



THE REGIONAL MUNICIPALITY OF PEEL
REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE

AGENDA

PPC - 1/2020

DATE: Thursday, February 6, 2020

TIME: 1:00 PM – 2:30 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; M. Palleschi; C. Parrish; K. Ras; P. Saito;
I. Sinclair; A. Thompson (ex-officio)

Chaired by Councillor C. Parrish or Vice-Chair Councillor I. Sinclair

1. **DECLARATIONS OF CONFLICTS OF INTEREST**
2. **APPROVAL OF AGENDA**
3. **DELEGATIONS**
4. **REPORTS**
 - 4.1. Revisions to the Interim Period Approvals Committee Terms of Reference
 - 4.2. Regional Council Policies and Procedures Committee 2020 Revised Work Plan
 - 4.3. Process for Appointing a Chief Administrative Officer Update (Oral)
 - 4.4. Review of Regional Council Composition (For information) (Related to 5.1) **(Referred from the December 19, 2019 Regional Council meeting)**
5. **COMMUNICATIONS**
 - 5.1. **Steve Clark, Minister of Municipal Affairs and Housing**, Letter received January 10, 2020, Regarding a Regional Council Composition Review (Related to 4.4) **(Referred from the January 23, 2020 Regional Council meeting)**

6. OTHER BUSINESS

- 6.1 Resolution 2019-1069 **(As requested at the November 14, 2019 Regional Council meeting)**
- 6.2 Discussion Regarding Rules Governing the Conduct of the Regional Chair as it Relates to the Sharing of Information to Council as Collective Whole and Endorsement of Regional Council Position Statements **(As requested at the January 30, 2020 Policies and Procedures Workshop)**
- 6.3 The Regional Council-Staff Relations Policy, Resolution 2019-189 **(As requested at the January 30, 2020 Policies and Procedures Workshop)**

7. IN CAMERA MATTERS**8. NEXT MEETING**

Thursday, May 7, 2020, 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

DATE: January 27, 2020

REPORT TITLE: **REVISIONS TO THE INTERIM PERIOD APPROVALS COMMITTEE TERMS OF REFERENCE**

FROM: Kathryn Lockyer, Acting Commissioner of Corporate Services

RECOMMENDATION

That the revised Terms of Reference for the Interim Period Approvals Committee, attached as Appendix I to the report of the Acting Commissioner of Corporate Services, titled “Revisions to the Interim Period Approvals Committee Terms of Reference”, be approved;

And further, that the necessary by-law to continue the Interim Period Approvals Committee and to authorize the revised Terms of Reference be presented for enactment;

And further, that the Interim Period Approvals Committee By-law 62-2014 and its amending By-law 6-2019 be repealed;

And further, that the necessary by-law to amend Procurement By-law 30-2018 be presented for enactment.

REPORT HIGHLIGHTS

- On December 19, 2019, Regional Council approved a recommendation from the Policies and Procedures Committee (Resolution 2019-1155) directing staff to report back regarding revisions to the Interim Period Approvals Committee (IPAC) Terms of Reference with respect to delegated authority for awarding Direct Negotiation procurements.
- The IPAC Terms of Reference were enacted as Schedule A to By-law 62-2014 being a by-law to delegate Council's powers to the Committee.
- By-law 62-2014 and the Terms of Reference delegate to IPAC authority to act on behalf of Council during a Regional Council hiatus of more than 21 days, or when pursuant to section 275 of the Act, there is a period of restricted acts in the year of an election (a "lame duck" period).
- The draft revised IPAC Terms of Reference and by-law (Appendices I and II) provide further authorization to approve awards of Direct Negotiation procurements greater than \$100,000 to \$250,000 requiring an urgent response between regularly scheduled Regional Council meetings, in compliance with the Procurement By-law; and, that should IPAC be required to approved awards of Direct Negotiation procurements that Council be notified immediately of the award decision with justification.
- “Urgent Response” is defined in the draft revised IPAC by-law to mean “a non-

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REVISIONS TO THE INTERIM PERIOD APPROVALS COMMITTEE TERMS OF REFERENCE

emergency situation where the procurement of a good or service is necessary to imminently address, rectify or maintain Regional infrastructure or services, or where a delay may contribute to significant negative repercussions to Regional interests, service delivery and/or residents, and which response is endorsed or authorized by a Commissioner or the Chief Administrative Officer.”

- The Procurement By-law 30-2018 will also be amended to address the definition of “Urgent Response”.
- There will be no change to the process for approval of direct negotiation procurements over \$250,000.
- It is recommended that quorum be defined in the revised Terms of Reference as four members of the Committee, with representation from each local municipality. This reduction in quorum is intended to address concerns raised by the Policies and Procedures Committee regarding the potential inability to obtain quorum for meetings called with minimal notice as may be required for urgent responses regarding Direct Negotiation procurements.

DISCUSSION

1. Background

On December 19, 2019, Regional Council approved a recommendation from the Policies and Procedures Committee (Resolution 2019-1155) directing staff to report back regarding revisions to the Interim Period Approvals Committee (IPAC) Terms of Reference required to provide IPAC authority to approve awards of Direct Negotiation procurements greater than \$100,000 to \$250,000 requiring an urgent response between regularly scheduled Regional Council meetings; and, to consider amendments to the IPAC quorum requirements to ensure IPAC can be convened in a timely manner. Resolution 2019-1155 also directed that should IPAC be required to approve awards of Direct Negotiation procurements, Council shall be notified immediately of the award decision with justification.

