



THE REGIONAL MUNICIPALITY OF PEEL

REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE

AGENDA

PPC - 5/2019

DATE: Thursday, November 7, 2019

TIME: 9:30 AM – 11:00 AM

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 or Vice-Chair Councillor Sinclair.

1. **DECLARATIONS OF CONFLICTS OF INTEREST**
2. **APPROVAL OF AGENDA**
3. **DELEGATIONS**
4. **REPORTS**
 - 4.1 Legal Process Requirements to Implement the Designated Enhanced Voting Member Model (For information)
 - 4.2 Council Expense Policy - Expensing Conference Costs
 - 4.3 Review of the Delegation of Powers and Duties By-law 1-2015 (For information)
 - 4.4 Process for the Selection of Public Members to Committees of Council
 - 4.5 Stretch Breaks During Regional Council Meetings
5. **COMMUNICATIONS**
6. **IN CAMERA MATTERS**

7. OTHER BUSINESS

8. NEXT MEETING

Thursday, February 6, 2019, 1:00 p.m. – 2:30 p.m.
Council Chamber, 5th Floor
Regional Administrative Headquarters
10 Peel Centre Drive, Suite A
Brampton, Ontario

9. ADJOURNMENT

For Information

DATE: October 28, 2019

REPORT TITLE: **LEGAL PROCESS REQUIREMENTS TO IMPLEMENT THE DESIGNATED ENHANCED VOTING MEMBER MODEL**

FROM: Patrick O'Connor, Regional Solicitor

OBJECTIVE

To provide advice on the legal process requirements necessary to the implementation of the Designated Enhanced Voting Member model. The model was identified as an option for consideration in the report of the Commissioner of Corporate Services titled “Designated Enhanced Voting Member” on the Regional Council Policies and Procedures Committee agenda dated September 5, 2019.

REPORT HIGHLIGHTS

- Brampton and Caledon have the ability to maintain their voting weight on Regional Council when one of their members is absent, by naming an alternate from their respective councils under the authority of Section 268 (1) of the *Municipal Act, 2001*.
- Mississauga cannot do so because an alternate must be a member of its council and all Mississauga Councillors already sit on Regional Council.
- An innovative option has been identified to use Council’s authority under Section 218 (3) of the *Municipal Act, 2001* by giving an additional vote to one of Mississauga’s members when another is absent.
- The option is subject to procedural requirements of:
 - a) Notice,
 - b) A public meeting, and
 - c) A “triple majority” support.
- The option can be adopted but cannot become effective until after the next election.

DISCUSSION

1. Background

Section 268 (1) of the *Municipal Act, 2001* 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 who is unable to attend a meeting of the upper-tier council for any reason. Because the alternate member appointed under Section 268 (1) must be a member of the council of the local municipality, this provision is effectively unavailable to the City of Mississauga all of whose Council members are also members of the Regional Council.

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LEGAL PROCESS REQUIREMENTS TO IMPLEMENT THE DESIGNATED ENHANCED VOTING MEMBER MODEL

In a report titled “Designated Enhanced Voting Member”, the Commissioner of Corporate Services reported to the Regional Council Policies and Procedures Committee on the potential to adopt an innovative measure to address this situation. That option is to use the authority of Section 218 (3) of the *Municipal Act, 2001* to increase by one 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. The designated enhanced voting member would on such occasions have two votes with the result 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 Section 268 (1) mechanism for the appointment of alternate members which is available to Brampton and Caledon.

2. Process Requirements

The identified option is an innovative use of authority provided under Section 218 of the *Municipal Act, 2001*. Section 218 is contained in Part V of the Act dealing with municipal reorganization and is generally intended to enable an upper-tier municipality to change the composition of its Council, including changing the number of votes given to any member provided that each member shall have at least one vote.

Given its nature as an authority to make fundamental changes to the governance structure in an upper-tier municipality, this authority is subject to significant process requirements. These are that before passing the by-law to change the number of votes given to a member, the Region has to give public notice of its intention to do so and to hold at least one public meeting to consider the matter. **Upon giving public notice and holding the public meeting, the adoption of such a by-law is subject to the so called “triple majority” requirement, meaning that it must enjoy the support of:**

- a) **A majority of all votes on Regional Council (i.e. 13 or more votes);**
- b) **A majority of the local Councils, expressed by their adoption of resolutions consenting to the by-law (i.e. two out of the three local municipalities in Peel);**
and
- c) **The total number of electors in the local municipalities having consented must form a majority of all electors in the Region (i.e. Mississauga and one of Brampton or Caledon would have to consent).**

Finally, the by-law to provide for the appointment of a designated enhanced voting member could not come into effect until the new Council is organized following the next regular election. Should the by-law not be passed until 2022 it could not come into effect until the following the regular election of 2026. Should such a by-law be passed prior to 2022 it could come into effect following the regular election of 2022.

These process requirements are imposed by Section 219 of the *Municipal Act, 2001* which is generally applicable to any use by Regional Council of its authority to change its own composition.

LEGAL PROCESS REQUIREMENTS TO IMPLEMENT THE DESIGNATED ENHANCED VOTING MEMBER MODEL

CONCLUSION

The use of this option would employ the authority of Regional Council to change its composition by enhancing the number of votes of a designated member from Mississauga where another Mississauga member is to be absent. The authority to change the composition of Council in this way is subject to procedural requirements as described in this report.



Patrick O'Connor, Regional Solicitor

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

For further information regarding this report, please contact Patrick O'Connor, Regional Solicitor, Ext. 4319, patrick.o'connor@peelregion.ca.

Authored By: Patrick O'Connor, Regional Solicitor

DATE: October 31, 2019

REPORT TITLE: **COUNCIL EXPENSE POLICY - EXPENSING CONFERENCE COSTS**

FROM: Catherine Matheson, Commissioner of Corporate Services

RECOMMENDATION

That Section 6.2.3. of the Business Expense Accounts – Members of Council Policy (the Policy) be amended to allow for Regional Council Section Chairs and Vice-Chairs, in addition to Regional Council Committee Members, to claim event/conference costs for expenses incurred in performing the duties related to their appointment, as expenses related to the program;

And further, that the Policy be amended to include that event/conference expenses to be paid under program accounts for Regional Council Committee Members, or Regional Council Section Chairs and Vice-Chairs, be approved by the particular committee and/or Regional Council.

REPORT HIGHLIGHTS

- The Business Expense Accounts – Members of Council Policy (the Policy) governs the types of reimbursement available for Councillors' business travel and incidental business expenses.
- The Regional Council Policies and Procedures Committee directed staff to review the current Policy with respect to expensing of Councillors' conference costs to program accounts.
- Section 6.2.3. a) iii) of the Policy currently permits payment from programs for that portion of Councillor expenses related to performing duties of appointment to a committee, including committee business related events.
- It is recommended that the Policy be amended to permit Council Section Chairs and Vice-Chairs, in addition to Regional Council Committee Members, to claim event/conference costs incurred in performing the duties related to their appointment, as expenses related to the program.
- Section 6.2.2. of the Policy, as amended by Council on September 26, 2019, provides that notice to attend conferences is no longer required in advance of registration (i.e. Council approval is not required as the process is self-governed through the Councillors' approved expense budget). It is recommended that the policy be amended to provide that event/conference expenses reimbursed from program accounts require approval of the particular committee or Regional Council.
- For the past two terms Regional Councillors' expenses have remained within the conference expense limits permitted by the Council Expense Policy.

