at Conferences:

- a) Members of Council are required to provide notice to Council with information about the conference, including where, when and the agenda topics prior to conference registration. After attending the conference, a summary must be submitted to Council for knowledge sharing purposes within 90 days of attendance at said conference. The summary should include the information gathered and the benefit of attending.
- b) The Member of Council shall notify the Regional Clerk of the notice and/or summary and same will be added to the Regional Council agenda for the next appropriate Regional Council meeting.
- c) Members of Council may attend up to three conferences per year. Attendance at each conference is limited to three Members of Council attending on behalf of the Region of Peel. Attendance at the conferences of the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) are exceptions and any Members of Council may attend. If more than three Members of Council wish to attend a particular conference, permission must be sought from Regional Council. This is self-governed by the Members of Council.

2. Findings

Currently, Council Members provide notice with respect to Conference registration through the Chair’s office and the information is then forwarded to the Clerk’s Office. To date, conference summaries have not been provided.

Notice of Registration

It is recommended that the information forwarded to the Regional Clerk from the Chair’s Office be summarized in the form included as Appendix I, and subsequently be included under Other Business on the next appropriate Regional Council agenda.

Submission of Conference Summary

It is recommended that the Conference Summary form included as Appendix II be approved for use by Members of Council to provide the required information to the Clerk within 90 days of attending a Conference event; and, that the form be included under the Other Business section of the Regional Council agenda for the next appropriate Regional Council meeting.

COUNCIL EXPENSE POLICY, CONFERENCE REPORTING

FCM and AMO

Section 6.2.2 c) exempts both the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) conferences from the total number of permitted conferences, as all Councillors may attend. It is therefore recommended that attendance at the FCM and AMO conferences be exempt from the requirement to provide notice and a summary and that the Policy be amended to provide this exemption.



Catherine Matheson, Commissioner of Corporate Services

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

APPENDICES

Appendix I - Proposed Form - Conference Registration Notifications

Appendix II - Proposed Form – Conference Summaries

For further information regarding this report, please contact For further information regarding this report, please contact Kathryn Lockyer, Regional Clerk and Director of Legal, ext. 4325, kathryn.lockyer@peelregion.ca.

Authored By: Jill Jones, Legislative Specialist



CONFERENCE SUMMARY

To: Regional Council

Date:

From: Councillor _____

Subject: Conference Attendance Summary

In accordance with Section 6.2.2 a) of the Business Expense Accounts – Members of Council Policy (F30-02), please find below a summary of the information gathered and the benefit of attending.

CONFERENCE NAME:
LOCATION:
DATE:
SUMMARY OF AGENDA TOPICS:

DATE: August 13, 2019

REPORT TITLE: **REVIEW OF THE REGIONAL COUNCIL CODE OF CONDUCT FOR MEMBERS OF REGIONAL COUNCIL AND LOCAL BOARDS**

FROM: Catherine Matheson, Commissioner of Corporate Services

RECOMMENDATION

That amendments to the Regional Council Code of Conduct, as recommended by the Regional Council Policies and Procedures Committee (the “Committee”), be referred to the Integrity Commissioner, Principles Integrity;

And further, that the Integrity Commissioner report back to the Committee with a revised draft Regional Council Code of Conduct incorporating the Committee’s recommended revisions and best practices.

REPORT HIGHLIGHTS

- The current Regional Council Code of Conduct (the “Code”) was enacted on January 12, 2017 by By-law 1-2017 and amended on March 8, 2018 by By-law 12-2018.
- On February 28, 2019, Regional Council approved that the Code be amended to include local board members and that it be referred to the Council Policies and Procedures Committee (the “Committee”) for further review.
- The Code (Schedule “A” to By-law 1-2017) is included as Attachment I.
- Information regarding the role of the Regional Chair, with respect to the sharing of information to Council as a collective whole, has also been included in this report for the Committee’s review, as directed by Council on April 11, 2019.
- The *Municipal Act, 2001*, as amended, obliges all municipalities to appoint an Integrity Commissioner to perform, in an independent manner, application of the code of conduct for members of council and local boards; and, address requests from members of council and local boards for advice respecting their obligations under the code of conduct.
- In consideration of the legislated role of the Integrity Commissioner (the “Commissioner”) with respect to the Council Code of Conduct, it is recommended that the Commissioner be involved in the process of reviewing and revising the Code in conjunction with the Committee; and, that the Commissioner report back to the Committee with a revised draft Code of Conduct based on the Committee recommendations and best practices.
- An amending by-law will be presented to Council for enactment subsequent to the Committee’s receipt and review of the Integrity Commissioner’s report and the Committee’s final recommendation to Council.