The IPAC Terms of Reference were enacted as Schedule A to By-law 62-2014 (being a by-law to delegate Council's powers to the Interim Period Approvals Committee) as authorized by sections 23.1 and 275(6) of the *Municipal Act, 2001*, as amended (the Act), during a Council hiatus of more than 21 days, or when pursuant to section 275 of the Act, there is a period of restricted acts in the year of an election (a "lame duck" period).

Section 23.1 of the Act provides Council with authorization to delegate its powers to a person or body (which may include a Council Committee) and section 23.1(2) 5 provides that “a delegation may be made subject to such conditions and limits as the council of a municipality considers appropriate” (i.e. such as giving IPAC the authority to provide procurement approvals under certain conditions).

Section 275(6) provides that delegated authority is unaffected during times of restricted acts after nomination day.

REVISIONS TO THE INTERIM PERIOD APPROVALS COMMITTEE TERMS OF REFERENCE

2. Proposed Revisions to the IPAC Terms of Reference

A summary of proposed revisions are outlined below and also provided in the draft IPAC Terms of Reference attached as Appendix I.

a) Purpose of the Committee

The purpose of the Committee, as stated in the current Terms of Reference, is to oversee any matters requiring Council's approval, as authorized by section 23.1 or section 275(6) of the *Municipal Act, 2001*, as amended; and, to provide assurance to the public that the continuity of conduct of Regional business is administered in an efficient, effective and economical manner.

In compliance with Resolution 2019-1155, it is recommended that the following paragraph be added to the current Terms of Reference Committee purpose:

“To approve awards of Direct Negotiation procurements greater than \$100,000 to \$250,000, requiring an urgent response between regularly scheduled Regional Council meetings, in compliance with the Procurement By-law; and, that should IPAC be required to approve awards of Direct Negotiation procurements that Council be notified immediately of the award decision with justification.”

There will be no change to the process for approval of direct negotiation procurements over \$250,000.

b) Membership & Quorum

The committee membership, as provided in the current Terms of Reference (enacted by By-law 62-2014 and amended by By-law 6-2019) is comprised of the Chairs and Vice-Chairs of the Enterprise Programs and Services, Public Works, Health, Human Services, and Planning and Growth Management sections of Regional Council, and the Regional Chair as ex-officio (11 members).

Quorum for IPAC is currently a majority, that being six members. Members of the Policies and Procedures Committee indicated concern regarding the potential inability to obtain quorum for meetings called with minimal notice (48 hours) as may be required for urgent responses regarding Direct Negotiation procurements. It was discussed that the membership could be changed to require only one of either the Chair or Vice-Chair of each section be counted for the size of the Committee, and the Regional Chair, for a total of six members. Subsequently, it was proposed that rather than reduce the size of the Committee it may be preferred to maintain eleven members but reduce the requirements for quorum.

While a majority of members is usual for a committee quorum, it is not a requirement. Section 1.2.23 of the Region's Procedure By-law states that quorum for a committee may be a majority of the committee members or as provided in a committee's Terms of Reference.

It is proposed that the committee membership remain at 11 but the Terms of Reference be revised to indicate that quorum (determined as though the committee membership was six) be four members. It is also proposed that given the reduced quorum, that representation from each local municipality be required.

REVISIONS TO THE INTERIM PERIOD APPROVALS COMMITTEE TERMS OF REFERENCE

It is recommended that the following paragraph replace the current Terms of Reference Quorum requirement:

Four members of the Committee, with representation from each local municipality, shall constitute a quorum.”

3. Proposed Revisions to the IPAC By-law and Procurement By-law

A draft IPAC By-law (Attachment II) has been provided to reflect the changes outlined in the revised IPAC Terms of Reference and to provide a definition of the term “Urgent Response”.

Procurement By-law 30-2018 will also be amended to address the definition of “Urgent Response”.

CONCLUSION

The existence of a previous amendment and the extent of changes to the IPAC Terms of Reference and By-law now proposed make it preferable to repeal By-laws 62-2014 and 6-2019 and enact a new IPAC By-law which is included as Appendix II.



Kathryn Lockyer, Acting Commissioner of Corporate Services

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

APPENDICES

Appendix I – Revised IPAC Terms of Reference
Appendix II – Revised IPAC By-law

For further information regarding this report, please contact Ava Macintyre, Deputy Regional Clerk, ext. 4462, ava.macintyre@peelregion.ca

Authored By: Jill Jones, Legislative Specialist

APPENDIX I

REVISIONS TO THE INTERIM PERIOD APPROVALS COMMITTEE TERMS OF REFERENCE

Schedule "A" to By-law XX-2020

Terms of Reference for the Interim Period Approvals Committee
Enacted Pursuant to By-law XX-2020

Purpose of the Committee:

To oversee any matters requiring Council's approval, as authorized by section 23.1 or section 275(6) of the *Municipal Act, 2001*, c.25 as amended;

To approve award of Direct Negotiation procurements greater than \$100,000 to \$250,000, requiring an urgent response between regularly scheduled Regional Council meetings, in compliance with the Regional Procurement By-law; and, should IPAC be required to approve awards of Direct Negotiation procurements that Council be notified immediately of the award decision with justification;

To provide assurance to the public that the continuity of conduct of regional business is administered in an efficient, effective and economical manner.

Membership

The Committee shall be comprised of the Chairs and Vice-Chairs of the Enterprise Programs and Services, Public Works, Health, Human Services, and Planning and Growth Management sections of Regional Council, and the Regional Chair as ex officio, for a total of eleven members.

Quorum

Four ~~A majority of the~~ members of the Committee, with representation from each local municipality, shall constitute a quorum.