COUNCIL EXPENSE POLICY - EXPENSING CONFERENCE COSTS

DISCUSSION

1. Background

On September 5, 2019, the Policies and Procedures Committee (the Committee) directed staff to examine the Council Expense Policy (the “Policy”) in consideration of amending the Policy to allow Members of Council to expense some of their conference costs through program accounts rather than through Councillor expense accounts.

On September 26, 2019 Regional Council approved the Committees recommendation to revise Section 6.2.2 a) to provide that Councillors are no longer required to give notice prior to registering for an event/conference but that they need only give notice before attending, as outlined below. This process is self-governed.

Section 6.2.2 Attendance at Conferences

- a) Members of Council and the Regional Chair are required to provide notice to Council with information about the conference, including where, when and the agenda topics prior to conference attendance or when possible, 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. The Federation of Canadian Municipalities and the Association of Municipalities of Ontario are exempt from conference reporting requirements.
- 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 3 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.

Section 6.2.3 of the Policy provides for the method of reimbursement for Board or Committee expenses including business related events, such as conferences.

Section 6.2.3 Other Board or Committee Expenses

- a) Members of Council who are appointed and endorsed by Regional Council as Regional committee members, or as committee members or officers of municipal organizations, shall be reimbursed for expenses incurred in performing the duties related to their appointment, in addition to the Member of Council’s term allowance for business related events, presuming that the applicable organization has made no provisions.

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COUNCIL EXPENSE POLICY - EXPENSING CONFERENCE COSTS

iii. The Member of Council's portion of the expenses for the Committee trip/event shall be recorded and posted as expenses related to the Committee and shall not be attributed to the Member of Council's Expense Account.

Member of Council Term Allowance

For each Member of Council, the term allowance is **\$23,260** to attend Region of Peel business related events, to be reimbursed for Regional constituent related expenses and to cover the cost of constituent communications during the term of office.

The annual increase of the term allowance will be based on the previous year's Consumer Price Index (Canada, All-items) as announced in the federal budget.

2. Findings

Section 6.2.3 a) iii) of the Policy (Other Board or Committee Expenses) currently provides for the program to reimburse Regional Council Committee Members for expenses incurred in performing the duties of their appointment and said expenses are not attributed to the member of Council's Expense Account. The expenses reimbursed by the program will be recorded and posted publicly as a separate item from Councillor expenses.

It is recommended that the Policy be amended to permit Council Section Chairs and Vice-Chairs, in addition to Regional Council Committee Members, to claim event/conference costs incurred in performing the duties related to their appointment, as expenses related to the program.

As amended by Regional Council on September 26, 2019, section 6.2.2. of the Policy provides that notice to attend conferences is no longer required in advance of registration (i.e. Council approval is not required as the process is self-governed through the Councillors approved expense budget). It is recommended that the policy be amended to provide that event/conference expenses reimbursed from program accounts require approval of the particular committee or Regional Council.

In addition, attendance at events/conferences for Council Section Chairs and Vice-Chairs will fall under the notification and reporting requirements as provided in section 6.2.2 of the Policy (Attendance at Conferences).

Member of Council Expenses Summary

Appendix I provides a summary of Regional Councillor's expenses from the two previous terms of Council (2010-2014 and 2014-2018). Highlights of the summary include:

- From the 2010-2014 term:
 - 8.3% of Councillors spent 100% of their allowance
 - 29.1% of Councillors spent 90 to 99% of their allowance
 - 33.3% of Councillors spent 89 to 51% of their allowance
 - 29.1% of Councillors spent <50% of their allowance
- From the 2014-2018 term:
 - 4.3% of Councillors spent 100% of their allowance
 - 30.4% of Councillors spent 90 to 99% of their allowance
 - 22% of Councillors spent 89 to 51% of their allowance

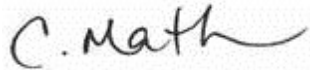
COUNCIL EXPENSE POLICY - EXPENSING CONFERENCE COSTS

- 43.4% of Councillors spent <50% of their allowance

For the past two terms Regional Councillors' expenses have remained within the conference expense limits permitted by the Council Expense Policy.

3. Next steps

For clarity of process and transparency, it is recommended that the applicable Committee and Regional Council approve of any conference being attended by a member of the Committee, or Regional Council Section Chair or Vice-Chair, that will be reimbursed by a program. All expenses paid by a program for conferences shall be posted on the Region's website along with the Councillors expense account details.



Catherine Matheson, Commissioner of Corporate Services

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

APPENDICES

Appendix I - Summary of Councillor expenses from two previous terms of Council (2010-2014 and 2014-2018)

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

Authored By: Marsha Wallace, Specialist, Strategic Public Policy

4.2-5**APPENDIX I
COUNCIL EXPENSE POLICY – EXPENSING CONFERENCE COSTS****Past Term of Council Expenses**

2010 - 2014 Term	Term Allowance \$ 21,300.00	
Councillors	Total Term Spent	Term Allowance Limit (% Spent)
Carlson, George	-	0%
Crombie, Bonnie	20,639.54	97%
Dale, Frank	15,226.48	71%
Fennell, Susan	21,087.59	99%
Foley, Patti	9,632.94	45%
Fonseca, Chris	11,989.91	56%
Hames, Sandra	4,077.98	19%
Iannicca, Nando	20,650.63	97%
Mahoney, Katie	5,320.62	25%
McCallion, Hazel	21,300.00	100%
McFadden, Sue	21,161.35	99%
Miles, Gael	1,830.98	9%
Moore, Elaine	13,502.13	63%
Morrison, Marolyn	20,779.02	98%
Mullin, Pat	18,675.74	88%
Palleschi, Paul	1,507.43	7%
Paterak, Richard	18,459.26	87%
Saito, Pat	18,514.85	87%
Sanderson, John	10,748.24	50%
Sprovieri, John	13,743.39	65%
Starr, Ron	21,017.18	99%
Thompson, Allan	21,247.80	100%
Tovey, Jim	17,787.24	84%
Whitehead, Richard	21,001.52	99%

4.2-6**APPENDIX I****COUNCIL EXPENSE POLICY – EXPENSING CONFERENCE COSTS**

2014 - 2018 Term	Term Allowance Limit \$22,805.00	
Councillors	Total Term Spent	Term Allowance Limit (% Spent)
Carlson, George	-	0%
Crombie, Bonnie	21,534.06	94%
Downey, Johanna	20,741.80	91%
Fonseca, Chris	5,653.83	25%
Gibson, Grant	6,522.33	29%
Groves, Annette	21,098.81	93%
Iannicca, Nando	12,488.65	55%
Innis, Jennifer	15,163.83	66%
Jeffrey, Linda	9,304.62	41%
Kovac, John	6,094.36	27%
Mahoney, Matt	7,161.91	31%
McFadden, Sue	22,779.45	100%
Medeiros, Martin	20,516.52	90%
Miles, Gael	3,009.93	13%
Moore, Elaine	6,951.72	30%
Palleschi, Michael	5,730.55	25%
Parrish, Carolyn	21,960.78	96%
Ras, Karen	9,558.97	42%
Saito, Pat	11,852.47	52%
Shaughnessy, Barb	21,771.08	95%
Sprovieri, John	11,945.56	52%
Starr, Ron	19,267.95	84%
Thompson, Allan	22,521.18	99%

DATE: October 31, 2019

REPORT TITLE: **REVIEW OF THE DELEGATION OF POWERS AND DUTIES
BY-LAW 1-2015**

FROM: Catherine Matheson, Commissioner of Corporate Services

OBJECTIVE

To provide information on the Delegation of Powers and Duties By-law with respect to: requirements of staff to advise on the actions taken pursuant to delegation; potential impacts of changing delegated authority, potential impacts of the proposed amendments to Schedule "B" under Part V of Procurement By-law 30-2018; and, an environmental scan.

