

Anything **highlighted** denotes an attachment or link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To manoeuver back to the agenda page use the Ctrl + Home keys simultaneously, or use the “bookmark” icon to the left of your screen to navigate from one report to the next.

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- | (I) Disclosure of Interest | Pages |
|--|--------------|
| (II) Delegations | |
| 1. Jennifer O'Connell, MP Pickering-Uxbridge
Re: Update from Federal Government | |
| (III) Matters for Consideration | |
| 1. Chief Administrative Officer Report CAO 05-19 | 1-4 |
| City Centre Project: Project Management and Preliminary Engineering Services | |
| Recommendation | |
| 1. That Council approve the hiring of Sabourin, Kimble & Associates Ltd. to provide project management services and undertake the necessary preliminary engineering services associated with the City Centre Project, in accordance with Purchasing Policy 10.03 (c) as the assignment is above \$50,000.00; | |
| 2. That City staff be authorized to continue negotiations with Sabourin, Kimble & Associates Ltd. in order to finalize a consulting agreement that is in a form satisfactory to the Chief Administrative Officer; | |
| 3. That the total gross project cost of \$500,000.00 (plus HST) be approved for this assignment; | |
| 4. That Council authorize the Director, Finance & Treasurer to finance the net project cost from Capital Budget account 5203.1902.6500; | |
| 5. That staff be authorized to enter into discussions with Ontario Pension Board Reality Inc., the owner of Pickering Town Center to cost share the above noted project cost; and | |
| 6. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report. | |
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2. **Director, Finance & Treasurer, Report FIN 03-19** 5-13
Statement of the Treasurer Respecting 2018 Remuneration and Expenses of
Members of Council and Council Appointees to Boards, Agencies and
Committees

Recommendation

It is recommended that Report FIN 03-19 of the Director, Finance & Treasurer regarding the Statement of the Treasurer respecting Remuneration and Expenses of Members of Council and Council Appointees for the year 2018 be received for information.

3. **Director, Corporate Services & City Solicitor, Report CLK 03-19** 14-56
Boards and Advisory Committees of Council Policy and
Terms of Reference Updates

Recommendation

1. That Report CLK 03-19 pertaining to updates to Boards and Committees Policy ADM 040 and the Terms of Reference for Pickering Boards and Committees of Council be received;
2. That the changes to Policy ADM 040 included as Attachment #1 to CLK 03-19 be approved;
3. That the list of Boards and Committees and their respective Terms of Reference included as Attachment #2 to CLK 03-19 be approved; and,
4. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

4. **Director, Corporate Services & City Solicitor, Report CLK 02-19** 57-124
Revisions to Code of Conduct Policy ADM 070 and Procedure ADM 070-001
-Changes required through Bill 68, Harmonization of Gifts and Benefits Wording
and Housekeeping Matters

Recommendation

1. That Report CLK 02-19 respecting changes to the Code of Conduct Policy ADM 070 and Procedure ADM 070-001 be received;
2. That the changes to Policy ADM 070 as outlined in Attachment #1 to CLK 02-19 be approved;

3. That the changes to Procedure ADM 070-001 as outlined in Attachment #2 to CLK 02-19 be approved;
4. That the Mayor and Clerk be authorized to execute an addendum agreement for Integrity Commissioner services to align with the new provisions of Bill 68;
5. That the draft by-law to amend Procedure By-law #7665/18 as presented in Attachment #3 to CLK 02-19 be enacted;
6. That the draft by-law to confirm the appointment of the Integrity Commissioner and the expanded roles and responsibilities as presented in Attachment #6 to CLK 02-19 be enacted;
7. That a copy of this report be forwarded to the Regional Clerk, Regional Municipality of Durham, all Durham Region Municipalities and to the Integrity Commissioner, Guy Giorno, Fasken Martineau Dumoulin LLP; and,
8. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

(IV) Other Business

(V) Adjournment

From: Tony Prevedel
Chief Administrative Officer

Subject: City Centre Project: Project Management and Preliminary Engineering Services
- File: A-1440

Recommendation:

1. That Council approve the hiring of Sabourin, Kimble & Associates Ltd. to provide project management services and undertake the necessary preliminary engineering services associated with the City Centre Project, in accordance with Purchasing Policy 10.03 (c) as the assignment is above \$50,000.00;
2. That City staff be authorized to continue negotiations with Sabourin, Kimble & Associates Ltd. in order to finalize a consulting agreement that is in a form satisfactory to the Chief Administrative Officer;
3. That the total gross project cost of \$500,000.00 (plus HST) be approved for this assignment;
4. That Council authorize the Director, Finance & Treasurer to finance the net project cost from Capital Budget account 5203.1902.6500;
5. That staff be authorized to enter into discussions with Ontario Pension Board Realty Inc., the owner of Pickering Town Center to cost share the above noted project cost; and
6. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Executive Summary: With the closure of Sears retail stores across the Country, in particular at the Pickering Town Centre (PTC), and the relocation of the movie theatres to the west side of the mall, staff have been in discussions with Ontario Pension Board (OPB) Realty Inc., in regards to the redevelopment of the east side of the PTC property which will allow for the development of residential and non-residential uses that would fit within the context of the City's vision for intensifying the City Centre.

The unique opportunity to integrate a number of distinct, private and public interests in a cohesive manner would create a landmark destination that would transform the downtown core and uplift Pickering's identity. The combination of a dense and walkable residential community that encompasses a commercial node, brand new municipal facilities, and a central public realm will transform Pickering City Centre.

In order to move forward with this project, staff need to initiate the necessary preliminary engineering design tasks and project management work for the City Centre.

Subject: City Centre Project: Project Management and
Preliminary Engineering Services

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Sabourin, Kimble & Associates Ltd. has extensive experience in managing large scale projects and undertaking the necessary engineering design work for a project of such magnitude. It is a company that is very familiar with the various provincial and regulatory requirements applicable to this project.

In accordance with Purchasing Policy 10.03 (c) where the professional service assignment is expected to be above \$50,000.00 and the initiating Director intends to acquire the services without going through a competitive process, Council approval is required to engage a firm for a professional services assignment.

Financial Implications: This cost is initially funded from the Rate Stabilization Reserve. Staff will explore the option of determining if part of these costs could be attributed to a specific City Centre capital building project that in-turn would translate into partial subsidy from development charges. Any possible DC funding would reduce the draw from the Rate Stabilization Reserve.

Discussion: With the City's ongoing partnership with the ownership group for the Pickering Town Centre, the Pickering City Centre project is set to be an opportunity that provides a long-term direction for the City.

It is the result of the City's visioning exercise completed in 2012 that outlined the various concepts and ideas for the future of Pickering's City Centre. In working with OPB Reality Inc., the City Centre vision will be dynamic and yet accommodating to the future growth opportunities that will come before the City in the coming years.

During the 2018 budget process, funds were included and presented for the design and construction of the proposed new Seniors/Youth Centre, plus soft costs to determine and set the City facility operational requirements, identify building design criteria, system requirements, performance levels and other deliverables. Aside from City funded construction and soft costs in Phase 1, OPB Reality Inc. is also planning on including the construction of the following: A condominium tower along The Esplanade South, and 2 condominium towers, a hotel and retail space on their own property.

In order to accommodate project timelines set out by City staff and senior officials from OPB Reality Inc., the City plans to initiate the review and assessment of the engineering work involved with the City Centre Project.

At the request of City staff, Sabourin, Kimble & Associates Ltd. submitted a proposal for project management and preliminary engineering services for the City Centre Project, dated February 12, 2019 (Attachment #1). The proposal provides a detailed scope of services to be provided for both project management and preliminary engineering services. Sabourin, Kimble & Associates Ltd. and Municipal Engineering Solutions offer a joint venture solution for project management collectively bringing over 70 years of expertise to the project. The firm of Sabourin, Kimble & Associates will provide preliminary engineering services specifically related to municipal services such as sanitary sewer, water supply, and stormwater management and drainage, including capacity analysis and municipal service relocations to accommodate proposed development.