Election of Chair and Vice-Chair

The Committee will elect from among its members a Chair and Vice-Chair, and this election shall be held at the first meeting of the Committee in each term of Council.

The Committee shall appoint a Vice-Chair who may act in the capacity of Chair and exercise all the rights, powers and authorities of the Chair when the Chair is absent through illness or otherwise, or is absent from the office in course of his or her duties, or on vacation or on an approved leave.

Term of Appointment

The term of appointment of the Committee will be for the remainder of the present term of Council.

Meetings

Meetings will be scheduled at the call of the Chair of the Committee. A designate of the Regional Clerk will serve as the secretary to the Committee and provide administrative support.

APPENDIX II
AMENDMENTS TO THE IPAC TERMS OF REFERENCE

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER XX-2020

A by-law to repeal By-laws 62-2014 and amending By-law 6-2019, to continue the Interim Period Approvals Committee delegating to it Council's powers as authorized by sections 23.1 and 275(6) of the *Municipal Act, 2001*, c.25, as amended, during a Council hiatus of more than 21 days; and, delegating authority to approve awards of Direct Negotiation procurements greater than \$100,000 to \$250,000 requiring an urgent response between regularly scheduled Regional Council meetings.

WHEREAS there are occasional times when there is no regular meeting of Council scheduled for a period of more than 21 days after the date of the previously scheduled regular Council meeting or, when pursuant to section 275 of the *Municipal Act, 2001* there is a period of restricted acts in the year of an election (a "lame duck" period), either which is hereinafter referred to as an "Interim Period";

AND WHEREAS, during Interim Periods staff of the Regional Corporation are authorized to exercise authority to ensure the continuity of conduct of the Regional Corporation's business;

AND WHEREAS, there may be occasional times between regularly scheduled Regional Council meetings of less than 21 days after the date of the previously scheduled regular Council meeting, when an urgent response is required to approve awards of Direct Negotiation procurements greater than \$100,000 to \$250,000;

AND WHEREAS, Council deems it desirable to continue a Committee comprising adequate Council representation and to delegate to that Committee Council's powers beyond the authority otherwise conferred upon staff of the Regional Corporation, during Interim Periods or occasional times when an urgent response is required for awards of Direct Negotiation procurements greater than \$100,000 to \$250,000;

AND WHEREAS, the Procedural By-law ~~400-201256-2019~~ authorizes the establishment by Council of Committees at any time as is deemed necessary for the consideration of matters within Council's jurisdiction;

AND WHEREAS, Council is authorized by sections 23.1 and 275(6) of the *Municipal Act, 2001*, c.25 as amended to delegate its powers to a body including a Council Committee;

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

1. That in this By-law, "Interim Period" means a time during which there is no regular meeting of Council scheduled for a period of more than 21 days after the date of the previously scheduled regular Council meeting or a period of restricted acts in the year of an election (a "lame duck" period);
- ~~1.2.~~ That in this By-law, "Urgent Response" means a non-emergency situation where the procurement of a good or service is necessary to imminently address, rectify or

**APPENDIX II
AMENDMENTS TO THE IPAC TERMS OF REFERENCE**

maintain Regional infrastructure or services, or where a delay may contribute to significant negative repercussions to Regional interests, service delivery and/or residents, and which response is endorsed or authorized by a Commissioner or the Chief Administrative Officer.

2.3. _____ That a Committee composed of the Chairs and Vice-Chairs of the ~~Management~~Enterprise Programs and Services, Public Works, Health; ~~Services and~~ Human Services and Planning and Growth Management sections of Regional Council, and the Regional Chair, ex officio is continued and known as the Interim Period Approvals Committee (the "Committee");

3.4. _____ That Council's powers and authority are delegated to the Interim Period Approvals Committee during Interim Periods and during occasional times between regularly scheduled Regional Council meetings when the approval of awards of Direct Negotiation procurements greater than \$100,000 to \$250,000 require an urgent response, to the full extent permissible by law, with the exception that Council's powers and authority respecting the hiring or firing of employees is not so delegated;

4.5. _____ That the terms of reference for the Committee are as set out in Schedule "A" which is hereby enacted and forms part of this by-law.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this ___th day of _____, 2020.

Deputy Regional Clerk

Regional Chair

DATE: January 22, 2020

REPORT TITLE: **REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE
2020 REVISED WORK PLAN**

FROM: Kathryn Lockyer, Acting Commissioner of Corporate Services

RECOMMENDATION

That the revised work plan, included as Appendix I to the report of the Acting Commissioner of Corporate Services, titled “Regional Council Policies and Procedures Committee 2020 Revised Work Plan”, be approved.

REPORT HIGHLIGHTS

- On December 13, 2018 the Policies and Procedures Committee (the Committee) was established with a mandate to review Regional Council’s operational structure, procedures, and regulatory tools; and, to provide recommendations regarding Council transparency and accountability, Council’s effective and efficient decision-making procedures, and methods/tools to build on current practices.
- A Committee work plan was approved on April 11, 2019 as a flexible document that may be adjusted to include additional items as requested.
- Eight items were added to the work plan by the Committee and Council.
- The revised work plan (Appendix I) outlines the proposed schedule of items to be addressed by the Committee in 2020.

DISCUSSION

1. Background

On December 13, 2018 the Policies and Procedures Committee (the Committee) was established with a mandate to review Regional Council’s operational structure, procedures, and regulatory tools; and, to provide recommendations regarding Council transparency and accountability, Council’s effective and efficient decision-making procedures, and methods/tools to build on current practices.