REPORT HIGHLIGHTS

- The Delegation of Powers and Duties By-law 1-2015 is an overarching by-law that provides a broad delegation of authority to the Chief Administrative Officer (CAO) with regard to the general control and management of the affairs of the municipality and also provides delegated authority to the Regional Solicitor of a specific nature related to the conduct of legal proceedings and other legal matters.
- The By-law provides five general requirements for the CAO, the Regional Solicitor or the Regional Clerk to report to Council on actions taken pursuant to delegation.
- The delegation of powers and duties to officers and employees of the Region, and their reporting requirements, are more specifically outlined under by-laws such as the Region's Procurement By-law 30-2018 and Document Execution By-law 32-2017.
- Since its inception, the By-law has undergone regular revisions and iterations, and in 2001, subsequent to a thorough audit and administrative review, Council endorsed a consolidated By-law.
- In 2018, the Region's procurement division, one of only three public agencies in Canada, received the prestigious National Institute of Governmental Procurement (NIGP) Outstanding Agency Achievement Award, for Peel Procurement's operational excellence.
- On September 5, 2019, the Regional Council Policies and Procedures Committee requested that a motion to amend Schedule "B" - Approval Authorities, under Part V of Procurement By-law 30-2018, be held for consideration at the next meeting of the Policies and Procedures Committee on November 7, 2019.
- The proposed revision provides that the delegated authority to approve Direct Negotiations be limited to \$50,000, such that all direct negotiations greater than \$50,000 will need to be awarded by Regional Council.
- The proposed change will result in an increase in the total number of reports brought to Council for approval. As a comparison, a review of Direct Negotiation awards over the last three years indicates that 128 additional reports (a total of 167 reports) would have been brought to Council if the delegated authority was limited to \$50,000.

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

- In addition, to achieve operational efficiencies, the Region conducts collaborative procurements with Peel Regional Police and Peel Housing Corporation and the proposed change will result in inconsistencies between the award authorities, processes and timelines for direct negotiation awards between the three entities and also pose challenges to how these collaborative procurements will continue to be awarded.
- Generally, changes to delegation of powers and duties may impact the management of the municipality by increasing the total number of reports required to go to Council thereby increasing meeting times and potentially creating operational risk due to expanded timelines for time sensitive decisions.
- Council may wish to consider the following as alternatives to the reduction of the delegated authority to \$50,000:
 - Require that staff bring all direct negotiations that are deemed to be of significant interest to Council for review and approval regardless of award amount;
 - Consider reducing the current delegation of authority for direct negotiation procurement awards to an amount that is greater than \$50,000 but less than the existing limits;
 - Provide amendments to By-laws 1-2015 and 32-2017 to include more detailed reporting from staff subsequent to actions taken on delegated authority.
 - Retain the current levels of delegated authority, with continued audit and administrative reviews.

DISCUSSION

1. Background

On April 5, 2019, Regional Council directed staff to report to the Policies and Procedures Committee on the Delegation of Powers and Duties By-law 1-2015 with respect to: requirements of staff to advise on the actions taken pursuant to delegation including reports contracted and received; potential impacts of changing delegated authority; and, an environmental scan.

The Delegation of Powers and Duties By-law 1-2015 (Appendix I) was enacted on January 15, 2015. Section 229 of the *Municipal Act, 2001* (the Act) provides that a Chief Administrative Officer (CAO) may be appointed and shall be responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality. Section 270 of the Act requires a municipality to adopt and maintain policies with respect to certain matters, including the delegation of its powers and duties. The Regional Delegation of Powers and Duties policy is included as Appendix II to this report.

By-law 1-2015 provides a broad delegation of authority to the CAO with regard to the general control and management of the affairs of the municipality, the implementation and coordination of all programs and policies adopted by Council, actions required in the case of an emergency, the management of human resources, the use of Regional property, access to all records, implementation of changes to the organizational structure, and settlement or abandonment of claims (upon advice of the Regional solicitor and for payments not to exceed \$500,000). The authority delegated to the Regional Solicitor is of a specific nature

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

related to the conduct of legal proceedings and other legal matters, as provided in section 14 (1) through 14 (7) of the By-law.

2. Requirements of Staff to Report to Council on Actions Taken Pursuant to Delegation

a) Requirements Under By-law 1-2015

Five sections of the By-law provide requirements for the CAO, the Regional Solicitor or the Regional Clerk to report to Council on actions taken:

- Section 6 requires the CAO to report to Regional Council at either its next scheduled meeting or at an emergency meeting convened by the Regional Chair, action taken or decisions made with respect to the delegated emergency authority.
- Section 8 requires the CAO to advise Regional Council of the hiring and dismissal of Commissioners, the Regional Solicitor and the Chief Financial Officer.
- Section 14 (5) requires the Regional Solicitor to report to Regional Council as soon as is reasonably practical, any such matters undertaken to appeal and conduct appeals of decisions of courts, administrative tribunals or other decision making or advisory bodies, applications for standing and for judicial review of decisions.
- Section 14 (6) requires the Regional Solicitor to report to Regional Council for the provision of legal advice and for obtaining instructions and direction touching upon the legal affairs of the Regional Corporation.
- Section 20 requires the Regional Clerk to receive and report to Regional Council, at the next regular meeting held 15 days or later, following any written complaint concerning an alleged improper exercise of a delegated power.

Under By-law 1-2015, the broad authority conferred is to be exercised in accordance with the decisions and directions of Council. In addition, section 19 requires all expenditures relating to the powers delegated under the By-law (with the exception of the case of an emergency) to be made only in conformity with the budget process of the Regional Corporation. There are no specific requirements to report on reports contracted and received.

b) Procurement Activity Reporting to Council

In accordance with Section 17 of the current Procurement By-law 30-2018, the Director of Procurement is required to provide regular reports to Regional Council on all procurement activities, which includes competitive and direct negotiation contract awards; disposals of surplus goods and equipment; emergency procurements conducted; awards made during Regional Council recesses.

Procurement has always provided Regional Council with regular updates on procurement spends but the procurement activity reports to keep Regional Council apprised of procurement transactions became formalized under the last two iterations of the Procurement By-law and is furnished to Council on a tri-annual basis. The Director of Procurement also prepares and submits procurement activity reports on a bi-annual basis to the Peel Housing Corporation Board and the Peel Police Services Board.

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

3. Potential Impacts of Changing Delegated Authority

Delegation of Powers and Duties By-law 1-2015

Regional Council provides for the delegation of its powers and duties to its officers and employees to promote the most efficient decision making and management of municipal operations; and, to promote responsive decision making and management in accordance with the principles established in the Delegation of Powers and Duties Policy.

The delegations of powers and duties under By-law 1-2015 are non-exclusive and may be revoked by Regional Council without notice. The exercise by Regional Council of its authority respecting the powers and duties under this by-law shall take precedence over and supersede their exercise by a delegate, whether or not Regional Council chooses to revoke any such delegation.

Generally, changes to delegation of powers and duties may impact the management of the municipality by increasing the total number of reports required to go to Council, thereby, increasing meeting times and potentially creating operational risk due to expanded timelines for time sensitive decisions.

The delegation of powers and duties to officers and employees of the Region of Peel are more specifically outlined under by-laws including, for example, the Region's Procurement By-law 30-2018 and Document Execution By-law 32-2017. A review of the potential impacts of changing delegated authority for Direct Negotiations under the Procurement By-law is provided under section 4 of this report.