REVIEW OF THE REGION OF PEEL CODE OF CONDUCT FOR MEMBERS OF REGIONAL COUNCIL AND LOCAL BOARDS

DISCUSSION

1. Background

Regional Council Code of Conduct

The current Regional Council Code of Conduct (the “Code”) was enacted on January 12, 2017 by By-law 1-2017 and amended on March 8, 2018 by By-law 12-2018.

On February 28, 2018, Regional Council approved that the Code be amended to include local board members, to comply with the Section 223.2(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, in force on March 1, 2019 as a result of the enactment of Bill 68, the *Modernizing Ontario’s Municipal Legislation Act, 2017, S.O. 2017, c.10*.

At that time, Regional Council also approved that the Code be referred to the Regional Council Policies and Procedures Committee for review.

Role of the Regional Chair

On April 11, 2019, Regional Council directed that staff include information in this report regarding the role of the Regional Chair, with respect to the sharing of information to Council as a collective whole.

Integrity Commissioner

Part V.1, Accountability and Transparency, of the *Municipal Act, 2001*, as amended (the “Act”) obliges all municipalities in Ontario to appoint an Integrity Commissioner to perform, in an independent manner, application of the code of conduct for members of council and local boards; and, address requests from members of council and local boards for advice respecting their obligations under the code of conduct applicable to the member.

The partnership of Principles Integrity, through its principals, Jeffrey A. Abrams and Janice Atwood-Petkovsk, was appointed, by By-law 5-2018, as the Region of Peel’s Integrity Commissioner pursuant to Part V.1, of the *Act*.

In consideration of the legislated role of the Integrity Commissioner (the “Commissioner”) with respect to the Council Code of Conduct, it is recommended that the Commissioner be involved in the process of reviewing and revising the Code in conjunction with the Committee; and, that the Commissioner report back to the Committee with a revised draft Code of Conduct based on the Committee recommendations and best practices.

2. Review of the Regional Council Code of Conduct

As Section 223.1 of the *Act* now requires that municipalities appoint an Integrity Commissioner, it is necessary to amend Section L. (Compliance) of the Regional Council Code of Conduct to provide the process of engaging the Integrity Commissioner (IC) and the IC process of managing issues before them. It is recommended that the Integrity Commissioner be requested to provide the appropriate amendments.

Sections 223.3 to 223.8 inclusive and 223.12 of the *Act* define the responsibilities of the Integrity Commissioner. It is proposed that the Committee provide recommendations with respect to the duties of the Integrity Commissioner, addressing matters such as, but not limited to:

REVIEW OF THE REGION OF PEEL CODE OF CONDUCT FOR MEMBERS OF REGIONAL COUNCIL AND LOCAL BOARDS

- Powers and duties of the Integrity Commissioner
- Request for advice shall be in writing
- Advice to members shall be provided in writing
- Content of educational information
- Inquiries by the Integrity Commissioner
- Powers on inquiry
- Penalties
- Termination of inquiry when regular election begins and other rules that apply during a regular election

It is also proposed that the Committee consider the addition of a section outlining the Integrity Commissioner's complaint resolution protocol, including:

- Informal complaint procedure,
- Formal complaint procedure, and
- Requests for advice procedure.

3. Role of the Regional Chair

The role of the Regional Chair is distinct from Council, and distinct from an elected member of municipal council. The Regional Chair has a specific statutory jurisdiction.