On April 11, 2019, a Committee work plan was approved as a flexible document that could be adjusted to include additional items as requested. Eight items were added to the work plan by the Committee and Council.

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REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE 2020 REVISED WORK PLAN

2. Committee Work Completed or in Progress from 2019

The following items were considered by the Committee in 2019 and are complete or in progress. Items added after the approval of the original work plan are indicated on the chart below.

ITEM	STATUS	ADDED
• Peel Police Services Board Citizen Appointment	Complete	
• Procedure By law Revisions	Complete	
• Council Expense Policy – Conference Reporting	Complete	
• Stretch Breaks	Complete	✓
• Process for the Selection of Public Members to Council Committees	Complete	✓
• Delegation of Powers and Duties	Complete	
• Designated Enhanced Voting Member and the Required Legal Process	In Progress: Committee recommendation is approved and staff is continuing the process.	✓
• Council Code of Conduct	In Progress: January 30, 2020 Workshop report to be included on the next PPC agenda.	
• Council-Staff Relations Policy	In Progress: January 30, 2020 Workshop report to be included on the next PPC agenda.	
• Role of the Regional Chair With Respect to Sharing of Information and the Endorsement of Regional Council Position Statements	In Progress: January 30, 2020 Workshop report to be included on the next PPC agenda.	✓

3. Committee Work to be Addressed in 2020

The following items were referred to the Committee by Council:

ITEM	STATUS	ADDED
• Review of Regional Council Composition	Item 4.4 on the Feb 6, 2020 PPC Agenda.	✓
• Revisions to the IPAC Terms of Reference (as a result of changes to the Procurement By-law)	Item 4.1 on the Feb 6, 2020 PPC Agenda.	✓
• Review of the Consent Agenda	May 7, 2020 PPC Agenda	✓
• Interview and Vet CAO Candidates	To be scheduled.	✓

REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE 2020 REVISED WORK PLAN

Proposed Revised Work Plan and 2020 Meeting Schedule

Based on work in progress and requests made by Council during 2019, staff have prepared a revised 2020 work plan (Appendix I) for discussion by the Committee members. The following items are proposed to be included on the 2020 meeting schedule:

May 7, 2020:

- Update report regarding items discussed at the January 30, 2020 workshop to include the Council Code of Conduct, Council-Staff Relations Policy and the Role of the Chair.
- Follow up to the Regional Council Composition Report, item 4.1 on the February 6, 2020 Committee Agenda (if required).
- Review of the Consent Agenda.

October 1, 2020:

- Items to be listed at the request of the Committee.

Additional meeting(s) to be scheduled at the Call of the Chair.

CONCLUSION

The purpose of the work plan is to guide Committee meetings and discussions. Changes to the work plan will be at the discretion and approval of the Committee. Subsequent annual Committee work plans for the duration of the term will be proposed and presented to the Committee at the beginning of each year.



Kathryn Lockyer, Acting Commissioner of Corporate Services

Approved for Submission:



N. Polsinelli, Interim Chief Administrative Officer

APPENDICES

Appendix I – Revised Committee Work Plan

For further information regarding this report, please contact Ava Macintyre, Deputy Regional Clerk, ext. 4462, ava.macintyre@peelregion.ca.

Authored By: Jill Jones, Legislative Specialist

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**APPENDIX I
REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE 2020 REVISED WORK PLAN**

Revised Committee 2020 Work Plan

MEETING DATE	ITEM	STATUS
May 7, 2020	<ul style="list-style-type: none"> • Update report regarding items discussed at the January 30, 2020 workshop to include the Council Code of Conduct, Council-Staff Relations Policy and the Role of the Chair. • Follow up to the Regional Council Composition Report (if requested). • Review of the Consent Agenda 	<ul style="list-style-type: none"> • In progress from 2019 • Item 4.4 on the Feb 6, 2020 PPC agenda • Requested by Council
October 1, 2020	<ul style="list-style-type: none"> • Items to be listed at the request of the Committee 	
TBD	<ul style="list-style-type: none"> • Accountability and Transparency Policy • Closed Meeting Investigator • Citizen Engagement (through Advisory Committees etc.) • Corporate Sponsorship • Council Appointments to Special Purpose Bodies (completed as required) • Council Fees under the Fees and Charges By-law • Council Meeting Structure • Council Committee Structure, Composition and Related Procedures • Election Policies and/or Appointment of the Regional Chair • Lobbyist Registry • Public Notice By-law • Role, Recruitment and Procedures of the Integrity Commissioner 	<p>Items from the previously approved work plan not yet scheduled.</p>

Region of Peel

APPROVED AT REGIONAL COUNCIL
December 19, 2019

ENTERPRISE PROGRAMS AND SERVICES

12.1 Review of Regional Council Composition

Referred to the Regional Council Policies and Procedures Committee

Carried

2019-1148

For Information

DATE: November 28, 2019

REPORT TITLE: **REVIEW OF REGIONAL COUNCIL COMPOSITION**

FROM: Catherine Matheson, Commissioner of Corporate Services

OBJECTIVE

To seek direction on the method for conducting a review of the composition of Regional Council, as required under the *Municipal Act, 2001*, as amended.