Subject: City Centre Project: Project Management and
Preliminary Engineering Services

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Sabourin, Kimble & Associates Ltd. has extensive experience and in-depth knowledge with the complexity of servicing, required studies and approvals for municipal projects of such magnitude. They have been involved in the project management of the Pickering Innovation Corridor for the past 9 months, and have developed a strong relationship with key staff members at the City of Pickering.

As time is of the essence, staff are recommending that a total gross project cost of \$500,000.00 (plus HST) be approved by Council for this assignment.

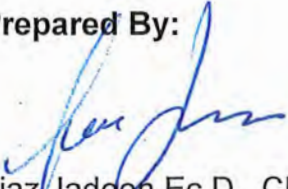
Attachments:

1. Proposal for Project Management & Preliminary Engineering Services – Pickering City Centre Project – Sabourin Kimble & Associates Ltd. dated February 12, 2019

Subject: City Centre Project: Project Management and
Preliminary Engineering Services

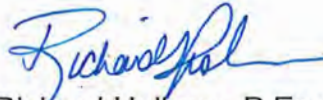
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Prepared By:



Fiaz Jaddon Ec.D., CEcD, MPM
Manager, Economic Development &
Strategic Projects

Approved/Endorsed By:



Richard Holborn, P.Eng.
Director, Engineering Services



Stan Karwowski, MBA, CPA, CMA
Director, Finance & Treasurer

FJ:mjh

Recommended for the consideration
of Pickering City Council



Feb 20/19

Tony Prevedel, P.Eng.
Chief Administrative Officer

From: Stan Karwowski
Director, Finance & Treasurer

Subject: Statement of the Treasurer Respecting 2018 Remuneration and Expenses of Members of Council and Council Appointees to Boards, Agencies and Committees

Recommendation:

It is recommended that Report FIN 03-19 of the Director, Finance & Treasurer regarding the Statement of the Treasurer respecting Remuneration and Expenses of Members of Council and Council Appointees for the year 2018 be received for information.

Executive Summary: Section 284(1) of the *Municipal Act 2001* (the "Act") states in part that the Treasurer of every municipality shall, in each year, submit to the Council of the municipality, an itemized statement (the "Statement") of the remuneration and expenses paid to each Member of Council. The statement must also include remuneration and expenses paid to any other person who has been appointed by Council to serve as a member of any body.

Financial Implications: This report contains no new financial implications as the expenditures were provided for in the 2018 Current Budget approved by Council.

Discussion: Over the past few years, the Statement has evolved to include various categories of expenditures that have been interpreted to be required under the Act and/or financial reporting requirements of the Province of Ontario and professional accounting bodies.

The Statement also includes expenses paid on behalf of Members of Council or Committee appointees. This fulfils the intent of the Act by ensuring that all expenses incurred for a Councillor's benefit are accounted for.

The Statement excludes expenditures that are corporate in nature, for example, Council receptions, Committee meeting expenses and City Hall administration and overhead

Subject: Statement of the Treasurer Respecting 2017 Remuneration
and Expenses of Members of Council and Council Appointees
to Boards, Agencies and Committees

Page 2


expenses. Remuneration and expenses paid by Veridian Corporation to Pickering Council appointees to the Veridian Board have been included in the Statement. The Act stipulates that any body to which a Council appointment is made must provide the municipality with a statement of remuneration and expenses paid for the year, and this information must be included in the Statement. Expenses paid by several other bodies to which Council makes appointments have also been included in the Statement.

The amounts paid by the Region of Durham to Regional Councillors are not included in the Statement.

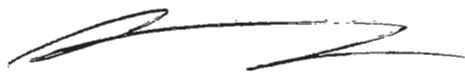
Attachments:

1. Members of Council, 2018 Remuneration and Expenses
2. Members of Council, Detailed Breakdown of 2018 Expenses
3. Council Appointees, 2018 Remuneration and Expenses Paid by Veridian Corporation
4. Council Appointees, 2018 Remuneration and Expenses

Prepared By:


Julie S. Robertson
Senior Financial Analyst

Approved / Endorsed By:


Stan Karwowski
Director, Finance & Treasurer

Recommended for the consideration
of Pickering City Council


Tony Prevedel, P. Eng.
Chief Administrative Officer

Feb. 19, 2019

**Statement of Treasurer
Members of Council
2018 Remuneration and Expenses**

	<u>Remuneration (1)</u>	<u>Per Diems (2)</u>	<u>Benefits (3)</u>	<u>Expenses (4)</u>	<u>Travel</u>	<u>Total Current</u>	<u>Capital(5)</u>
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
Mayor							
D. Ryan	86,115	-	20,803	22,226	18,059	147,203	-
	86,115	-	20,803	22,226	18,059	147,203	-
Councillors							
K. Ashe	35,882	3,588	15,905	6,719	12,367	74,461	-
M. Brenner	35,882	3,588	13,855	6,647	12,000	71,972	-
S. Butt	35,882	3,588	15,905	7,720	12,000	75,095	-
I. Cumming	35,882	3,588	13,855	2,904	12,000	68,229	-
B. McLean	35,882	3,588	13,855	5,790	12,000	71,115	-
D. Pickles	35,882	3,588	15,905	6,498	12,000	73,873	-
	215,292	21,528	89,280	36,278	72,367	434,745	-

Notes to Members of Council:

- (1) Authority: Resolution 73/05, 12/07, 214/07, 54/11, 152/11, and 48/15 Council Compensation Policy ADM 190 and Municipal Act, 2001 Section 283
Includes one third portion deemed tax free.

Excludes amounts paid to City of Pickering Regional Councillors by the Region of Durham. Such amounts are reported separately by the Region.

- (2) Per diem payments to Members of Council are for attendance at special meetings throughout the year.
- (3) Benefits include RRSP contributions (in lieu of a pension plan), health, dental and life insurance coverage, CPP and EHT costs.
- (4) See detailed breakdown of expenses on Attachment 2.
- (5) Computer hardware, software and telecommunications equipment provided under the Council Compensation Policy. A total of \$10,000 is provided per term, and these funds can only be spent during the first three years of office.

**Statement of Treasurer
Members of Council
Detailed Breakdown of 2018 Expenses**

	<u>Conferences</u>	<u>Cellular</u>	<u>Telephone</u>	<u>Newsletter/</u>	<u>Corporate</u>	<u>Meals, Recpt,</u>	<u>Office</u>	<u>Total</u>
	<u>(\$)</u>	<u>Phones</u>	<u>& Internet (1)</u>	<u>Postage</u>	<u>Initiatives</u>	<u>Prom & Sp</u>	<u>Supplies</u>	<u>Expenses</u>
	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>Events</u>	<u>(\$)</u>	<u>(\$)</u>
Mayor								
D. Ryan	2,398	716	-	-	16,098	3,014	-	22,226
	2,398	716	-	-	16,098	3,014	-	22,226
Councillors								
K. Ashe	137	1,063	1,951	3,201	-	326	41	6,719
M. Brenner	-	1,291	1,058	3,749	-	326	223	6,647
S. Butt	1,846	248	461	4,088	-	1,003	74	7,720
I. Cumming	-	1,154	1,105	82	-	563	-	2,904
B. McLean	-	1,201	982	2,224	-	494	889	5,790
D. Pickles	-	550	451	4,688	-	768	41	6,498
	1,983	5,507	6,008	18,032	-	3,480	1,268	36,278

(1) Councillors - home telephones and internet charges provided under Council Compensation Policy.