Document Execution By-law 32-2017 - Real Estate Transactions

To provide an example of the potential impact of changing delegated authority under the Document Execution By-law, staff reviewed the current real estate transactions with respect to capital acquisitions, and real property and facility acquisitions. Transactions over \$250,000 and all expropriation transactions, no matter the dollar amount, require Council approval.

A detailed list of transactions from 2018 and 2019 is included as Appendix III. In 2018 and 2019 respectively, 27 and 39 annual transactions are between \$50,000 and \$250,000. These transactions would require additional reporting to Council if staff's delegated authority was reduced, for example, to a maximum of \$50,000.

4. Proposed Amendments to Schedule "B" of Procurement By-law 30-2018

On September 5, 2019, the Regional Council Policies and Procedures Committee (PPC) requested that a motion to revise Schedule "B" - Approval Authorities, under Part V of Procurement By-law 30-2018, (as outlined below) be considered.

The current Procurement By-law was last amended and endorsed by Council in June of 2018. The Procurement By-law establishes the authority and sets out the policies and methods by which goods and services will be procured and disposed of for the purposes of the Regional Municipality of Peel, Peel Regional Police and Peel Housing Corporation. The guiding principles of the Procurement By-law include maintaining trust and confidence in the stewardship of public funds through objective, fair, transparent and efficient procurement

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

processes; the promotion of the effective use of funds allocated by Regional Council through procurement methods, disposals and decisions that achieve best value for money; and the promotion of procurement processes and decisions that are in compliance with applicable legislation and trade agreements and that are consistent with the strategic objectives established for the Region of Peel, Peel Regional Police and Peel Housing Corporation.

The Procurement By-law was initially established by Council in 1974, under Council Resolution 129-74. Since its inception, the By-law has undergone regular revisions and iterations, and in 2001, subsequent to a thorough audit and administrative review, Council endorsed a consolidated By-law to govern the purchase of goods and services for both the Region's municipal and Peel Regional Police purposes to realize operational efficiencies. Under the same Council Resolution 198-2001, Council endorsed the delegated procurement authority to staff to approve direct negotiation awards that remains in place today. As per Council Resolution 198-2001, these delegated procurement authorities were updated to reflect best practices in procurement.

The current Schedule "B" – Approval Authorities is shown below:

Method of Procurement	Dollar Range	Procurement Authority
Direct Purchase	Up to \$10,000	Any employee authorized by the Director of Procurement
Informal Request For Quotation	Greater than \$10,000 to \$25,000	Any employee authorized by the Director of Procurement including employees under Clause 4.2
Request for Quotation	Greater than \$25,000 to \$100,000	Manager of Procurement
Request for Tender	Greater than \$100,000 up to \$500,000	Director of Procurement
	Greater than \$500,000	Chief Financial Officer/ Deputy Chief of Police
Request for Proposal	Greater than \$10,000 to \$500,000	Director of Procurement
	Greater than \$500,000	Chief Financial Officer/ Deputy Chief of Police
Direct Negotiation	Greater than \$10,000 to \$100,000	Director of Procurement
	Greater than \$100,000 to \$250,000	Chief Financial Officer/ Deputy Chief of Police
	Greater than \$250,000	Regional Council/Police Services Board

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

A motion was proposed to amend the award authority for “Direct Negotiation” with respect to amounts “Greater than \$250,000 for Regional Council/Police Services Board”.

The proposed revision is shown below:

Method of Procurement	Dollar Range	Procurement Authority
Direct Negotiation	Greater than \$10,000 to \$50,000	Director of Procurement
	Greater than \$100,000 to \$250,000	Deputy Chief of Police
	Greater than \$50,000	Regional Council
	Greater than \$250,000	Police Services Board

The proposed revision will result in the delegated authority of the Chief Financial Officer to approve direct negotiation awards being revoked in its entirety. Furthermore, the delegated authority of the Director of Procurement to award direct negotiations will be limited to \$50,000 such that all direct negotiation awards greater than \$50,000 will need to be awarded by Regional Council.

a) Potential Impacts of Reducing the Direct Negotiation Authority under Procurement By-law 30-2018

i) Increase in Reports Requiring Council Approval

The proposed change will result in a significant increase in the number of procurement reports being presented to Council on a regular basis for award approval.

The chart below compares the actual number of direct negotiation reports that have been brought to Regional Council for approval over the past three years (for direct negotiation awards greater than \$250,000) with the number of reports that would have been brought to Council if the proposed change reflecting the reduced delegated authority of \$50,000 had been in place.

Year	Direct Negotiation Reports Approved by Council (Greater than \$250,000)	Additional Reports to Council if direct negotiation authority was limited to \$50,000	Total Number of Direct Negotiation Reports to Council if direct negotiation authority was limited to \$50,000
2017	15	38	53
2018	13	59	72
2019 (up to September 1, 2019)	11	31	42

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

Total Number of Reports (between 2017- September 1, 2019)	39	128	167
Average Number of Reports Per Year	13	42	55

The proposed change to have all direct negotiation awards greater than \$50,000 brought to Regional Council for approval would have resulted in **128** more reports over the past three years.

Based on the trends of the direct negotiation procurements that have been awarded over the past three years, staff estimate that the proposed change to Schedule B delegated authority will result in Regional Councillors having to review and approve an average of 42 additional reports per year.

Furthermore, under Section 5.8 of the current Procurement By-law, during any period of time that Regional Council's actions are restricted under section 275 of the *Municipal Act, 2001*, or where there is a Council recess for more than 21 days, the Chief Financial Officer is authorized to make direct negotiation awards that would otherwise be required to be made by Council. The proposed change would require that the Interim Period Approval Committee be scheduled to meet and approve direct negotiation awards greater than \$50,000 on behalf of Council to carry on the business of the Region whenever Regional Council is in lame duck period or no council meetings are scheduled for more than 21 days.

ii) Implications for Peel Housing Corporation and Peel Regional Police Services Boards

The proposed revision contemplates amending the delegated award authority of the Region's Chief Financial Officer and Procurement Director to award direct negotiation procurements. However, as the current Procurement By-law has been adopted by both the Peel Regional Police Services Board and the board of the Peel Housing Corporation (PHC), the proposed change will result in varying procurement award authority, processes and timelines for the three Regional entities even though all the procurements are being conducted by the Region's centralized Procurement division.

PHC adopted Procurement By-law 30-2018 in June of 2018 as their procurement policy, wherein all award authority that had been granted to the Region's Chief Financial Officer were granted to the PHC Treasurer. Consequently, the proposed change to the delegated award authority of the CFO will result in the delegated award authority of the Treasurer of PHC being revoked and all direct negotiation awards greater than \$50,000 requiring award by the PHC Board.

To deliver the strategic objectives established for the Region of Peel, Peel Regional Police and Peel Housing Corporation and realize operational efficiencies, the Region's centralized Procurement division conducts many

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

collaborative procurements on behalf of the three entities. Some examples of these collaborative procurements include the Enterprise Asset Management program and other information technology and software procurements, loss management and external audit services, building maintenance and operational contracts for landscaping and snow clearing, security and general contracting services. The proposed change poses complications to how these joint procurements conducted on behalf of all three entities will now be awarded. The proposed change would also contribute to significant inconsistencies between the award authorities, processes and timelines between direct negotiation awards for Peel Regional Police procurements, PHC procurements and Regional procurements.

iii) Potential Increased Lobbying of Regional Councillors

The proposed change exposes the Region's Councillors to an increased risk of being contacted and lobbied by potential vendors to influence direct negotiation contract awards. As a result, Council could experience an influx in the amount of Vendor delegations at council meetings. The proposed change could contribute to the Region seeing a potential increase in the number of direct negotiations conducted and higher costs due to a reduction in the competitive tension on the Vendor community.

b) **Environmental Scan**

Appendix IV captures the environmental scan data relating to staff delegated authority to award direct negotiation procurements for 11 upper and lower tier municipalities in Ontario. The data demonstrates that the Region's current staff delegated authority to award direct negotiations is in line with the delegated authority that has been granted to senior staff in the municipalities and regional governments of a similar size and scale to Peel, such as the City of Toronto, the Regions of Niagara, York and Halton.