REPORT HIGHLIGHTS

- Regional municipalities are required under the *Municipal Act, 2001*, as amended, to review, for each of their lower-tier municipalities, the number of members of their council that represent the lower tier.
- Within two years of the date that the new Council is organized following the regular election in 2018, if the region does not pass a by-law to change its council composition or pass a resolution to affirm, for each of its lower-tier municipalities, the number of the members of its council, then the Minister of Municipal Affairs and Housing may make a regulation changing the composition of Regional Council.
- A resolution or by-law passed to change the current composition of Regional Council by the Region must achieve a triple majority.
- This report provides options for Council's consideration regarding the method of conducting a review of the composition of Regional Council.

DISCUSSION
1. Background

Section 218 (6) of the *Municipal Act, 2001*, as amended, requires that a regional municipality review, for each of its lower-tier municipalities, the number of members of its council that represent the lower tier.

If within two years of the date that the new Council is organized following the regular election in 2018, the regional municipality does not

- Pass a by-law to change, for one or more of its lower-tier municipalities, the number of the members of its council that represent the lower-tier municipality; or

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REVIEW OF REGIONAL COUNCIL COMPOSITION

- Pass a resolution to affirm, for each of its lower tier municipalities, the number of the members of its council that represent the lower-tier municipality,

the Minister of Municipal Affairs and Housing may make a regulation changing the composition of the Council of the regional municipality.

When considering whether to make such a regulation, the Minister shall, in addition to anything else the Minister wishes to consider, have regard to the principle of representation by population.

A by-law or resolution under Section 218 is not valid unless triple majority support is received:

- a majority of all votes on the upper-tier council are cast in favour of the by-law or the resolution;
- a majority of the councils of all lower-tier municipalities forming part of the upper-tier municipality have passed resolutions consenting to the by-law or the resolution; and
- the total number of electors in the lower-tier municipalities that passed resolutions consenting to the by-law or the resolution form a majority of all the electors in the upper-tier municipality.

Section 218.2 of the *Municipal Act, 2001*, as amended, permits a municipality to change the method of selecting its head of council for any regular election after 2018.

2. Previous Review of Regional Council Composition

During the 2010 – 2014 Term of Regional Council, issues related to the method of electing a Regional Chair and Brampton's representation on Regional Council were raised. A task force consisting of the Mayors of Caledon, Brampton and Mississauga, the Regional Chair, the Chief Administrative Officers (or their designate) from the Region of Peel, Cities of Brampton and Mississauga, the Town of Caledon and the Regional Clerk was established. Upon receipt of the Task Force's report, Council passed a resolution directing staff to report in early 2015 to initiate a review of the governance of the Region of Peel, including a review of the options for election of the Regional Chair and a review of the composition of Regional Council.

In January 2015, the Task Force appointed a facilitator through a Request for Proposal and Regional Council passed a resolution directing that the Terms of Reference for the Governance Review Facilitator include the opportunity for all members of Regional Council to participate in the process, either as a whole or through one on one consultation.

Meetings with individual Councillors were scheduled with the Facilitator and a presentation by the Facilitator was presented to the local councils for feedback and direction which formed the basis for an extended facilitation session with the Task Force.

The report titled "Recommendations Arising from the Governance Review Task Force" was presented to Regional Council on June 23, 2016 and included acknowledgements by the Task Force as follows:

- Brampton is under-represented at Regional Council and that any change to the size and composition of Regional Council should address this imbalance.

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REVIEW OF REGIONAL COUNCIL COMPOSITION

- Mississauga residents continue to make-up more than 50 per cent of the Region's population.
- Over the next 20 years, the population gap between the two largest municipalities will continue to narrow, while growth in Caledon will begin to accelerate. Different rates of growth among its three municipalities mean that Regional Council may adjust its size and allocation of seats for its members to ensure effective representation.

The report described the four options that were discussed in detail by the Task Force:

1. Increase the size of Regional Council at the time of the 2018 election to 28 seats. Brampton's representation would increase by four seats to 11 seats. Mississauga's representation would remain constant at 12 seats. Caledon's representation would remain constant at five seats.
2. Increase the size of Regional Council at the time of the 2018 election to 32 seats. Brampton's representation would increase by four seats to 11 seats. Mississauga's representation would increase by four seats to 16 seats. Caledon's representation would remain constant at five seats.
3. The size of Regional Council at the time of the 2018 election would remain at 24 seats. Brampton's representation would increase by two seats to nine seats. Mississauga's representation would remain constant at twelve seats. Caledon's representation would decrease by two seats to three seats.
4. Increase the size of Regional Council at the time of the 2018 election to 28 seats. Brampton's representation would increase by two seats to nine. Mississauga's representation would increase by two seats to 14. Caledon's representation would remain constant at five seats.

At the June 23, 2016 Regional Council meeting, Council passed a resolution approving Option 2. A second resolution was passed to request that the Minister of Municipal Affairs and Housing enact a regulation authorizing the Region of Peel to exercise its powers under the *Municipal Act* to change the composition of Regional Council; that subject to the Minister enacting the regulation, the Regional Solicitor draft a by-law pursuant to the provisions of the regulations, and that the Regional Clerk report to Regional Council with a recommendation related to the date that the statutory public meeting of Regional Council would be held to consider the matter.

On February 16, 2017, the Minister of Municipal Affairs and Housing issued Ontario Regulation 45/17 permitting the Region of Peel to exercise its powers to change the composition of Regional Council by increasing the number of members from the City of Brampton from seven to 11; and increasing the number of members from the City of Mississauga from 12 to 16.

The Regional Clerk reported to the March 30, 2017 Regional Council meeting with a recommendation to schedule a public meeting for April 27, 2017.

Regional Council passed a resolution that a public meeting regarding a by-law to change the size and composition of Regional Council not be held. The Regional Solicitor advised

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REVIEW OF REGIONAL COUNCIL COMPOSITION

that Regional Council's decision to not hold a public meeting would end the process to change the size and composition of Regional Council.