**Statement of Treasurer
Council Appointees
2018 Remuneration and Expenses Paid by Veridian Corporation**

	Remuneration	Expenses (3)	Total
	\$	\$	\$
Veridian Corporation (1,2)			
Board of Directors			
K. Ashe (4)	19,094	265	19,359
T. Baker (5)	16,441	7,895	24,336
R. Chatterton (5)	21,741	60	21,801
D. Pickles (4)	24,932	-	24,932
D. Ryan (6)	18,564	-	18,564
	<u>100,772</u>	<u>8,220</u>	<u>108,992</u>

Notes to Veridian Corporation and Board of Directors:

- (1) The above information was provided by the Manager, Executive Office & Public Affairs, Veridian Corporation.
- (2) Remuneration and expenses are paid by Veridian Corporation as may be established by the Board of Directors. The term of office for the Board follows the calendar year. Therefore, the above expenses are for 12 months ending December 31, 2018.
- (3) Expenses include conferences, meals and mileage.
- (4) Appointed by Council under City of Pickering By-law 7400/14; Resolution #307/14; Resolution #195/16 extended the appointment for two additional years to expire December 31, 2018.
- (5) Appointed by Council under City of Pickering By-law 7400/14; Resolution #311/14 for a term to expire December 31, 2018.
- (6) Automatically appointed through the Veridian Corporation Amended and Restated Shareholders' Agreement.

**Statement of Treasurer
Council Appointees
2018 Remuneration and Expenses**

	Remuneration \$	Expenses (7) \$	Total \$
Accessibility Advisory Committee (1,4,6)			
P. Bashaw (8)	-	-	-
S. Wilkinson (8)	-	304	304
D. Hughes (8)	-	120	120
A. Doucette (8)	-	-	-
E. Fulton (12)	-	-	-
V. Ronaldi (12)	-	-	-
M. Thorpe Ross (12)	-	-	-
J. Whynot (12)	-	-	-
B. D'Souza (14)	-	-	-
D. Wysocki (14)	-	-	-
	<u>-</u>	<u>424</u>	<u>424</u>
Animal Services Appeal Committee (1)			
Councillor Cumming (11)	-	-	-
M. O'Brien (8)	-	-	-
S. Beadle (8)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
Committee of Adjustment (1,2)			
T. Copeland (8)	1,120	84	1,204
D. Johnson (8)	960	58	1,018
E. Newton (8)	1,040	53	1,093
D. Rundle (8)	960	254	1,214
S. Wiley (8)	<u>1,040</u>	<u>82</u>	<u>1,122</u>
	<u>5,120</u>	<u>531</u>	<u>5,651</u>
Cultural Advisory Committee (3)			
C. Hunt (9)	-	-	-
S. Munir (9)	-	-	-
A. Revoy (9)	-	-	-
M. MacDonald (16)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>

**Statement of Treasurer
Council Appointees
2018 Remuneration and Expenses**

	Remuneration \$	Expenses (7) \$	Total \$
Heritage Pickering Advisory Committee (1,6)			
W. Jamadar (8)	-	-	-
T. Reimer (8)	-	-	-
C. Sopher (8)	-	-	-
J. Van Huss (8)	-	-	-
J. Dempsey (8)	-	-	-
K. Borisko (8)	-	-	-
J. Calder (8,17)	-	-	-
D. Hazlett (9,21)	-	-	-
B. Lai (14)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
	<u>-</u>	<u>-</u>	<u>-</u>
Pickering Public Library Board (1,6)			
Councillor Cumming (11)	-	-	-
Councillor Brenner (16)	-	-	-
M. Anderson (8)	-	204	204
R. Coelho (8)	-	-	-
J. Sabeau (8)	-	-	-
S. Bhatia (8)	-	-	-
D. Sharma (8)	-	-	-
I. Thomaidis (8)	-	-	-
S. Sheehy (9)	-	204	204
A. Vashisht (14,19)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
	<u>-</u>	<u>408</u>	<u>408</u>
Pickering Museum Village Advisory Committee (1)			
R. Cowan (8,20)	-	-	-
L. Drake (8)	-	-	-
D. Hudson (8)	-	-	-
G. Lowman (8)	-	-	-
P. Savel (8)	-	-	-
L. Coulter (8)	-	-	-
P. Fuselli (8)	-	-	-
G. Strange (15)	-	-	-
B. Welsh (15)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
	<u>-</u>	<u>-</u>	<u>-</u>

**Statement of Treasurer
Council Appointees
2018 Remuneration and Expenses**

	Remuneration \$	Expenses (7) \$	Total \$
Property Review Committee (1)			
P. Dickson (8)	-	-	-
R. Farrell (8,18)	-	-	-
G. Fernandes (8)	-	-	-
C. Lavoie (8)	-	-	-
P. Short-Galle (8)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
	<u>-</u>	<u>-</u>	<u>-</u>
Taxicab Advisory Committee (1,5)			
Councillor Cumming (13)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
	<u>-</u>	<u>-</u>	<u>-</u>
Livestock Valuers (1)			
J. Laider (8)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
	<u>-</u>	<u>-</u>	<u>-</u>
Durham Region Transit (1)			
J. Gaw (10)	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
	<u>-</u>	<u>-</u>	<u>-</u>

Notes to Council Appointees:

All payments are authorized under Council's adoption of the 2018 Current Budget.

- (1) Authority: By-law 7406/15
Municipal Act, 2001 Section 283
- (2) Authority: By-law 5242/98
Municipal Act, 2001 Section 283
- (3) Authority: By-law 7462/15
Municipal Act, 2001 Section 283
- (4) Authority: By-law 7479/16
Municipal Act, 2001 Section 283
- (5) Authority: By-law 7520/16
Municipal Act, 2001 Section 283
- (6) Authority: By-law 7525/16
Municipal Act, 2001 Section 283
- (7) Expenses include conferences, travel and meeting expenses.

**Statement of Treasurer
Council Appointees
2018 Remuneration and Expenses**

- (8) Council appointees are for a new term commencing February 1, 2015 and ending November 30, 2018 under City of Pickering Resolution #17/15 for a term to expire November 30, 2018.
- (9) Resolution #120/15, Council appointee for a term to expire November 30, 2018.
- (10) Resolution #5/15, Council appointee for a term to expire November 30, 2018.
- (11) Resolution #6/15, Council appointee for a term to expire November 30, 2018.
- (12) Resolution #150/16, Council appointee for a term to expire November 30, 2018.
- (13) Resolution #218/16, Council appointee for a term to expire November 30, 2018.
- (14) Resolution #241/16, Council appointee for a term to expire November 30, 2018.
- (15) Resolution #350/17, Council appointee for a term to expire November 30, 2018.
- (16) Resolution #359/17, Council appointee for a term to expire November 30, 2018.
- (17) Resigned January, 2018.
- (18) Resigned March, 2018.
- (19) Resigned May, 2018.
- (20) Resigned July, 2018.
- (21) Resigned September, 2018.

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Subject: Boards and Advisory Committees of Council Policy and Terms of Reference Updates
- File: A-1410-19

Recommendation:

1. That Report CLK 03-19 pertaining to updates to Boards and Committees Policy ADM 040 and the Terms of Reference for Pickering Boards and Committees of Council be received;
 2. That the changes to Policy ADM 040 included as Attachment #1 to CLK 03-19 be approved;
 3. That the list of Boards and Committees and their respective Terms of Reference included as Attachment #2 to CLK 03-19 be approved; and,
 4. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.
-

Executive Summary: The *Municipal Act, 2001* authorizes municipalities to create various advisory boards and committees to assist Council on specific matters. Section 04.07 of the City's Procedure By-law requires that at the beginning of each term of Council, a review of the City's Boards and Committees Terms of Reference is conducted. As part of this review, the Boards and Advisory Committees of Council Policy ADM 040 was also reviewed and updated and is presented to Council for consideration and approval.

Financial Implications: There are no financial implications with this report.

Discussion: The City Clerk and staff in Legislative Services met with the staff liaisons for the City's Advisory Boards and Committees to discuss their Committee's Terms of Reference and the overriding Boards and Advisory Committees of Council Policy ADM 040.