Sections of the *Municipal Act, 2001*, as amended, (the "Act") are provided below for the Committee's reference. It is recommended that the requirements of the *Act* be considered when reviewing section I, Regional Chair, of the Regional Council Code of Conduct.

Section 225 of the *Act*, sets out the role of the Chair as head of council.

- 225 It is the role of the head of council,
- (a) to act as chief executive officer of the municipality;
 - (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
 - (c) to provide leadership to the council;
 - (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
 - (d) to represent the municipality at official functions; and
 - (e) to carry out the duties of the head of council under this or any other Act

Section 226.1 of the *Act* sets out the role as Chief Executive Officer (CEO), and specifically imposes mandatory legislative duties on the Chair, as CEO.

- 226.1. Head of council as chief executive officer – As chief executive officer of a municipality, the head of council shall,
- (a) uphold and promote the purposes of the municipality;

REVIEW OF THE REGION OF PEEL CODE OF CONDUCT FOR MEMBERS OF REGIONAL COUNCIL AND LOCAL BOARDS

- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environment well-being of the municipality and its residents.

It is the role of the Regional Chair to uphold and promote the municipality locally, nationally and internationally. The statutory role of CEO is not dependent on receiving Council approval in advance, or at all. Council cannot constrain how the Chair performs his legislated duties. The Chair provides leadership to the council.

CONCLUSION

It is proposed that recommendations from the Committee, regarding revisions to the Code of Conduct, be forwarded to the Integrity Commissioner (the "Commissioner"); and, that the Commissioner be requested to report back to the Committee giving consideration to the Committee's recommendations, providing a revised Code of Conduct that complies with the requirements of the *Municipal Act, 2001* and Integrity Commissioner best practices.

An amending by-law will be presented to Council for enactment subsequent to the Committee's receipt and review of the Integrity Commissioner's report and the Committee's final recommendation to Council.



Catherine Matheson, Commissioner of Corporate Services

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

APPENDICES

Appendix I - Code of Conduct: Schedule A to By-law 1-2017

For further information regarding this report, please contact Kathryn Lockyer, Regional Clerk and Director of Legal, ext. 4325, kathryn.lockyer@peelregion.ca.

Authored By: Jill Jones, Legislative Specialist

REVIEW OF THE REGIONAL COUNCIL CODE OF CONDUCT FOR MEMBERS OF REGIONAL COUNCIL AND LOCAL BOARDS

By-law 1-2017 (Amended by By-law 12-2018)
Schedule A

On February 28, 2019, by Resolution 2019-189, Regional Council approved that the Peel Regional Council Code of Conduct (Schedule A to By-law 1-2017) as provided below, be amended to include local board members, as well as Council members.

In accordance with the *Municipal Act, 2001*, as amended, and for the purposes of this Code of Conduct, "local board" is defined as: any board, commission, committee, body or local authority established or exercising any power under any *Act* with respect to the affairs or purposes of the municipality; excluding the police services board, school boards, public library boards, any other local board as may be prescribed, and conservation authorities.

Peel Regional Council Code of Conduct

A. Application and Purpose

- i. The Regional Chair and Members of Council are members of the public appointed or elected, respectively, to represent the residents of the Region of Peel interest through the legislated authority given to Regional Council.
- ii. The Peel Regional Council Code of Conduct (hereinafter after known as the Code) is Council's statement governing the conduct of its Chair and Members of Council in the performance of their official functions and reflects Council's commitment to meet the community's expectations of transparent, accountable and ethical conduct.
- iii. This Code applies to the Regional Chair and Members of Council as they perform their duties in cooperation with Council colleagues, Regional staff, and the public, as elected officials of the Region of Peel.
- iv. The purpose of the Code is to provide the basis upon which any person, including other Members of Regional Council, may promote high standards of ethical conduct of the Regional Chair and Members of Council through a direct referral, or recourse to public opinion.