Furthermore, reducing staff delegated authority to \$50,000, will result in the Region's staff delegated authority to award direct negotiations to be lower than the delegated authorities that have been granted to staff within Peel's own member municipalities in the Cities of Brampton and Mississauga.

RISK CONSIDERATIONS

The Region's current Procurement By-law has made significant strides in modernizing procurement processes to reflect current public procurement trends and modern best practices while ensuring fairness, transparency and integrity and upholding the Region's reputation amongst the Vendor community and its counterparts. The Region's procurement division was presented with the National Institute of Governmental Procurement (NIGP) Outstanding Agency Achievement Award, for Peel Procurement's Operational Excellence, for the 4th consecutive term, covering 12 consecutive years. The Region is one of only three public agencies in Canada to receive this prestigious award.

The proposed change will result in extended lead times for the award of each direct negotiation contract greater than \$50,000 which may be perceived as bureaucratic inefficiencies and in turn, adversely impact the Region's reputation as an efficient and responsible municipal government.

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

In order to conduct a direct negotiation purchase, the specific purchase must be determined to have met one the following seven conditions, in accordance with the Procurement By-Law (30-2018):

- 5.2.1 the required goods and services are reasonably available from only one source by reason of the scarcity of supply in the market or the existence of exclusive rights held by any Vendor or the need for compatibility with goods and services previously acquired and there are no reasonable alternatives or substitutes;
- 5.2.2 the required goods and services will be additional to similar goods and services being supplied under an existing contract (including contract extension or renewal);
- 5.2.3 an attempt to procure the required goods and services has been made in good faith using a method other than Direct Negotiation under 5.1 which has failed to identify a successful Vendor and it is not reasonable or desirable that a further attempt to procure the goods and services be made using a method other than Direct Negotiation;
- 5.2.4 the goods and services are required as a result of an emergency, which would not reasonably permit the use of a method other than Direct Negotiation;
- 5.2.5 the required goods and services are to be supplied by a particular Vendor having special knowledge, skills, expertise or experience;
- 5.2.6 the required goods and services are to be delivered confidentially; or
- 5.2.7 the goods and services have a value of less than \$10,000.

Emergency Procurements

Five per cent of the direct negotiation awards greater than \$50,000 completed over the past three years were a result of emergency purchases where due to a threat to public health and safety, Regional staff proceeded with an emergency purchase and then retroactively completed a procurement award report to document the occurrence and to notify delegated staff and Council through the tri-annual procurement activity report. This process to address emergency procurements expeditiously enables the Region's staff to ensure that the health and safety risks to the Region's residents and business are mitigated and resolved efficiently. The proposed change may result in additional amendments to emergency procurement protocols which could pose inadvertent risks to staff addressing emergencies responsively.

Vendors with Exclusive or Proprietary Rights

Additionally, almost 50 per cent of the direct negotiation awards completed over the past three years were for purchases of a good or service where a Vendor had exclusive or proprietary rights or where a direct negotiation purchase was required as a result of a failed competitive process. The proposed change would result in an extended lead time to award contracts greater than \$50,000 even where there is no other source to supply a product or service or where time has elapsed because the competitive process that was conducted had failed.

OTHER CONSIDERATIONS

In keeping with the intent of the *Municipal Act*, delegated authority to staff provides for the efficient and effective operation of the municipality on behalf of Council. In order to maintain the existing efficiencies, and based on the implications as outlined above, Council may wish to consider the following as alternatives to the reduction of the delegated authority to \$50,000:

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

- Require that staff bring all direct negotiations that are deemed to be of significant interest to Council for review and approval regardless of award amount;
- Consider reducing the current delegation of authority for direct negotiation procurement awards to an amount that is greater than \$50,000 but less than the existing limits;
- Provide amendments to By-laws 1-2015 and 32-2017 to include more detailed reporting from staff subsequent to actions taken on delegated authority.
- Retain the current levels of delegated authority, with continued audit and administrative reviews.



Catherine Matheson, Commissioner of Corporate Services

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

APPENDICES

Appendix I – Delegated Authority By-law

Appendix II – Delegation of Powers and Duties policy - Schedule A to the By-law

Appendix III – Summary of Real Estate Transactions

Appendix IV - Direct Negotiation – Summary of Environmental Scan

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: Sarah Ramoutar, Procurement Advisor and Jill Jones, Legislative Specialist

Reviewed in workflow by:
Procurement

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 1-2015

A by-law to delegate certain powers and duties to officers and employees and to repeal By-law 4-74.

WHEREAS the Council of the Regional Corporation is authorized to enact a by-law to delegate powers and duties under section 23.1 of the Municipal Act, 2001;

AND WHEREAS, Regional Council has approved the adoption of a policy with respect to the delegation of the municipality's powers and duties;

AND WHEREAS, Regional Council deems it appropriate in the interests of efficient and responsive decision making and management of municipal operations to make delegations of powers and duties in accordance with its policy;

AND WHEREAS, Regional Council wishes to supplement certain specific delegations of powers and duties which have occurred under its Execution of Documents By-law, Purchasing By-law, Financial Management By-law and elsewhere by enacting this by-law to authorize and govern more general delegations;

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

1. The policy respecting delegation of powers and duties set out in Schedule A to this By-law is adopted pursuant to section 270 of the Municipal Act, 2001 (the "Act"), forms part of this By-law and shall provide guidance for the interpretation and implementation of this By-law.
2. The Chief Administrative Officer is, pursuant to section 229 of the Act, responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality. The Chief Administrative Officer is accordingly delegated all of those powers and duties of the municipality, including its powers of a natural person pursuant to section 9 of the Act, necessary to enable him or her to effectively discharge such responsibilities and duties in accordance with such decisions and directions of the Regional Council as may be made and given from time to time.
3. The Chief Administrative Officer shall co-ordinate and supervise the implementation of and ensure the effective administration of all programs and policies initiated and adopted by the Council and of all projects and undertakings initiated by or under his or her own direction within the strategic policy framework adopted or endorsed by the Regional Council.

4. For the purposes of discharging his or her statutory responsibilities or exercising authority delegated to him or her under this by-law, the Chief Administrative Officer is authorized to make a determination of the will of Regional Council and of the nature and extent of decisions and directions of Regional Council, which shall be deemed to be conclusive subject only to such clarification, revision, or correction as Regional Council shall itself express by means of informal direction, a resolution or by-law.
5. (1) In the case of an emergency where it is necessary in the best interests of the Regional Corporation or in the public interest that an action be taken or a decision made when it is impractical to convene a meeting of Regional Council for the purpose, the Chief Administrative Officer in consultation with the Regional Chair is delegated with all powers and duties of the municipality necessary for the purposes of taking such action or making such decision.