Staff liaisons were requested to present the Terms of Reference to their Committees at their first meetings of 2019 (when possible) and provide any updates and/or feedback. Feedback was also solicited regarding any changes that might be required to Policy ADM 040.

Changes to the Policy and individual Board/Committee Terms of Reference have been included with tracked and/or highlighted changes as Attachment Nos.1 and 2 to this Report. All of the proposed changes are a result of suggestions from the Board/Committee or staff liaison to better

Subject: Boards and Advisory Committees of Council
Policy and Terms of Reference Updates

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reflect their current functions. The Library changes have been included to align with the Library Board By-law.

It should be noted that the Terms of Reference for the Pickering Museum Village Advisory Committee have not been included as Staff have been directed to report back to Council on the Museum Advisory Committee at the Council meeting to be held on March 25, 2019.

In addition to the changes reflected in Attachment Nos. 1 and 2, the following provides an overview summary of the proposed changes to the Policy and Terms of Reference:

Summary of Policy Changes:

The changes to the Policy focused on:

- housekeeping items to maintain language consistency with recent amendments to the *Municipal Act* and Procedure By-law;
- the addition of definitions;
- updates to some of the terminology in the Policy;
- the rearranging of various sections to eliminate duplication and provide an easier flow of information;
- clarity around staff's roles in the solicitation and recruitment process for Boards and Committees; and,
- the information provided to Committees as part of their orientation.

The Policy updates are reflective of the practices currently undertaken by City Staff.

Summary of Changes to Terms of Reference:

Accessibility Advisory Committee:
Section 2.0 – the word 'Council' changed to 'City' to better reflect responsibilities.
Animal Services Committee:
No Changes
Committee of Adjustment:
Section 1.0 – Update to the Committee's mandate to better reflect their responsibilities under the <i>Planning Act</i> ;
Section 2.0 – addition of conducting site inspections;

Subject: Boards and Advisory Committees of Council
Policy and Terms of Reference Updates

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<p>Section 5.0 – updates to the meeting schedule; number of applications considered at a meeting; clarification of the purpose and process surrounding the 6:30 pm ‘pre-meeting’; and other minor wording updates;</p> <p>Section 6.0 – updated by-law reference for honorarium and mileage rates.</p>
<p>Cultural Advisory Committee:</p> <p>Section 2.0 – updated wording to include ‘and/or the Coordinator, Cultural Services’;</p> <p>Section 3.0 – changes to composition from 10 to 12 members with 8 of those members representing related community organizations and updates to reflect current department names;</p> <p>Section 5.0 – updates to the wording surrounding the number of meetings held each year.</p>
<p>Heritage Pickering Advisory Committee:</p> <p>No Changes</p>
<p>Pickering Public Library Board:</p> <p>Change to reflect the legal name of the Library;</p> <p>Section 1.0 – Mandate changed to ‘Enabling Legislation’;</p> <p>Section 4.0 and 5.0 – increase of Chair and Vice-Chair terms to 2 years;</p> <p>Section 7.0 – addition of description of Board Treasurer to coincide with Library Board By-law;</p> <p>Section 9.0 – revision of description of Library Staff to coincide with Library Board By-law;</p> <p>Section 11.0 – revised meeting scheduled to coincide with Library Board By-law;</p> <p>Section 12.0 – addition of Conflict of Interest wording to coincide with Library Board By-law.</p>
<p>Property Review Committee:</p> <p>No Changes</p>
<p>Site Plan Advisory Committee:</p> <p>Section 1.0 – updated mandate to coincide with By-law 7632/18</p> <p>Section 3.0 – change from Senior Planner to ‘Principal Planner’</p>
<p>Taxicab Advisory Committee:</p>

Subject: Boards and Advisory Committees of Council
Policy and Terms of Reference Updates

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No Changes

Staff are seeking Council's approval of the proposed changes to Policy ADM 040 and each Committee's Terms of Reference as noted in Attachment Nos. 1 and 2 to CLK 03-19.

Attachments:

1. Draft Boards and Committees Policy ADM 040 with Tracked Changes
2. List of Boards and Committees and Terms of Reference with Tracked/Highlighted Changes

Prepared By:

Susan Cassel
City Clerk

Approved/Endorsed By:

Paul Bigioni
Director, Corporate Services & City Solicitor

SC:sc

Recommended for the consideration
of Pickering City Council



Feb. 19, 2019

Tony Prevedel, P.Eng.
Chief Administrative Officer

City of PICKERING

Policy

Procedure Title: Boards & Advisory Committees of Council			Policy Number ADM 040
Reference <i>Municipal Act</i> Procedure By-law, as amended Resolution #165/10 Resolution #301/14 <u>Resolution #xxx/19</u>	Date Originated (m/d/y) November 10, 2008	Date Revised (m/d/y) December 13, 2010 October 2012 December 15, 2014 <u>March 4, 2019</u>	Pages <u>156</u>
Approval: Chief Administrative Officer		Point of Contact City Clerk	

Policy Objective

The purpose of this policy is to identify a process for establishing Boards and Advisory Committees of Council, requirements for maintaining and supporting their work, and the coordination of the appointment and advertising process through the City Clerk. It excludes external bodies and local boards not established by Council and internal, working groups of an administrative nature.

This policy supplements the City of Pickering's Procedural By-law which applies to all Boards and Advisory Committees, including staff liaisons.

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01 Definitions

- 01.01 **Advisory Committee** means a committee created by Council to provide input advice and technical expertise on particular matters, acts as a vehicle for public consultation on issues of municipal interest and make recommendations to Council.
- 01.02 **City** means the Corporation of the City of Pickering.
- 01.03 **Council** means the Council of the Corporation of the City of Pickering.
- 01.04 **Mandate** means the statement that describes the advisory committee's purpose or responsibilities.
- 01.05 **Member** means a citizen member appointed by Council to a Board or Committee or a stakeholder member.
- 01.06 **Quorum** means the number of members required to be present at any meeting in order that business may be conducted.
- 01.07 **Staff Liaison** means the staff member appointed to facilitate and provide guidance to the Advisory Committee or Board.
- 01.08 **Task Forces** means a committee established to assist in the short-term study and analysis of a specific matter. Task Forces may include staff representation as well as representation from external bodies.
- 01.09 **Terms of Reference** means the document that provides a general overview of the Advisory Committee or Board, the content of which is prescribed by this policy.

~~01.04~~ 01.10 **Not applicable**

02 Implementation Procedure – Classification of Boards and Advisory Committees

- 02.01 Where the municipality makes appointments to bodies of its own creation and to outside bodies when requested to do so, such appointments shall be citizen appointments, except in those situations where the municipality has a direct

financial involvement, in which case Council shall determine whether or not it will appoint citizen and/or Council Members to such bodies. Council, under certain circumstances, may deem it necessary for Council representation on some Boards and Advisory Committees.

- 02.02 Boards and Advisory Committees may be either ongoing or a task force. Ongoing Boards and Committees provide recommendations, advice and information to Council on an ongoing basis on specific municipal matters that are set out in the Board/Committee's mandate and Terms of Reference. They include some of the following:
- a) **Advisory** - includes bodies authorized by Council to provide input on a discretionary basis and advice to Council on particular matters; or to undertake special projects as assigned.
 - b) **Mandatory** - where a Provincial Statute prescribes the type of appointments to be made by the municipality to a given body.
 - c) **Local Boards** - means a school board, municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, Committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality.
 - d) **External Bodies** - separate special purpose bodies that have a substantial amount of authority over their own operations.
 - e) **Quasi-Judicial/Appeals Committee** - hears and deals with appeals and/or minor variances to City By-laws.
- 02.03 Task Forces assist in the short-term study and analysis of a specific municipal issue, as defined in Terms of Reference and established by a confirming by-law. Task Forces may include staff representation as well as representation from external bodies.