B. Definitions

- i. **Accountability**
The municipality is obligated to demonstrate and take responsibility for its actions, decisions and policies, and is answerable to the public at large.
- ii. **Benefit**
"Benefit" means anything (other than a gift) given that confers an advantage, including but not limited to discounted or free services, food or beverages for immediate consumption, activities or event tickets, unless there is payment in any form, including the exchange of goods or services of equal or greater value, to the individual or entity giving the benefit.
- iii. **Confidential Information**
Personal information in the custody or control of the Region or information not available to the public and which, if disclosed could result in damage or loss to the corporation of the Region of Peel (corporation), or could give the person to whom it is disclosed an improper advantage.

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REVIEW OF THE REGIONAL COUNCIL CODE OF CONDUCT

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By-law 1-2017 (Amended by By-law 12-2018)
Schedule A

iv. Gift

“Gift” means any real or personal property given, including but not limited to artwork, clothing, money, gift certificates or gift cards, unless there is payment in any form, including the exchange of goods or services of equal or greater value, to the individual or entity giving the gift.

v. Hospitality

“Hospitality” means food, beverages, entertainment and/or accommodation.

vi. Personal Gain

The direct or indirect financial gain of the Regional Chair or Members of Council as defined by Section 3 of the *Municipal Conflict of Interest Act*, but does not include remuneration of the Chair or Councillor by the Region for the performance of the duties of office.

vii. Purchasing Processes

Any process started under the Region’s Purchasing By-law or in response to Council direction.

It also includes any negotiation or communication for the extension or renewal of an existing contract for the purchase of goods, services or land and any negotiation, expropriation or other process for the acquisition of land.

viii. Transparency

The municipality will conduct its business in an accessible, clear and visible manner, with activities that are open to examination by the public.

C. Guiding Principles

- i.** The Region of Peel is a responsible and accountable government with respect to matters within its jurisdiction, and is given powers to be exercised by its Regional Council for the purpose of providing good government.
- ii.** Through the promotion of trust and confidence, it is the policy of the Region of Peel to provide Regional government “as it should be”.
- iii.** The Regional Chair and Members of Council are committed to honour, support and employ the Regional values:
 - Supportive and Respectful Environment
 - Teamwork
 - Effective Communication
 - Integrity
 - Quality Service
- iv.** The decision-making process of Regional Council is to be transparent, accessible and fair.
- v.** The Regional Chair and Members of Council will adhere to the standards required as stated in the Oath of Office.
- vi.** The Regional Chair and Members of Council will be fair and respectful of differences and have a duty to work together for goodwill, the common good and the public interest.

D. Community Involvement and Values

- i. This Code recognizes the responsibility of the Regional Chair and Members of Regional Council to actively serve and represent their communities in their roles as elected officials. This Code is intended to be applied in a manner that supports the Regional Chair and Members of Council in undertaking community involvement, to the greatest extent consistent with Regional principles and values.

E. Legislative Environment

The Region of Peel demonstrates a commitment to accountability and transparency by providing a framework of policies, procedures and practices that foster sound governance and its sustainability. This Code operates along with and supplements the existing legislation governing the Regional Chair and Members of Council.

i. Federal and Provincial Legislative Requirements and Municipal By-laws

Federal and provincial laws and municipal by-laws outline legal authorities, obligations and unlawful activity. The Regional Chair and Members of Council are responsible under this Code to be aware of and to understand the legal obligations affecting them as individual office holders.

The Regional Chair and Members of Council are governed individually or collectively by federal and provincial legislation including:

- Criminal Code of Canada
- Ontario Human Rights Code
- *Municipal Act*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Municipal Elections Act*
- *Occupational Health and Safety Act*
- *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009*
- *Safe Drinking Water Act*

In addition, municipalities are often dealt with in provincial and federal legislation and agreements as having roles both as authorities and a partner providers in the delivery of public services (e.g. as both a service manager and housing provider under the Housing Services Act). The Regional Chair and Members of Council should understand their legal obligations within the legal effect of those legislative frameworks and/or partnership agreements. Where greater clarity is required in this regard, the Regional Chair and Members of Council should direct inquiries to the Regional Clerk and/or the Regional Solicitor.