(2) For the purposes of this by-law "emergency" shall have the same meaning as in section 1 of the *Emergency Management and Civil Protection Act*, and shall also include a situation or an impending situation that constitutes a risk of major proportions of serious harm to the financial interests of the Regional Corporation.
6. The Chief Administrative Officer shall report action taken or decisions made in accordance with the delegated emergency authority provided for under this by-law to Regional Council, either at its next regularly scheduled meeting or at an emergency meeting convened by the Regional Chair.
7. The Chief Administrative Officer:
 - (1) Is authorized to recruit and to employ persons permanently in accordance with Regional Council's approved management of complement or on a temporary basis within the limits of Regional Council's approved budget;
 - (2) Is authorized to promote, demote, suspend, discipline, and terminate the employment of employees who are not statutory officers, including Commissioners;
 - (3) For the purposes of s.7(2) statutory officers include the Clerk and the Treasurer.
8. The Chief Administrative Officer:
 - (1) Shall advise Regional Council of the hiring and dismissal of all Commissioners, the Regional Solicitor and the Chief Financial Officer;
 - (2) Is authorized in consultation with the affected Commissioner, the Director of Human Resources and the Regional Solicitor to undertake and conclude

collective bargaining with labour unions representing unionized employees, in accordance with Regional Council approved bargaining mandates;

- (3) May create positions of employment within the framework of a Regional Council adopted framework of complement management provided that the funding necessary for such positions is available in the approved annual corporate budget;
 - (4) Is authorized to require and approve leaves of absence of employees with pay, with partial pay or on a without pay basis for the purposes of and to the extent consistent with the sound administration of the Regional Corporation.
9. Is authorized to consent on behalf of the Regional Corporation and upon such terms and conditions as she or he deems appropriate, to the use by any other person, corporation, partnership, association or any other body whatsoever of the Regional Corporation's property protected by copyright, trademark or patent, upon determining that the granting of such consent will be in the interests or will not detrimentally affect the interests of the Regional Corporation.
 10. For purposes properly related to the administration of the Regional Corporation and subject to such limitations as are imposed by law upon access to personal information and personal health information, the Chief Administrative Officer shall have full, free and unrestricted access to all records, reports, information, property and communication with personnel of the Regional Corporation and suppliers of goods and services to the Regional Corporation.
 11. The Chief Administrative Officer is authorized to implement such changes to the Regional Corporation's organizational structure as in his or her opinion will improve its effectiveness or efficiency provided that:
 - (i) Changes do not detrimentally impact levels of service to the public;
 - (ii) The costs of implementing the changes may be met within the annual Regional Council approved budget for the Regional Corporation and will not result in future annual budgetary requirements in excess of those which would have been required under an unchanged organizational structure in any event.
 12. The Chief Financial Officer is authorized to transfer approved budgeted resources between organizational cost centres of the Regional Corporation in order to effect organizational structural changes authorized by the Chief Administrative Officer pursuant to this By-law.
 13. The Chief Administrative Officer upon the advice of the Regional Solicitor is authorized to settle claims, whether or not asserted in litigation and to authorize payment in settlement of such claims in an amount not exceeding \$500,000. Where the Chief Administrative Officer upon the advice of the

Regional Solicitor deems an amount of a claim maintained by the Region of Peel ("Region") not exceeding \$500,000 exclusive of interest to be uncollectable in whole or in part, he or she may authorize any or all of the abandonment, settlement or writing off of the claim.

14. The Regional Solicitor is authorized to:

- (1) Commence, defend and conduct any proceeding before any court, administrative tribunal or other decision-making or advisory body in accordance with instructions received from Regional Council or from officers or employees of the Region having operational responsibility for the subject matter of such proceedings, or on his or her own initiative where necessary to protect, preserve or assert the best legal interests of the Regional Corporation until such time as the matter can be reported to the appropriate instructing authority for consideration;
- (2) Without limiting the authority conferred under this or any other by-law, settle any procedural or interlocutory matter (matter not determinative of the rights and obligations of the parties concerning the substantive issues in the proceedings) and to settle the terms of any contract authorized for execution by or under the authority of the Regional Council;
- (3) Authorize the payment of any expenses, disbursements or costs reasonably incurred by or awarded against the Region in the course of proceedings;
- (4) Take all steps he or she may consider necessary or desirable to enforce orders, decisions, awards and judgments made in favour of the Region;
- (5) Appeal and conduct appeals of decisions of courts, administrative tribunals or other decision making or advisory bodies, apply for standing and make applications for judicial review of decisions, provided that any such measures undertaken shall be reported to Regional Council as soon as is reasonably practicable;
- (6) Report to Regional Council for the provision of legal advice and for obtaining instructions and direction touching upon the legal affairs of the Regional Corporation;
- (7) Take measures on behalf of the Regional Corporation to obtain or maintain copyright, trademark, patent, intellectual property, land registration or other legal protection of the Regional Corporation's real property and personal property rights or interests.

15. The delegations of powers and duties under this by-law are non-exclusive and may be revoked by Regional Council without notice.

16. The exercise by Regional Council of its authority respecting the powers and duties delegated under this by-law shall take precedence over and supersede

their exercise by a delegate, whether or not Regional Council chooses to revoke any such delegation.

17. A delegation under this by-law shall operate as a delegation to the person acting in the capacity of the delegate from time to time.
18. A delegate of a power or duty may sub-delegate the exercise of the power or the discharge of the duty provided that the initial delegate shall remain responsible to the Regional Council regarding the exercise of the power or discharge of the duty, despite the sub-delegation.
19. Save in respect of the exercise by the Chief Administrative Officer of a delegated emergency power under section 5 of this by-law, all expenditures relating to powers delegated under this by-law shall be made only in conformity with the budget process of the Regional Corporation.
20. The Regional Clerk shall receive and report to Regional Council at the next regular meeting of the Regional Council held 15 days or later following the complaint, any complaint made in writing to her or him concerning an alleged improper exercise of a power or discharge of a duty delegated pursuant to this by-law. The obligation of the Regional Clerk to report may be discharged by means of a report of the Regional Solicitor for the provision of legal advice concerning the complaint to Regional Council sitting in an *in camera* session.
21. By-law 4-74, as amended, is repealed.
22. This by-law may be referred to as the "Regional Delegation of Powers and Duties By-law, 2014".

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 15th day of January, 2015.

Regional Clerk

Regional Chair

CATEGORY: GOVERNMENT SERVICES

SUBCATEGORY: GENERAL

SUBJECT: DELEGATION OF POWERS AND DUTIES

A. PURPOSE

The Regional Municipality of Peel is a municipal corporation, the powers of which are to be exercised by its Council by by-law except where it is specifically legally authorized to do otherwise.

Specific legal authority to do otherwise arises under sections 23.1 - 23.5 of the *Municipal Act, 2001* (the "Act") which provide authority to delegate a municipality's powers and duties to a person or body subject to certain restrictions set out in Part I of the Act.

Pursuant to section 270 of the Act the Regional Corporation is required to adopt and maintain a policy with respect to the delegation of its powers and duties.

This policy is adopted for the purpose of complying with that requirement.

B. SCOPE

This policy applies to the delegation by Council of powers and duties to employees of the Regional Corporation.

C. POLICY

The following are accordingly adopted as policies of The Regional Municipality of Peel respecting delegation of its powers and duties.

1. Regional Council generally favours the delegation of such of its powers and duties to such of its officers and employees as may promote the most efficient decision making and management of municipal operations and promote responsive decision making and management in accordance with the principles established by this policy.
2. The following are established as principles for the delegation of powers and duties:
 - (a) All delegations of powers and duties shall be based upon a by-law, including but not limited to a Delegation of Authority By-law, the Document Execution By-law, the Financial Management By-law and the Purchasing By-law.