03 Establishment of Boards and Advisory Committees

- 03.01 Boards and Advisory Committees are proposed by resolution of Council and established by a confirming by-law. Each resolution shall incorporate the Terms of Reference for the specific Board/Advisory Committee. Prior to Council's establishment of any Board or Advisory Committee, relevant director(s) shall submit a report to Council including the following information:
- a) inventory of previous and existing activities related to the matter, including public consultation initiatives;
 - b) suggested types of public consultation;
 - c) Board/Advisory Committee Terms of Reference;

- d) membership composition and level of expertise or specialization required by Committee members for the selection process; and,
- e) orientation, training and facilitation needs.

04 Relationship between Advisory Committees and Council

- 04.01 Advisory Committees are proposed by resolutions of Council and the Committees purpose is to assist Council by providing recommendations on specialized issues, on a policy and/or operational level, as set out in mandate and specific, Council approved work plans. Advisory Committee members are appointed by Council, and serve at the pleasure of Council for a specified term, where statutory authority does not state otherwise.
- 04.02 The nature of Advisory Committee recommendations to Council are purely advisory, and Council may approve, amend, refer or propose other resolutions, as Council deems appropriate. Advisory Committees shall not reconsider, recommend or advise on a matter that has been decided by Council, unless directed by Council. Advisory Committee members(s) shall rely exclusively on ~~the~~ appointed ~~s~~Staff Liaison support to communicate and dispense with recommendations and actions taken by Advisory Committees, and shall not intervene in the administrative practices of the City of Pickering.
- 04.03 Advisory Committees shall prepare an annual report to Council reviewing their goals, objectives and successes in relation to their work plan, and ~~should may~~ include a delegation to Council. The substance of the report shall be prepared by the Advisory Committee members, with administrative assistance and policy advice given by City staff.

05 Ongoing Review of Boards and Advisory Committees

- 05.01 Early in each new Council term, Council shall review all Boards and Advisory Committees. The City Clerk in collaboration with the staff liaisons and the Senior Management Team shall review assist in this effort by providing an overview of all Boards/Advisory Committees, including, but not limited to the following:
 - a) a list of Boards/Advisory Committees by name and type;
 - b) summary of mandates, goals and objectives for each Board/Advisory Committee;
 - c) achievements and challenges for each Board/Advisory Committee;
 - d) recommendations on the future direction of each Board/Advisory Committee and its structure in general; and,
 - e) reviews and recommendations on the reporting and functional relationships of Boards/Advisory Committees in general.

- 05.02 If a Board or Advisory Committee is to be disbanded, a final report on the Board/Advisory Committee activities and reasons for disbanding shall be presented to Council for approval.

06 Terms of Reference

- 06.01 The Terms of Reference will be established in accordance with the template included as Appendix I to this policy.
- 06.02 Terms of Reference, once established, must be approved by Council and amendments to those terms can only be made with Council approval.
- 06.03 The Terms of Reference of each Advisory Committee shall be reviewed on an ongoing basis by ~~relevant~~ staff liaisons to ensure that each Committee and its Terms of Reference remain relevant and appropriate.

07 Appointment Process and Advertising for Board/Advisory Committee Members

- 07.01 Where a Provincial Statute prescribes the type of appointments to be made by the City to a given Board or Advisory Committee, the Statute shall be complied with. Where the City makes appointments to Boards/Advisory Committees of its own creation and to outside bodies when requested to do so, such appointments shall be citizen appointments, except in circumstances where the City has a direct financial involvement, in which instance Council shall determine whether or not it will appoint citizens and/or Council Members to such bodies.
- 07.02 Vacancies for citizen appointments shall be publicly advertised in the local newspaper, on the City of Pickering website and in any other manner that the City deems appropriate to reach the broadest sector of our community.
- 07.03 Applicants shall be a property owner or resident of Pickering and a minimum of 18 years of age unless otherwise determined by committee membership requirements. City of Pickering employees are not eligible.
- 07.04 Generally, the duration of Board/Advisory Committee appointments are the same as the term of Council, however staff may recommend that the terms for specific Board/Advisory Committee appointments be staggered to ensure experience and consistency in following the Board/Advisory Committee's goals and mandate. While appointees may serve on more than one Board/Advisory Committee, Council shall give first consideration to individuals who are not already appointed to another Board/Advisory Committee. The term of a member of a Board or Committee of Council shall continue in accordance with the Board/Committee Terms of Reference or until a successor is appointed.
- 07.05 The following process, coordinated by the City Clerk and Legislative Services, will generally be followed in initiating the recruitment, selection and appointment process:

- a). upon Council passing a resolution to establish a Board/Advisory Committee, or when a vacancy occurs, the City Clerk, in consultation with the relevant department and Staff Liaison assigned to the Advisory Committee, will advertise Committee vacancies in the local newspaper, the City website and in any other manner that the City deems appropriate to reach the broadest sector of the community. The advertisement will ~~make note of~~ indicate the number of vacancies mandate of on the Committee, ~~a brief statement of the role and responsibilities of Committee membership,~~ duration of ~~the~~ term, level of commitment, application process and ~~contact information~~ the website URL where details can be obtained for each Board/Committee;
- b) applicants shall be required to complete and submit to the City Clerk an application form, available from the Clerk's Office and the City website. Once the applications have been reviewed by staff, a report recommending selected appointees will be prepared for approval by Council. All applications received shall be forwarded to Council with the staff report;
- c) all applications shall be reviewed by the Staff Liaison for each Board/committee and a recommendation shall be provided to the City Clerk for inclusion in a Council agenda. The staff recommendation provided to Council will be accompanied with all applications received for that Board/Committee.
- d) when preparing the recommendation to Council, the Staff Liaison shall give equal consideration to new applicants as well as those who have previously served on a Board/Committee.
- ~~b)e)~~ Notwithstanding item d, recommendations shall be based on the relevant experience and expertise of an individual in relation to the mandate of the Board/Committee and there shall be no restrictions on the number of terms an individual may serve if they meet the needs of the Board/Committee; and,
- ~~e)f)~~ the Clerk's Office, on behalf of Council, shall send out confirmation letters to new Board/Advisory Committee appointees and advise of their Staff Liaison for that Committee and any other relevant contacts. Letters will also be provided to those individuals who were not appointed encouraging them to re-apply at such time a vacancy occurs.

08 Resignation/Dismissal Process

- 08.01 Board/Advisory Committee members wishing to resign their appointment shall submit a letter of resignation which shall be forwarded as soon as possible to the City Clerk. Upon acceptance of the resignation, the City Clerk in consultation with the ~~s~~Staff ~~L~~iaison assigned to the Committee will initiate the aforementioned appointment process to fill the vacancy.

- 08.02 Council, at its discretion, can dismiss any Board/Advisory Committee in its entirety or any member thereof at any time.

09 Absentee Requirements

- 09.01 If any Board/Advisory Committee member is absent from three consecutive meetings, or absent from over 50% of the meetings in one year without justification, the ~~S~~staff ~~L~~iaison will contact the member to ask whether or not they wish to remain on the Committee or resign.
- 09.02 If contact cannot be made with an absent Committee Member and five months of continuous absenteeism has been noted, the Committee Member's seat automatically becomes vacant and the process for filling a vacancy will begin.