3. 2018 – 2022 Term of Council Review of Regional Council Composition Process

With the change in legislation, a Minister's regulation is no longer required to change the composition of Regional Council.

A by-law to change the council composition does not come into force until the day the new council is organized following the first regular election following the passing of the by-law. However, if the by-law is passed in the year of a regular election before voting day, the by-law does not come into force until the second regular election following the passing of the by-law. A change in Regional Council's composition can therefore be in place for the 2022 municipal elections only if changes are implemented before December 31, 2021.

Prior to passing a by-law to change or maintain the composition of Regional Council, public notice of Council's intention to pass a by-law or resolution must be given and at least one public meeting held to consider the matter.

The by-law or resolution would need to pass a triple majority.

Prior to the start of the term of office, additional administrative work would be required such as amendments to the Procedure By-law and possible renovations to the Council Chamber to accommodate a change in the number of Councillors.

Next Steps

Direction from Regional Council is required regarding the method for conducting a review of the composition of Regional Council, as required under the *Municipal Act, 2001*, as amended.

Options for Council's consideration include:

1. Do nothing. The Minister of Municipal Affairs and Housing may make a regulation changing the composition of the council of the regional municipality.
2. The Region of Peel may proceed in accordance with Ontario Regulation 45/17 which has not been repealed. This option does not eliminate the requirement for a triple majority process.
3. Establish a task force comprised of Councillors and staff to make recommendations to Regional Council.
4. Refer the issue to the Council Policies and Procedures Committee to make recommendations to Regional Council.
5. Schedule Special Meetings of Regional Council for the purpose of conducting the review.

On October 25, 2019, the provincial government announced that funding would be made available to all municipalities to support municipal transformation efforts. Council could direct staff to explore whether these funds could be used to hire a facilitator to assist in conducting a review of council's composition.

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REVIEW OF REGIONAL COUNCIL COMPOSITION

RISK CONSIDERATIONS

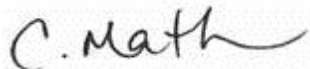
Should Regional Council decide not to conduct a review of the composition of Regional Council, the Minister of Municipal Affairs and Housing could issue a regulation to change council's composition.

Regional Council's review of its composition could result in the inability to achieve the required triple majority required for the change to take effect.

In each case, the Region could be faced with a solution that was not "made in Peel" and that would have significant impacts to the Region and its local municipalities.

CONCLUSION

Based on direction received from Regional Council, staff will report back to a future Council meeting as appropriate.



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, ext. 4325 or kathryn.lockyer@peelregion.ca.

Authored By: Christine Thomson, Legislative Specialist

Region of Peel

**APPROVED AT REGIONAL COUNCIL
January 23, 2020**

ENTERPRISE PROGRAMS AND SERVICES

18.1 Steve Clark, Minister of Municipal Affairs and Housing, Letter received January 10, 2020, Regarding a Regional Council Composition Review

Referred to the Regional Council Policies and Procedures Committee

2020-51

Ministry of
Municipal Affairs
and Housing

Ministère des
Affaires municipales
et du Logement



Office of the Minister

Bureau du ministre

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000

RECEIVED

January 10, 2020

19-4806

REGION OF PEEL
OFFICE OF THE REGIONAL CLERK

JAN 09 2020

Nando Iannicca
Chair@peelregion.ca

Nando

Dear Regional Chair Nando Iannicca:

You may recall that in February 2019, I wrote to you about pausing your regional council composition review as the Regional Government Review progressed. I am writing today to provide an update on this matter.

As I announced on October 25, 2019, we heard during the Regional Government Review that local communities should decide what is best for them in terms of governance, decision-making and service delivery. After careful consideration our government is committed to partnering with municipalities without pursuing a top-down approach.

As a result, I am writing to ask that – if applicable to your municipality – you continue the work to review your council composition with a goal to adjust or reaffirm the composition of your regional council.

As a reminder, the *Municipal Act* requires that certain regional municipalities achieve triple majority support for a decision to either change or reaffirm regional council composition two years after the day the regional council was organized following the 2018 municipal election. The legislation allows the Minister of Municipal Affairs and Housing to make a regulation changing that region’s council composition. Regional municipalities that made a change to their council composition between the 2014 and 2018 municipal elections are not subject to the requirement to conduct a council composition review until after the 2026 municipal election.

If you have any questions about these provisions, you may wish to refer to the *Municipal Act*, or to the Municipal Councillor’s Guide on my ministry’s website. Your municipal staff can also contact Aly Alibhai, Regional Director, at our Central Municipal Services Office for more information at Aly.Alibhai@ontario.ca or 416-585-7264.

REFERRAL TO **Policies and Procedures Committee**

RECOMMENDED

DIRECTION REQUIRED _____

.../2

RECEIPT RECOMMENDED _____

Thank you for your ongoing commitment to delivering efficient, effective and modern services to the people of Ontario. I look forward to continuing to work together to help the people and businesses in communities across our province thrive.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Clark". The signature is fluid and cursive, with a large initial "S" and "C".

Steve Clark
Minister

c: Kathryn Lockyer, Clerk, Peel Region
Kate Manson-Smith, Deputy Minister, Ministry of Municipal Affairs and Housing

Region of Peel

**APPROVED AT REGIONAL COUNCIL
November 14, 2019**

OTHER BUSINESS

18.1 Report from Principles Integrity titled, "Region of Peel – Code of Conduct Complaint Against Chair Iannicca – Recommendation Report"

Moved by Councillor Downey,
Seconded by Councillor Vicente;

That the report from Principles Integrity titled "Region of Peel – Code of Conduct Complaint Against Chair Iannicca – Recommendation Report" be received;

And further, that the recommendation contained in paragraph 105 of the subject report be referred to the Council Policies and Procedures Committee.