CATEGORY: GOVERNMENT SERVICES

SUBCATEGORY: GENERAL

SUBJECT: DELEGATION OF POWERS AND DUTIES

- (b) Delegations of powers and duties shall be non-exclusive and may be revoked by the Council at any time without notice, unless Council expressly provides otherwise.
- (c) In the case of a non-exclusive delegation of powers and duties, an exercise of the power and duty by the Council shall take precedence over and supersede the exercise of such power and duty by a delegate.
- (d) A delegation of a power or duty constitutes a delegation to any person acting in the capacity of the person to whom the power or duty is delegated, during that person's absence.
- (e) A delegate of a power or duty may sub-delegate the exercise of the power or the discharge of the duty provided that the initial delegate shall remain responsible to the Council regarding the exercise of the power or discharge of the duty, despite the sub-delegation.
- (f) Save in an emergency expenditures made under a delegated power shall be made only in conformity with the Region's budget process.
- (g) Reports of the exercise of a delegated authority or the discharge of a delegated duty shall be made to the Council where Council so directs.
- (h) No delegation of a power or duty shall be made or shall be effective where such delegation is prohibited or is not authorized by statute.

D. RESPONSIBILITIES

3. The Regional Clerk shall be responsible to receive complaints or expressions of concern respecting the application of this policy or the absence of proper authority for the exercise or purported exercise of a delegated power or duty. Upon receipt of such a complaint or expression of concern, the Regional Clerk will notify the Chief Administrative Officer and the Regional Council by means of a report for which the Regional Clerk shall not require authorization in order to proceed.



CATEGORY: GOVERNMENT SERVICES

SUBCATEGORY: GENERAL

SUBJECT: DELEGATION OF POWERS AND DUTIES

APPROVAL SOURCE:	Council Resolution 2015-12
ORIGINAL DATE:	January 15, 2015
LAST REVIEW DATE:	January 15, 2015
LAST UPDATE:	January 15, 2015
EFFECTIVE DATE:	January 15, 2015
RESPONSIBILITY:	Corporate Services/Legal Services

REVIEW OF THE DELEGATION OF POWERS AND DUTIES BY-LAW 1-2015

NUMBER OF REAL ESTATE TRANSACTIONS - Capital Acquisitions												
Document	2018						2019					
	Under \$50,000	Under \$50,000*	Under \$100,000*	Under \$100,000	Under \$250,000	Over \$250,000 (Council)	Under \$50,000	Under \$50,000*	Under \$100,000*	Under \$100,000	Under \$250,000	Over \$250,000 (Council)
Acquisitions	27			9	7	5	39			13	13	11
Permission to Enter Agreements	695						99					
Miscellaneous	7	2						3				
Expropriations **						6**						166**
License Agreements*		8	1					13	2			1
TOTALS:	729	10	1	9	7	5	138	16	2	13	13	12

** All expropriations require Council approval no matter the dollar amount. These transactions are not included in the report summary chart.

NUMBER OF REAL ESTATE TRANSACTIONS - Real Property & Facility Acquisitions												
Document	2018						2019					
	Under \$50,000	Under \$100,000	Under \$50,000*	Under \$100,000*	Under	Over \$250,000 (Council)	Under \$50,000	Under \$100,000	Under \$50,000*	Under \$100,000*	Under \$250,000	Over \$250,000 (Council)
Lease/Licence Amending/Extending Agreements /Lease/Licence Agreements*			38	3		3			44	5		3
Facilities Use Agreement/Occupancy			6						8			
Consent to Enter/Permission to Enter	6						9					
Agreement of Purchase & Sale	3					4		1				2
Encroachment Agreements (ROW)						4						
Encroachment Agreements (Easements)	9						9					
Misc. Agreements	2			7		8	6			5		4
TOTALS:	20	0	44	10	0	19	24	1	52	10	0	9

*Lease/Licenses under \$50,000 per annum and under \$100,000 per annum

Municipality	Direct Negotiation Approval Thresholds	Approval Authority
City of Mississauga	Up to \$10,000	Departmental Staff (Supervisor)
	Greater than \$10,000 up to \$50,000	Departmental Director & Purchasing Manager
	Greater than \$50,000 up to \$100,000	Department Head (Commissioner) & Purchasing Agent
	Greater than \$100,000	Council
City of Brampton	Up to \$25,000	Department Head
	Greater than \$25,000 up to \$1,000,000	Council pre-approval may be required; subject to the discretion of Department Head & Purchasing Agent
	Greater than \$1,000,000	Council pre-approval required; Department Head & Purchasing Agent & CAO approval of award
	Council authority required <u>prior</u> to issuance of sole source procurements greater than \$1,000,000	
Town of Caledon	Up to \$50,000	Department Director and Manager of Purchasing
	Greater than \$50,000	Council
City of Toronto	Up to \$50,000	Division Head
	Between \$50,000 up to \$100,000	Division Head and Chief Purchasing Officer
	Between \$100,000 and \$500,000	City Manager and Chief Purchasing Official
	Greater than \$500,000	Council
Region of Waterloo	Up to \$150,000	Chief Purchasing Officer
	Greater than \$150,000	Council
Region of York	Up to \$150,000 (No quotes needed)	Commissioner
	Greater than \$150,000	Council
Region of Halton	Up to \$10,000	Department Representative
	Greater than \$10,000 up to \$100,000	CAO
	Greater than \$100,000	Council
Region of Durham	Up to \$5,000	Department Head
	Greater than \$5,000 up to \$125,000	CAO
	Greater than \$125,000	Council
City of Ottawa	Up to \$15,000	Director
	Greater than \$15,000 up to \$100,000	Director and Supply Branch
	Greater than \$100,000	Deputy City Manager and Supply Branch

Municipality	Direct Negotiation Approval Thresholds	Approval Authority
City of Vaughan	Up to \$100,000	City Manager and Director of Procurement
	Greater than \$100,000	Council
Region of Niagara	Up to \$250,000	Department Commissioner and Manager of Procurement
	Between \$250,000 and \$1,000,000	Department Commissioner, Procurement Director and Treasurer
	Greater than \$1,000,000	Council

DATE: October 30, 2019

REPORT TITLE: **PROCESS FOR THE SELECTION OF PUBLIC MEMBERS TO COMMITTEES OF COUNCIL**

FROM: Catherine Matheson, Commissioner of Corporate Services

RECOMMENDATION

That the process to appoint community members to Regional Council Committees, as outlined in the report of the Commissioner of Corporate Services, titled “Process for the Selection of Public Members to Committees of Council”, be approved;

And further, that the Terms of Reference for all Regional Council Committees requiring community member appointments be revised for compliance with the approved appointment process.

REPORT HIGHLIGHTS

- At the September 26, 2019 Regional Council meeting, Council requested a review of the process of selecting members of the public for appointment to committees of Council.
- The process to appoint public members to a particular committee is set out in the committee’s terms of reference.
- To ensure consistency for the appointment of community members to all applicable Regional Council committees, and to allow for Council involvement earlier in the proceedings, it is recommended that a standardized process be approved as outlined in the subject report.
- A change to the appointment process, for example a change to the composition of the interview panel, would require a revision of the applicable committee terms of reference.

DISCUSSION

1. Background

At the September 26, 2019 Regional Council meeting, the issue of selecting members of the public for appointment by Council to committees of Council was discussed and direction was given to review the process with the Regional Council Policies and Procedures Committee. Specifically, it was suggested that Regional Council should approve staff’s recommendations for public member appointment earlier in the process and Council Committee members should participate in interviews of candidates for public member appointments.