10 Orientation Sessions

- 10.01 Orientation sessions shall be conducted at the beginning of each term by the Staff Liaison in coordination with Legislative Services Division, ~~and Staff Liaison assigned to the Committee for new Board/Advisory Committee appointees and for interested returning Board/Advisory Committee appointees at the beginning of each Council term. All Board/Advisory Committee members benefit from orientation.~~ The sessions orientation will identify goals, objectives and work plans for the Committee. Further sessions may be conducted for appointees during the Council term, as required. Orientation manuals materials will be distributed to all members of the Committee for reference purposes. Each Board/Advisory Committee package shall include the following information:
- a) ~~establishing Resolution/Confirming By-law for~~ Board/Advisory Committee ~~and~~ Terms of Reference;
 - b) mandatory statutes (e.g. *Accessibility for Ontarians with Disabilities Act*);
 - c) City of Pickering Procedural By-Law;
 - d) City Organizational Structure;
 - e) ~~member contact information;~~
 - f) ~~council members' contact information;~~
 - g)e) relevant City Policies and Procedures affecting Board/Advisory Committee members including the City's Code of Conduct; and,
 - h) ~~information regarding Committee relationship to Council; and,~~
 - i)f) staff liaison support and contact information.
- 10.02 As per the *Accessibility for Ontarians with Disabilities Act, 2005*, all City employees, volunteers and/or agents as well as any other individual who might be reasonably expected to interact with the public on behalf of the City will

receive Accessible Customer Service Training. The Staff Liaison assigned to the Committee will arrange training for new Board/Advisory Committee members who have not had Accessible Customer Service Training.

11 Meeting Structure, Agenda and Minute Formats

11.01 Regular meetings will be held monthly, but variations may be determined by the Committee and Staff Liaison assigned to the Committee. A meeting schedule, setting out the time and place for meetings will be established by staff. Meeting venues will be accessible, and sufficient to accommodate Committee members, staff and guestsmembers of the public.

11.02 Meeting structure, agenda and minute formats should meet the needs of individual Boards/Advisory Committees, while ensuring consistency, completeness and accountability. Boards and Committees shall follow the City's Procedure By-law; however, Aa Board/Advisory Committee may choose to follow a more informal procedure and allow for a consensus approach to discussion. It is recommended that the following components be included in agendas, where specific subject items are described in each component:

- a) date, time, location of meeting;
- b) members present (list names and titles, ie. J. Doe, Chair);
- c) _____ members absent/regrets;
- e)d) disclosure of interest
- d)e) _____ approval of previous minutes;
- e)f) _____ presentations/deputationsdelegations;
- f)g) _____ general business and reports;
- g)h) _____ correspondence;
- h)i) _____ other business;
- i)j) _____ next meeting; and,
- j)k) _____ adjournment.

11.03 City Staff and Committee Members should structure meeting agendas to make every effort to adhere to a two hour time limit for all Advisory meetings.

11.04 Minutes of meetings must be recorded and are scribed without note or comment. Minutes should briefly outline the substance of each of the agenda items discussed during the meeting, including actions taken and recommendations by motion. Motions shall not be required to be seconded. Minutes should have a collective, not a personal focus. What individuals said is

less significant than the precise wording of proposals and the decisions made by the majority of the Committee or by general agreement. No member has the inherent right to have his or her comments on the record. Minutes are primarily a record of what was done at a meeting, and not a record of what was said by members. Minutes are not taken verbatim and they do not serve as. ~~They are not a transcript~~ of the meeting.

- 11.05 Minutes shall be forwarded as soon as possible following the meeting to the City Clerk in order to present them to Council as information on a timely basis. Staff will be required to prepare a report for any recommendation of a Board/Advisory Committee requiring action by Council. ~~Minutes of all meetings must be recorded.~~

12 Access to Meetings

- 12.01 Except as provided in this section, all meetings shall be open to the public and the media and Board/Advisory Committee minutes shall be available upon request and shall be posted on the City's website. Special guests, volunteers, organizational representatives and City staff do not constitute committee members, and are unable to vote. The ~~Facilitator~~ Staff Liaison who is facilitating the meeting may expel any person for improper conduct at a meeting.
- 12.02 Board/Advisory Committee meetings should not be closed to the public. If a Board/Advisory Committee feels that discussion of an item on the agenda needs to be closed to the public, ~~then~~ the City Clerk must be advised in advance, and the agenda for the meeting in which a closed item will be discussed shall include the provisions of the Municipal Act that allow for such item to be considered in closed session ~~a 24-hour notification process must be followed~~. A meeting can only be closed to the public if the subject matter being considered is:
- a) the security of the property of the municipality or local board;
 - b) personnel matters about an identifiable individual, including municipal employees or local board members;
 - c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f) ~~the receiving of~~ advice that is subject to solicitor-client privilege; including communications necessary for that purpose;
 - g) a matter in respect of which a council, the board or Committee or other body may hold a closed meeting under ~~the authority of another Act; or,~~

- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; or,
- h)l) for the purpose of educating or training the members, subject to the condition that no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the local board or Committee.

- 12.03 Before holding a meeting or part of a meeting that is to be closed to the public, the Board/Advisory Committee shall state by resolution:
- a) the fact of the holding of the closed meeting;
 - b) the general nature of the matter to be considered at the closed meeting; and;
 - c) in the case of a meeting for educational or training purposes, that it is closed for that purpose as well.
- 12.04 All deliberations while in closed session shall remain confidential unless otherwise approved by Committee in open session.
- 12.05 Any motion made regarding an item within a closed session shall be made in open session.
- 12.06 A statement must be placed in the public minutes providing the general nature of the closed meeting.

13 Provision for Accessibility and Diversity

- 13.01 Adequate provisions shall be made by relevant staff to ensure that meeting locations, agenda and minute formats, communications and conduct of meetings be accessible, to ensure maximum participation and quality customer service. Reference may be made to the provisions of the *Accessibility for*

Ontarians with Disabilities Act, and similar legislation, policies and guidelines. Membership that reflects the diversity of the City community will be encouraged in the recruitment, selection and appointment process.

14 Pecuniary Interest

14.01 Committee members are deemed not to have pecuniary conflict of interest in that they have no decision-making ability. However, members should be cognizant of any perceived conflict in terms of issues, which may serve to benefit them personally. Members shall not use their status on Committees for personal or political gain.

14.02 If a Committee member feels they have a perceived conflict of interest in any matter and is, or will be, present at a meeting at any time at which the matter is the subject of consideration, the member shall:

a) ~~shall~~, before any consideration of the matter, at the meeting verbally disclose the interest and its general nature;

b) ~~shall~~ not, at any time, take part in the discussion of, or vote on, any question in respect to the matter;

~~c) shall leave the meeting and remain absent from it at any time during consideration of the matter; and,~~

~~d) c) Members shall not use their status on Committees for personal or political gain~~ complete a Disclosure of Interest under the Municipal Conflict of Interest Act form in accordance with the City's Procedure By-law and the Disclosure shall be provided to the Staff Liaison or recording secretary and forwarded to the City Clerk.

15 City Policies and Procedures

15.01 Board and Advisory Committee members shall adhere to the policies and procedures of the City of Pickering.

16 General Rules Governing Board and Advisory Committees

16.01 Duties of Members of Council:

a) Members of Council may attend any or all Advisory Committee meetings.

b) At Advisory Committee meetings, Members of Council can respond to Committee members' questions, interpret Council's direction and give input or support to the Committee.

c) Members of Council who are not appointed as members to a board or committee are not included as part of the quorum, and have no voting rights.

16.02 Duties of Committee Members:

Committee Members are required to:

- a) Understand the mandate of the Committee, including its relationship to Council;
- b) Understand their role and responsibilities, including relevant City policies;
- c) Strive to attend all scheduled and special advisory committee meetings;
- d) Prepare for meetings by reading agendas and any background information supplied;
- e) Actively participate in the discussion and decision-making process;
- f) Undertake any work assigned, including special projects and research, in between meetings;
- g) Be open minded and allow for a variety of opinions to be heard;
- h) Respect the individual worth and dignity of other Advisory Committee members, and maintain a high degree of professionalism;
- i) Respect that actions taken and recommendations shall reflect the majority view of the advisory committee; and,
- j) Respect the finality of Council decisions.