This Code is enacted under Part V.1 (Accountability and Transparency), s. 223.2 of the *Municipal Act*, 2001.

APPENDIX I
REVIEW OF THE REGIONAL COUNCIL CODE OF CONDUCT

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By-law 1-2017 (Amended by By-law 12-2018)
Schedule A

ii. Regional By-laws

There are several Regional By-laws that the Regional Chair and Members of Council are committed to adhering to including:

- Procedure By-law
- Investigation Request Process (G00-17)
- Accountability and Transparency (G20-01)
- Appointments to Special Purpose Bodies (G20-05)
- Corporate Value Statements (G00-09)
- Region of Peel Purchasing By-Law, Peel Living Resolution, Peel Regional Police Policy (F35-00)

iii. Closed Meeting Investigator

The Region of Peel has appointed Local Authority Services Ltd. (a subsidiary of the Association of Municipalities of Ontario) as the investigator of complaints regarding Regional Council and committee meetings closed to the public. Council and its committees have limited authority to close meetings under the *Municipal Act*, 2001, section 239.

iv. Area Municipal Codes of Conduct

Regional Councillors also serve as Members of Council for the City of Mississauga, the City of Brampton, or the Town of Caledon. All three area municipalities have their own codes of conduct.

The Code applies to the activities of the Regional Chair and Members of Council while executing their responsibilities as Regional Chair and Councillors respectively. Area municipal codes of conduct will apply to the activities of the Members of Council in accordance with their role as area municipal councillors.

Should an issue arise that is of joint responsibility for the Region and the area municipality, both parties will work together to develop a process to resolve the matter and report the findings to both Regional and City/Town Council.

F. Conduct at Regional Council

i. General Conduct

During Regional Council proceedings, the Regional Chair and Members of Council are to conduct themselves in a manner which demonstrates respect for their Council colleagues, Region of Peel staff, and the members of the public, and in accordance with the Region of Peel's Procedure By-law.

The Regional Chair and Members of Council will conduct themselves with dignity, for themselves and towards all others. Members will strive to create an environment free of discrimination and harassment, and will not engage in intimidating or bullying behaviour, acting in accordance with *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)*, 2009.

Councillors will continue in this same manner during other similar proceedings as a result of their membership on other agencies, boards, commissions or sub-committees of Regional Council appointed by Regional Council.

ii. Member Interest

The Regional Chair and Members of Council will serve their communities so that the public interest is upheld and is the Member's primary consideration.

The Regional Chair and Members of Council will not create a real or apparent conflict of their private interests with the public interest, and will act proactively to avoid such conflict to the best of their ability.

The Regional Chair and Members of Council will not use improper influence or be improperly influenced such that personal or private interests are promoted over the public interest.

G. Conduct in Relation to Regional Business

i. Confidentiality

When making decisions, the Regional Chair and Members of Council will have access to information that may be confidential or contentious.

The Regional Chair and Members of Council will respect and maintain the confidentiality of information communicated to them in confidence by staff or colleagues.

The Regional Chair and Members of Council will not disclose a document or information contained within a document provided for use in connection with a closed (in camera) meeting of Regional Council, a Committee of Council, or of any body to which the Member has been appointed by Regional Council.

The Regional Chair and Members of Council will not disclose the deliberations of a closed session without the prior permission of the body holding the closed session.

ii. Decisions about Regional Resources

The Regional Chair and Members of Council will not commit or agree to commit the Region's resources (whether money, staff time, equipment, or otherwise) unless such commitment has been requested and confirmed by Council or by the Regional staff (Chief Administrative Officer, Commissioner, Director, Manager or Supervisor) charged with authority to manage the resources in question.

While they may advocate for a particular decision, the Regional Chair and Members of Council will not attempt to direct the use of Regional resources or property for a purpose not authorized by Council or the appropriate municipal staff.

iii. Procurement

The Region purchases goods, services and land using well established and professionally managed processes as out lined in the Region of Peel's *Purchasing By-Law*.