PROCESS FOR THE SELECTION OF PUBLIC MEMBERS TO COMMITTEES OF COUNCIL

2. Findings

In 2018, Regional Council approved the appointment of community members to the Audit and Risk Committee (ARC), and the Diversity, Equity and Anti-Racism (DEAR) Committee. Council adopted this practice to broaden perspective and insights to help the Committees meet their role and mandate. The Accessibility Advisory Committee (AAC) was the only Council committee that previously had appointed community members, as required by the *Accessibility for Ontarians with Disabilities Act, 2005*.

Current Process

The process of selecting community members, as described in the respective Committee Terms of Reference, is to advertise for the position in the local papers and on the Region of Peel website. The Office of the Regional Clerk receives the applications and staff review applications to determine if the prospective candidates meet the minimum eligibility requirements. If the minimum eligibility requirements are met, the Regional Clerk, or designate, in consultation with the relevant division Director, may request that interviews be scheduled with an interview panel. The panel is comprised of the Regional Clerk or designate, the division Director, and may also include the Committee Chair. After the interviews are completed, a report is prepared for Regional Council with a recommendation regarding the suitability of the prospective candidates. Candidates for the committee positions should not be advised of their ranking until the recommendations have been reviewed by Regional Council. Council has the final authority to appoint the recommended members to the committee. All appointed community members must be willing to sign and adhere to the Peel Regional Code of Conduct. Non-elected community members serve without remuneration but shall be eligible for reimbursement of expenses incurred which are deemed necessary.

Recommended Appointment Process

To ensure consistency for the appointment of community members to all Regional Council committees, and to allow for Council involvement earlier in the proceedings, it is recommended that a standardized process be approved as outlined below:

- Council will approve committee community member eligibility criteria to be included in the committee terms of reference.
- Staff will prepare and post an advertisement and application form based on the approved eligibility criteria.
- Advertisements will be posted for a minimum of 2 weeks.
- Applications must be received in the Office of the Regional Clerk by the set due date; no applications will be accepted after the due date.
- Staff will prepare a skills matrix to measure applicant skills and experience with respect to the approved eligibility criteria.
- Staff will review applications for minimum eligibility requirements and provide scoring on the skills matrix.
- The interview panel will be comprised of the Regional Clerk or designate, the responsible division Director or designate, and the Chair and/or Vice-Chair of the Committee. Additional staff or Council/committee members may be included if provided for in the Committee Terms of Reference or requested by Council.
- The interview panel will choose applicants to be interviewed.

4.4-3

PROCESS FOR THE SELECTION OF PUBLIC MEMBERS TO COMMITTEES OF COUNCIL

- Staff will schedule interviews in cooperation with the interview panel for candidates meeting the eligibility requirements and scoring highest on the skills matrix.
- The division Director or designate (with assistance of Human Resources staff) will prepare interview questions based on the approved eligibility requirements.
- The interview panel will select the top candidates based on results of the skills matrix and interview questions.
- Subsequent to completion of the interviews, the responsible division Director shall forward a report to Regional Council regarding the suitability of the prospective candidates recommended for approval; including a summary of all eligible candidates and their rankings.
- Information from all eligible applications will be made available to Council for review.
- Regional Council shall appoint all community members by resolution.
- Mid-term vacancies will be filled following the same process.

CONCLUSION

Regional Council gave direction to review the process of appointing public members to committees of Regional Council. Should Council approve the above outlined process, or deem it necessary to have more involvement in the process, the Terms of Reference for each applicable committee would need to be revised.



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, Legal Services, 905-791-7800. ext. 4325, email to kathryn.lockyer@peelregion.ca.

Authored By: Ava Macintyre, Deputy Clerk and Manager, Legislative Services and Jill Jones, Legislative Specialist

DATE: October 29, 2019

REPORT TITLE: **STRETCH BREAKS DURING REGIONAL COUNCIL MEETINGS**

FROM: Catherine Matheson, Commissioner of Corporate Services

RECOMMENDATION

That Members of Council be encouraged to take individual informal stretch breaks throughout Regional Council meetings.

REPORT HIGHLIGHTS

- At the September 26, 2019 Regional Council meeting, a discussion arose about the stretch breaks that were formally incorporated into Regional Council meetings and it was requested that Council consider reinstatement of the formal stretch breaks.
- Prolonged periods of sedentary behaviour are associated with increased risk of chronic diseases and mortality.
- In November 2013, a 2-minute stretch break was initiated during Regional Council meetings to allow Members of Regional Council to stretch during proceedings.
- During the stretch break, the Council meeting was recessed, and music was played and this was broadcasted via Rogers Cable.
- The 2-minute stretch break evolved into longer breaks. Members of Council left the Council Chambers to attend to other business which sometimes resulted in a lack of quorum when the meeting was to reconvene.
- The stretch breaks were discontinued in 2016. Members of Council are free to stand up, stretch and take a break during the Council meeting, while maintaining quorum.
- Taking formal breaks may result in longer meetings.

DISCUSSION

1. Background

At the September 26, 2019 Regional Council meeting, Council received delegations from Our Lady of Providence School and Floradale Public School regarding the High-impact, Easy Approach Leading to Healthier Youth (HEALTHY) Pledge Program. A component of this initiative is a Daily Physical Activity Pledge that encourages a minimum of 20 minutes of in class physical activity each school day during learning time. Discussion occurred as a result of the delegation, regarding the previous stretch breaks that were incorporated into Regional Council meetings and it was requested that the stretch breaks be reinstated. This demonstrates the Region of Peel's commitment as a model employer promoting physical activity and decreasing sedentary behaviour among its workforce. Prolonged periods of

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sedentary behaviour are associated with increased risks of type 2 diabetes, cardiovascular disease and all-cause mortality.

International physical activity guidelines recommend adults should minimize time spent being sedentary by moving more throughout the day. Therefore, frequent shorter breaks may be more beneficial than one scheduled break so as to allow individual Councillors to do what is best for them.

In November 2013, Regional Council commenced stretch breaks as part of the Supportive Environments for Healthy Living in Peel; during Council proceedings the meeting was recessed and a musical interlude was played to encourage participation. A banner was placed on the Rogers live stream that stated "Region of Peel Recess – the Meeting will resume in 5 minutes". The recess was often extended, sometimes up to 10 minutes as Members of Council left the Council Chambers to stretch, attend to other business or take a break in the Council Lounge. The view to the public was often a vacant Chamber. In February 2016, the official stretch breaks ceased, in part due to the disruption of the flow of the Council meeting. Stretch breaks did not occur at each meeting as there were many occasions when the business flow of the meeting did not present an appropriate opportunity to break.

Currently, the Regional Council meetings are live streamed through an 'in house' video system and the audio and visuals cannot be turned off unless the meeting proceeds to a 'black out' recess. The angle of the cameras are also fixed to view Members of Council in a seated position, not a standing position, hence it will be awkward for Members of Council and the viewing public should there be a group stretch break.

2. Proposed Direction

During Council proceedings, Members of Council are free to stand, stretch, take breaks or proceed to the Council Lounge, as long as quorum is not lost and the meeting can continue for orderly conduct of business. It is more beneficial to take frequent standing/stretching breaks during lengthy Council proceedings, rather than one group stretch break.

It is recommended that a group stretch break not be reinstated. Public Health is available to provide options to Members of Council that promote movement and decrease time spent sitting during Council proceedings. Initial options for consideration may include providing information and electronic prompts to raise awareness and nudge towards healthier behaviours, and active applause and standing while voting.



Catherine Matheson, Commissioner of Corporate Services

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

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STRETCH BREAKS DURING REGIONAL COUNCIL MEETINGS

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