Carried

2019-1069

18.1 Report from Principles Integrity titled, "Region of Peel – Code of Conduct Complaint Against Chair Iannicca – Recommendation Report"

Paragraph [105]:

[105] We recommend that Council give serious consideration to embedding, in its governance framework, language which provides more explicit guidance and expectations for the role and duty of the Regional Chair to share important information with the rest of Council and when, acting as Head of Council, the Chair speaks on significant policy issues with persons outside the organization.

APPROVED AT REGIONAL COUNCIL
February 28, 2019

ENTERPRISE PROGRAMS AND SERVICES

13.3 Council Code of Conduct and Council-Staff Relations Policy

Moved by Councillor Carlson,
Seconded by Councillor Dasko;

That the Regional Council Code of Conduct, Schedule A to Bylaw 1-2017, be amended to include local board members as well as Council members;

And further, that the Council-Staff Relations Policy, attached as Appendix I to the report of the Commissioner of Corporate Services, titled "Council Code of Conduct and Council-Staff Relations Policy", be approved as an interim measure to comply with a statutory requirement that such a policy be adopted by March 1, 2019;

And further, that the Council-Staff Relations Policy be referred with the Regional Council Code of Conduct to the Regional Council Policies and Procedures Committee for further review.

Carried

2019-189

Region of Peel Council–Staff Relations Policy

Policy Statement:

The Region of Peel is committed to a respectful and productive relationship between and amongst Council, Members of Council, and the officers and employees of the municipality, in their respective roles established by statute, municipal by-laws and policies, corporate administrative direction, and operating conventions.

Policy Purpose:

The purpose of this Policy is to guide the nature of business interactions between members of Regional Council and Regional Staff.

Guiding Principles:

Interpretation of this Policy is to be guided by the statutory and policy framework within which the Region of Peel is governed. This framework includes:

A. *Municipal Act, 2001* provisions which provide that:

1. it is the role of council:
 - “(a) to represent the public and to consider the well-being and interests of the municipality;
 - (b) to develop and evaluate the policies and programs of the municipality;
 - (c) to determine which services the municipality provides;
 - (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (e) to maintain the financial integrity of the municipality; and
 - (f) to carry out the duties of council under this or any other Act.”
2. it is the role of the head of council to:
 - “(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 [(d) and (d.1) above];
 - (d) to represent the municipality at official functions; and

6.3-3

(e) to carry out the duties of the head of council under this or any other Act.”

2a. as chief executive officer of a municipality, the head of council shall:

“(a) uphold and promote the purposes of the municipality;

(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 environmental well-being of the municipality and its residents.”

3. it is the role of the officers and employees of the municipality:

“(a) to implement council’s decisions and establish administrative practices and procedures to carry out council’s decisions;

(b) to undertake research and provide advice to council on the policies and programs of the municipality; and

(c) to carry out other duties required under this or any Act and other duties assigned by the municipality.”

B. Region of Peel Code of Conduct for employees, which provides that:

- Employees and volunteers of the Region of Peel are expected to maintain the highest standard of lawful and ethical behaviour in order to sustain and enhance public confidence in all aspects of the organization. The Code of Conduct serves as a representation of the basic principles of integrity, honesty, impartiality, accountability and common-sense, and recognizes that all municipal employees and volunteers have a responsibility to uphold these principles.
- The Region’s employees are entrusted with access to a wide range of information and responsibilities which must be used properly, in a manner that recognizes a fundamental commitment to the well-being of the community. Furthermore, as an organization entrusted with public funds, the Regional Council, leadership and staff are responsible for ensuring the protection and appropriate use of all of the Region’s resources and assets.

C. Region of Peel policy on Workplace Harassment and Discrimination, the purpose of which is:

- to ensure that employees, volunteers, students, contractors, consultants, clients, customers and elected officials are aware

6.3-4

that the Region of Peel is committed to a safe, supportive, respectful work environment and is free from harassment and discrimination.

- to outline the responsibilities and compliance of all employees and management under the law, and the Regional expectations and possible consequences of inappropriate behaviour or conduct.

D. Region of Peel policy on Violence in the Workplace, the purpose of which is:

- to ensure that employees, volunteers, students, contractors, consultants, clients, customers and elected officials are aware that the Region of Peel is committed to a safe, supportive, respectful work environment with a zero tolerance for all acts of workplace violence committed upon or by its employees, volunteers, students, contractors, consultants, clients, customers and elected officials.
- to outline the responsibilities and compliance of all employees, management and committees under the law, and the Regional expectations and possible consequences of inappropriate behaviour or conduct.

E. Regional Code of Conduct For Members of Council, which provides that:

- 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.
- Regional staff are governed by a separate and complementary *Employee Code of Conduct (HR02-01)*.
- 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.
- 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.

6.3-5

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

Scope:

This Policy applies to all Staff and elected officials of the Region of Peel.

6.3-6

Definitions:

Staff: means leadership, the officers, employees, probationary employees, temporary employees, students and volunteers of the Region or of a local board of the Region, as the case may be.

Member(s) of Council: means the individuals elected or appointed to the Council for the Region of Peel who have taken the declaration of office for the current term. For the purpose of this Policy and as applicable in the circumstances, Member of Council includes an individual who is supervised or directed by a Member of Council and who purports to represent or undertake an activity covered by this Policy on behalf of the Member of Council.