Should questions arise related to the conduct of Regional Chair or Members of Council in the procurement process, they should consult the Region of Peel Purchasing By-law, other applicable policy or by-law and/or an appropriate staff contact.

H. Decision-Making

- i.** Decision-making authority lies with Regional Council as a whole. All members of the public interacting with Council are entitled to a clear, transparent and accountable decision-making process.

APPENDIX I

REVIEW OF THE REGIONAL COUNCIL CODE OF CONDUCT

By-law 1-2017 (Amended by By-law 12-2018)

Schedule A

- ii. The Regional Chair and Members of Council will serve their communities with transparency, making candid disclosure of the considerations influencing them in their decision-making conduct.
- iii. The Regional Chair and Members of Council will be open to receiving reasonable representations and information from municipal staff, interested persons and the broader community.
- iv. The Regional Chair and Members of Council will not have matters dealt with in closed session (in camera) in cases where Council is unauthorized to do so.
- v. The Regional Chair and Members of Council may communicate a position that is contrary to that taken by Regional Council but in doing so should make clear that they are not representing the Council and refrain from making disparaging comments about other Members of Council and demonstrate respect for Council's processes and decisions.

I. Regional Chair

- i. This Code applies in all respects to the Chair as a Member of Regional Council.
- ii. The role of the Regional Chair is prescribed the *Municipal Act*, 2001 and states that as Head of Council the Regional Chair is:
 - to act as Chief Executive Officer of the municipality
 - to preside over council meetings so that its business can be carried out efficiently and effectively
 - to provide leadership to Council
 - to represent the municipality at official functions
- iii. As Chief Executive Officer, the Regional Chair is responsible to:
 - uphold and promote the purposes of the municipality
 - promote public involvement in the municipality's activities
 - act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally
 - participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents
- iv. The Regional Chair is the Head of Council and political head of the Region, and Chief Executive Officer of the Regional Corporation. The Regional Chair represents the Region in dealing with other levels of government and plays a strong role as liaison with Regional staff through the Chief Administrative Officer.
- v. The Regional Chair will work with Regional Council with regard to those decisions or authorities which have not been delegated to the Regional Chair by Council or provided to the Chair by legislation. The Regional Chair will represent and promote those decisions reached by Regional Council as a whole.

J. Relations with the Corporation, Council and Staff

- i. The Regional Chair and Members of Council will respect the role of staff to work for The Regional Municipality of Peel as a corporate body, with responsibility to make recommendations that reflect their professional expertise and corporate objectives.

REVIEW OF THE REGIONAL COUNCIL CODE OF CONDUCT

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Schedule A

- ii. Regional staff are governed by a separate and complementary *Employee Code of Conduct (HR02-01)*.
- iii. The Regional Chair and Members of Council must respect the fact that staff carry out directions and implement actions and policies of Council as a whole. A Member shall not attempt to influence staff to perform their duties or functions other than in accordance with either the expressed will of Council or in accordance with corporate policy.
- iv. The Regional Chair and Members of Council will not defame the reputation of the Region, its Council, its collective administration or its employees on any basis which the member is not willing and prepared to substantiate to the Council sitting in open session.
- v. The Regional Chair and Members of Council will conduct themselves with decorum demonstrating respect toward colleagues and staff and avoid behavior that could be interpreted as bullying and/or harassment.
- vi. The Regional Chair and Members of Council will not obstruct an officer, employee or agent of the Region of Peel in the performance of their duties.
- vii. The Regional Chair and Members of Council will encourage those employed or otherwise engaged by the Region of Peel to provide advice or services, to do so in a politically neutral, objectively determined and professionally bound manner. No attempt to influence such persons to depart from these standards in the provision of advice or services will be made.
- viii. The Regional Chair and Members of Council will respect the principle that decision-making, including policy making, the direction of staff and the commitment of municipal resources is only to be exercised by Members acting collectively through the Council as a whole.
- ix. The Regional Chair and Members of Council are not to use the services of Regional staff or services contracted by the Region, for personal purposes or for purposes other than the purposes of the Region, and for the purposes of the Region, only under the direction of the staff responsible.
- x. Members of Council are required to conduct themselves in accordance with the Municipal Elections Act, 1996, as amended and any Region election-related policy or procedure in place. The use of regional resources, including both real and personal regional property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion of and opposition to the candidacy of a person for elected office. Election-related activity includes not only a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