16.03 Duties of City Staff:

- a) The Staff Liaison for each Committee will facilitate meetings unless a Chair or Vice Chair is required by a statute or Terms of Reference;
- ~~b) City Staff assume two principle functions: a secretarial role and a policy advice role. These roles may be undertaken by one or more staff~~
- ~~b)c) City Staff will take minutes at meetings; and,~~
- ~~e)d) Legislative Services will coordinate agendas, minutes and correspondence as needed for those Boards/Committees in which they provide secretariat support. Staff Liaisons will be responsible for this function for any committees not supported by Legislative Services.; and,~~
- ~~d)e) City Staff assume two principle functions: a secretarial role and a policy advice role. These roles may be undertaken by one or more staff.~~

16.04 Duties of the Facilitator Staff Liaison

The Facilitator Staff Liaison is required to:

- a) Facilitate the meeting by identifying the order of proceedings and speakers; interpret and determine questions of procedure; ensure active participation by all Advisory Committee members; maintain decorum and ensure fairness and accountability;
- b) Be open-minded and encourage a variety of opinions to be heard;
- c) Respect the individual worth and dignity of Advisory Committee members, and maintain a high degree of professionalism;
- d) Review agendas and minutes provided by staff; and lead the preparation of annual reports/presentations to Council;
- e) Review the goals and objectives of the Advisory Committee and ensure that its work plan is realistic and up to date;
- f) Seek clarification and answers for Advisory Committee members through Council or City Staff;
- g) The ~~Facilitator~~ Staff Liaison has no authority to make decisions, and can only assist with the conduct of a meeting in a fair and efficient manner so that the will of the majority prevails after all members have had a fair chance to present their points of view;
- h) The ~~Facilitator~~ Staff Liaison has no voting rights, is present to assist the Committee in administrative processes and is independent of the Advisory Committee; and,
- i) The Advisory Committee may choose to relax procedures and allow for a consensus approach to discussion, keeping in mind that questions of procedure shall be determined by the ~~Facilitator~~ Staff Liaison, subject to the City's procedural by-law. The Clerk may provide guidance on the interpretation and application of procedures. Good faith misinterpretation of procedures shall not affect the validity of any meeting.

16.05 Quorum

- a) A majority of the Members of any Committee shall be required to officially constitute a meeting. A majority shall be considered one half of the number of members plus one additional member;
- b) City staff, Members of Council who have not been appointed to the Committee, special guests, volunteers and organization representatives have no voting privileges and will not be included in the quorum;
- c) If no quorum is present thirty (30) minutes after the time scheduled for a meeting, the Recording Secretary shall call the roll and record the names of the members present, and the meeting shall stand adjourned until the next meeting date; ~~and,~~

d) If the ~~Facilitator~~ Staff Liaison is absent from the meeting and another City Staff member is not present but, quorum has been met, then a Committee Member can be appointed to facilitate the meeting; and,-

d)e) Should a vacancy occur on a Board or Committee, quorum shall be based on the number of current sitting members and not the full membership until such time the vacancy is filled.

16.06 Reporting to Council

- a) Citizen Advisory Committees shall prepare an annual work plan submission, which shall include a report on the previous year's accomplishments to Council, and a work plan for the current year;
- b) This process shall be led by the Staff Liaison of the Committee and may include a delegation to Council; and,
- c) Every Citizen Advisory Committee matter which needs to be referred to Council shall be done in writing through the Staff Liaison. The Staff Liaison assigned to the Committee will submit a memo to Council as Correspondence stating the Committee's recommendations. The Council Correspondence direction will be for Council to "Receive as Information" or to "Refer to a Director" for investigation and if appropriate, a report back to the appropriate Standing Committee. No order or authority to do any business shall be recognized as emanating from a Committee, unless it is in writing and approved through a resolution of Council.

16.07 Advisory Committee Events

- a) Advisory Committees must seek Council approval to hold an event and each request to Council must include the complete details of the event (e.g. budget, number of staff required, name of event, date, and purpose of event);
- b) Events must relate to specific activities approved in the Advisory Committee's Terms of Reference and mandate. The event must be listed in the annual work plan for that year; and,
- c) Where an event has been requested and approved by Council, all Committee Members must attend and contribute to assisting at the event.

16.08 Media Relations and Communications

- a) Committee members shall not meet with the media unless such meeting is approved by the City's CAO. Committee media relations must be supported by the City's Communications areaDivision.
- b) The actions and recommendations of Advisory Committees are subject to the policies and administrative practices of the City, including provisions pertaining to the use of the corporate logo(s), letterhead, website,

information pamphlets, media advertisements and the like. Advisory Committees shall seek approval from Council for any change in Advisory Committee name or development of any substantive communication medium (e.g. website).

- 16.09 Subcommittees/Working Groups may be established by a Committee, as required, to carry out a specific projects included in the annual work plan submission. Such subcommittees/working groups shall be disbanded upon completion of their specific project(s). A subcommittee must ~~have-include~~ at least two members of the Advisory Committee ~~on it, but~~ and additional membership may be drawn from relevant stakeholders or the general public with the appropriate interest and expertise.

Please refer to all associated Procedures and Standard Operating Procedures, if applicable, for detailed processes regarding this Policy.

Appendices

Appendix 1 Terms of Reference – Sample Format

Terms of Reference

Name of Committee

Terms of Reference shall be approved by Council and amendments can only be made with Council approval. Terms of Reference for an Advisory Committee need only address information not already provided for in this Policy.

- 1.0 Mandate – A description of the general purpose and activities of the Advisory Committee, including areas of responsibility, taking into account any statutory requirements. Advisory Committee mandates shall not be altered by the Advisory Committee.
- 2.0 Goals, Objectives and Responsibilities – A listing of the goals, objectives and responsibilities of the Advisory Committee, to be addressed in annual work plans with reference to specific strategies and actions.
- 3.0 Composition – Specify the maximum number of members of the Advisory Committee and describe the nature of membership (citizens and/or organization, numbers in each category), membership terms.
- 4.0 Member Qualifications – Outline recommended qualifications of potential members given the mandate of the Advisory Committee.
- 5.0 Meeting Schedule – Indicate how often the Advisory Committee shall meet, e.g. monthly, every other month, criteria for calling a special meeting, summer recess.
- 6.0 Budget – requests must relate to the Advisory Committee's mandate, be included in the annual work plan submission and be supported by project descriptions.

Terms of Reference
Boards and Advisory Committees

Accessibility Advisory Committee
Animal Services Committee
Committee of Adjustment
Cultural Advisory Committee
Heritage Pickering Advisory Committee
Pickering Public Library Board
Property Review Committee
Site Plan Advisory Committee
Taxicab Advisory Committee

Terms of Reference Accessibility Advisory Committee

1.0 Mandate

As directed by the *Accessibility for Ontarians with Disabilities Act, 2005*, the Council of every municipality in Ontario having a population of not less than 10,000 shall establish an accessibility advisory committee. The mandate of the Accessibility Advisory Committee is to fulfill the duties as outlined in the Act and to provide advice to Council on programs, policies and services provided to persons with disabilities.

2.0 Goals, Objectives and Responsibilities

The Accessibility Advisory Committee will accomplish its mandate by:

- Providing advice to staff and Council on the development, implementation and effectiveness of the City of Pickering's Accessibility Plan.
- Acting as a commenting body to the Corporation to address accessibility to a building, structure or premises, or part of a building, structure or premises; that the City purchases, constructs, renovates, leases or which is provided to the Municipality as a capital facility.
- Preparing an annual report to Council outlining the Committee's achievements during the year.
- Consulting with City Development staff on applicable site plans and drawings described in Section 41 of the Planning Act.

The Accessibility Advisory Committee will not be responsible for the following:

- Accessibility issues relating to regulation of private facilities or corporations except where requested to comment by such agencies.
- Administration issues relating to the implementation of the Accessibility Plan.