Member of the Public: means a person or entity residing and/or having a business, ceremonial or policy interest in the Region of Peel.

Leadership: means the Executive Leadership Team of the Region, consisting of the Chief Administrative Officer, Chief Financial Officer, the Region's Commissioners; the Regional Clerk; Medical Officer of Health; Solicitor; and the Chief Planner.

Routine Matter: means a communication by a Member of Council with a Member of Staff, in person, in writing, by phone, by text, or by other electronic means, which

- a) in the ordinary course of business constitutes a type of communication that would typically occur between a Member of the Public and Staff;
- b) constitutes a request for information that is routinely produced by the member of Staff in the course of their duties; or
- c) constitutes a request for a service that is routinely provided by Staff in the course of their duties; and which requires no expenditure of unbudgeted resources.

Non-Routine Matter: means a communication, request for information or service that is not typically undertaken in the ordinary course of business, and/or for which there is no routine process, procedure, guideline or convention to guide members of Staff.

Policy Framework:

Part A

General Relationship between Staff and Members of Council:

Council is the policy and decision-making authority for the municipality and only Council as a whole can direct Staff.

Individual Members of Council have a responsibility to support Council's role to represent the public and to consider the well-being and interests of the municipality, and in that regard have a representative relationship with the citizens and businesses they serve.

Members of Council require advice and information from Staff as needed in order to fulfill their constituent, decision-making and oversight responsibilities.

6.3-7

Communications between Staff and Members of Council, and between Members of Council and Staff, must be courteous and professional. All communications should take into account:

- The author's and the recipient's responsibilities under the respective provision, policy, procedure or code of conduct applicable to the person
- The impact upon any Member of the Public involved
- The legitimate corporate or departmental priority of the matter
- The anticipated length of time it would take to properly comply with a request

Communications, especially communications shared with Members of the Public, should not be disparaging of any person. Legitimately held criticisms shall be stated directly and professionally, clearly identified as the author's own opinion. This Policy does not condone the making of defamatory statements or statements based on conjecture.

Communications made in the course of a matter before a committee or local board, or before Regional Council, shall be made in compliance with the applicable procedural by-law.

Part B

Members of Council Communications with Staff on Behalf of a Member of the Public:

When a Member of Council desires to bring a matter to the attention of Staff on behalf of a Member of the Public, such as to ask a question or to act in a representative capacity for a constituent, the Member of Council shall communicate only with a Member of leadership except in respect of Routine Matters.

When a Member of Council is uncertain or requires assistance to determine which member of Staff would be most appropriate to address a Routine Matter or a Non-Routine Matter, the Member of Council should contact a member of leadership or the Regional Clerk for advice.

Members of Council shall respect the role of staff and shall refrain from engaging in administrative matters. When a Routine Matter or Non-Routine Matter has been forwarded to Staff, the Member of Council shall refrain from interfering with Staff's carriage of the matter.

This Policy is not intended to inhibit a Member of Council from carrying out their duties. It does require however that prior to communicating directly with a member of Staff on behalf of a Member of the Public, the Member of Council give consideration to the following preferred courses of action:

- It is preferred that the Member of the Public be referred to the appropriate department or member of staff by providing contact information or reference to established corporate or departmental procedures.

6.3-8

- For Routine Matters, where it is necessary to do so in order to provide an appropriate level of customer service to a Member of the Public, the Member of Council may attend at a public counter or provide a personal introduction to a department or a member of Staff normally accessible to Members of the Public. In so doing, The Member of Council should not interfere with Staff nor attempt to influence an outcome.
- For matters that have been referred to an appropriate department or member of Staff, the Member of Council may request, having obtained the consent of the Member of the Public involved, to receive status updates for tracking purposes and for communicating with the Member of the Public.
- For matters that involve the administration of justice, such as by-law enforcement, Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.

Part C

Staff Communications with Members of Council:

Routine Matters referred to Staff by a Member of Council should be responded to in accordance with the department's standard operating procedures or conventions.

For matters which have been referred to a department or member of Staff by a Member of Council, Staff may, where the consent of the Member of the Public involved has been obtained, provide status updates to the Member of Council for tracking purposes and for communicating with the Member of the Public. This Policy however does not override confidentiality or privacy requirements that may otherwise apply.

Non-Routine matters brought to the attention of Staff by a Member of Council shall be referred to the appropriate member of leadership, with the Member of Council being so advised.

When a request involving a Routine or Non-Routine Matter is received by staff from a Member of Council, the member of Council should be advised of the approximate time for resolution based on the type of response required and operational priorities.

Part D

Meetings:

Requests for Staff attendance at meetings organized by a Member of Council shall be made to the appropriate member of leadership. Notice of at least 24 hours should be provided except in urgent circumstances.

Members of Council shall not attend a Staff meeting, or a meeting involving Staff and Members of the Public, without first discussing with a member of leadership.

Part E
Policy Management

Staff are authorized and directed to take the necessary action to give effect to this policy.

This Policy forms part of the ethical framework for Members of Council and the Integrity Commissioner may at any time be consulted by a Member of Council with regard to interpretation or compliance.

The Regional Clerk is delegated the authority to make administrative changes to this Policy that may be required from time to time due to legislative changes or if, in the opinion of the Regional Clerk, the amendments do not change the intent of the policy.

Legislative Reference:

This Policy is made pursuant to s. 270(1)(2.1) of the *Municipal Act*.