K. Expenditures, Hospitality and Gifts

- i. The Regional Chair will disclose in writing all gifts, benefits or hospitality received from individuals, firms or associations having any value, and include in such disclosure the estimated values, the nature of the gift, benefit or hospitality, the source of the gift, benefit or hospitality and the date of receipt. The disclosure of gifts received by the Regional Chair, as aforementioned, shall be posted on the Region of Peel Website on a quarterly basis.
- ii. The Regional Chair and Members of Council may be offered gifts, hospitality or benefits from community organizations or others wishing to express appreciation. Members are permitted to accept these offers of gratitude, provided they are not offered by a vendor or potential vendor

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under an active Regional procurement process. Some gifts may extend a pecuniary benefit to the receiving Member, and be subject to restrictions under the *Municipal Conflict of Interest Act*.

- iii. The Regional Chair and Members of Council should be aware that gifts, hospitality or benefits received from the community could be perceived as an attempt to influence individual Councillor's actions as they pertain to Regional business. Any receipt of good or service from the community, regardless of value, should be viewed through a lens of any possible real or perceived influence.
- iv. The Regional Chair and Members of Council will respect the need for transparency and accountability in all circumstances, including participation with community organizations, not-for-profit groups or community associations seeking the benefit of the Chair's and/or Member's involvement.
- v. If the Regional Chair or Member of Council agrees to fundraise on behalf of any community organization, not for profit group or community association, the Member should ensure that contributions are received by a means that does not involve cash. Contributions should be made directly to the applicable organization, group or association.
- vi. The Region of Peel has established guidelines for Council expenses and remuneration, outlined in the "Regional Councillor Reference Manual" (Section 6 – Council Remuneration/Benefits/Expenses). These guidelines apply to the Regional Chair and all Members of Council.
- vii. For guidance in relation to gifts, Members of Council should refer to established policies at their area municipality.

L. Compliance

- i. The Regional Chair and Members of Council who observe or are credibly informed of a possible contravention of this Code have an obligation to proactively address what they observe or are informed of - whether with the Member concerned, in consultation with other Members, or ultimately through the Council.
- ii. In advance of each Inaugural meeting of Regional Council, the Code will be circulated to the Regional Chair and Members of Council to formally confirm that the Code has been reviewed and there is understanding related to a Councillors obligation to adhere to the Code.
- iii. Under Section 223.1 of the Municipal Act, a municipality has the discretionary authority to appoint an Integrity Commissioner to independently investigate possible violations of the Code and report the findings to Council.
- iv. Should Regional Council chose to use its authority under the Act and appoint an Integrity Commissioner, the Code and all related and relevant Region of Peel policies and procedures will assist the appointee(s) in determining an appropriate course of action.
- v. The Regional Chair and Members of Council will participate, cooperate and provide full disclosure in connection with all measures undertaken by the Region or by an Integrity Commissioner for the implementation and enforcement of this Code including training and the promotion of public transparency, accountability and ethical conduct on the part of Members.
- vi. The imposition of penalties, as outlined under Section 223.4 of the Municipal Act, can only occur following the investigation by an Integrity Commissioner and a Code contravention reported to Regional Council by the Integrity Commissioner.

M. Review Process

- i. To ensure this Code remains relevant and current, Regional staff will review any significant legislative or internal policy changes for possible impact to the Code and report to Regional Council where necessary.
- ii. At the beginning of the mandate of each new Council, this Code will be reviewed in connection with the development of corporate strategies (i.e. Strategic Plan, Term of Council Priorities).
- iii. A mandatory Council review and endorsement of the Code will occur at the beginning of each new term of Council.
- iv. Members of Council will be provided with an overview of their obligations and responsibilities related to the Code at the beginning of each new term of Council.