3.0 Composition

The Committee shall have a membership of not more than 10 Citizen appointment's, with the majority being persons with a disability, consideration will be given to a caregiver of a person with a disability. Committee representation will include:

- A maximum of 10 Citizen appointment's, with the majority being persons with a disability.
- 1 City of Pickering staff member on a rotating basis that is involved in the City's Accessibility Plan/Programs/Services – no voting rights

Accessibility Advisory Committee

Terms of Reference

Staff representatives will be selected by the Director, staff will rotate as required during the term in order to utilize the experience/knowledge of the staff person in the area that the Committee is discussing at the time.

- Service Agency Representative with a mandate/responsibility for people with disabilities – no voting rights
- 1 representative from the Ajax-Pickering Board of Trade to support accessibility issues of private businesses – no voting rights

Invitations will be sent to Service Agencies with a mandate/responsibility for people with disabilities and to the Ajax-Pickering Board of Trade requesting interest in attending Accessibility Advisory Committee Meetings in order to utilize the experience/knowledge of the organizations.

4.0 Member Qualifications

- Qualifications include the skills, knowledge, and experience committee members need to contribute effectively to the accomplishment of the committee's objectives. Awareness and knowledge of potential barriers to public access of facilities, programs and services would be an asset.
- The majority of the Committee must be individuals with a disability, consideration will be given to a caregiver of an individual with a disability.

5.0 Meeting Schedule

Meetings shall be held monthly on a set week and day to be determined by the Committee at its first meeting of the term. The meetings shall commence at 7:00 pm.

Established meeting dates and times shall not be changed unless circumstances warrant special consideration. Meetings will not be held in the months of July, August or December unless determined by the Committee that a meeting is necessary to meet the mandate or work plan of the Committee.

During a Municipal election year, meetings shall not be held after September 30th unless determined by the Committee that a meeting is necessary to meet the mandate or work plan of the Committee.

6.0 Budget

The Director, Culture & Recreation shall be responsible for the Accessibility Advisory Committee budget, which shall be submitted annually in accordance with established City budget guidelines.

The Staff Facilitator confirms the proposed budget with the Accessibility Advisory Committee based on their following year's work plan. The Director, Culture &

Accessibility Advisory Committee

Terms of Reference

Recreation reviews the proposed budget and submits within the Department budget.

Terms of Reference Animal Services Committee

1.0 Mandate

To act as a quasi-judicial committee, hearing appeals relating to Orders to Restrain issued under the provisions of the Responsible Pet Ownership By-law, as amended. The Committee has the ability to amend the order, permit a follow up review of the Order, or quash the Order.

2.0 Goals, Objectives and Responsibilities

The Animal Services Committee fulfills the requirements of the Responsible Pet Ownership By-law to provide a review process and hear appeals.

3.0 Composition

The Animal Services Committee is comprised of two members of the public appointed by Council, and one member of Council. Appointments shall be for the 4 year term corresponding with the term of City Council.

Committee members shall be paid an honorarium of \$50.00 per hearing attended.

4.0 Member Qualifications

Committee members who have experience as dog owners, dog trainers, or animal behaviour would be an asset.

5.0 Meeting Schedule

Meetings are scheduled as required to hear appeals.

6.0 Budget

Remuneration for committee members will be paid from the Animal Services Salary Account.

Terms of Reference Committee of Adjustment

1.0 Mandate

~~The Committee of Adjustment is a body appointed by City Council to consider requests for minor changes, or variances, to the City's zoning by-laws. The purpose of the Committee is to provide a forum for the expeditious and practical consideration of minor variances. The Committee considers zoning matters which are often of the utmost importance to individual applicants, but which are not of sufficient magnitude to warrant the formal consideration of City Council.~~

The Committee of Adjustment is an independent and autonomous quasi-judicial body made up of five citizen members appointed by City Council. The Committee performs its duties at "arm's length" from City Council and operates under the authority of the Ontario *Planning Act*. The purpose of the Committee is to provide a forum for the expeditious consideration of minor variances to the City's zoning by-laws.

Applications to the Committee of Adjustment will be processed in accordance with the requirements of Sections 45 of the *Planning Act*, applicable regulations (O.Reg. 200/96), the *Statutory Powers Procedures Act* and Committee of Adjustment Rules of Procedure.

The Committee is authorized by the *Planning Act* to consider applications for:

- Minor variances from the provisions of the Zoning By-law;
- Extensions, enlargements or variations of existing legal non-conforming uses under the Zoning By-law; and
- Determine whether a particular use conforms with the provisions of the Zoning By-law where the uses of land, buildings or structures permitted in the by-law are defined in general terms

2.0 Goals, Objectives and Responsibilities

The Zoning By-law regulates how land and buildings are used and where buildings and structures can be located. Zoning By-laws also specify lot sizes and dimensions, parking requirements, building heights and other regulations necessary to ensure proper and orderly development. Sometimes it is not possible or desirable to meet all of the requirements of the Zoning By-law. In that case, a property owner may apply for approval of a minor variance. A minor variance provides relief from a specific Zoning By-law requirement.

The majority of applications typically dealt with by the Committee are requests for minor variances to the zoning by-law in which an applicant seeks relief from a specific requirement of the zoning by-law, such as a reduction in minimum yard width or an increase in maximum permitted building height.

For the Committee to approve this type of application, Section 45(1) of the *Planning Act* requires that the members must be satisfied that the application:

Committee of Adjustment Terms of Reference

- Is considered to be a "minor" change from the Zoning requirements;
- Is desirable for the appropriate development or use of the land, building or structure;
- Maintains the general intent and purpose of the Official Plan; and
- Maintains the general intent and purpose of the Zoning By-law.

The Committee of Adjustment will accomplish its mandate by:

1. Reviewing the merits of the application, the documentation and evidence put forward, conducting site inspections and rendering decisions on the application, in accordance with the requirements of the *Planning Act*.
2. Complying with the applicable rules, regulations and policies for the Committee of Adjustment.

3.0 Composition

The Committee of Adjustment is composed of the following:

- 5 Citizen Appointments
- City Support Staff – Secretary-Treasurer
- City Support Staff – Assistant Secretary-Treasurer

4.0 Member Qualifications

It is desired that the Committee develop community-focused outcomes while rendering decisions in accordance with the provisions of the *Planning Act*.

Individuals should have a demonstrated commitment and interest in the community, and the committee membership should reflect a balanced representation from the areas of planning, construction and lay people.

5.0 Meeting Schedule

The Committee of Adjustment meets every third the second Wednesday of each month to consider minor variance applications. On average, there are between three-four to six-eight applications scheduled for each meeting. The Committee Members will be provided with an agenda the Friday before the meeting, which contains a summary of the applications and all comments received through circulation of the application, including the City Development Department's recommendations. The Committee is also to attend a pre-meeting at 6:30 p.m. to obtain additional handouts (if applicable) and to discuss the agenda with other Committee Members or if obtain clarification is needed from City Development staff. It is not the intent of the pre-meeting for Members to discuss their position on any of the applications on the agenda. The Committee meetings are scheduled to start at 7:00 p.m. The Secretary-Treasurer of the Committee of Adjustment or designate will attend the meetings to assist the Committee with interpretations or other technical details and the Assistant Secretary-Treasurer will be in attendance to take minutes. Committee of Adjustment meetings are also open to the public, and all applicants and any interested property owners/parties may attend the meetings to present comments or concerns.

Committee of Adjustment Terms of Reference

Committee meetings are intended to be as informal and applicant-friendly as possible, however Rules of Procedure for the meetings are to be followed. As per ~~section~~ Section 44(7) of the Planning Act a Committee Member will be appointed to act as Chairperson for the meetings in order to provide a clear structure and process.

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The Committee of Adjustment must make a decision on each application as it is heard at the meeting, either for approval, refusal, deferral to another meeting or tabled indefinitely. The Committee may impose conditions that must be fulfilled as part of the approval of an application, or may approve an application with revisions, as long as those revisions result in a similar variance than what was originally applied for. In making a decision, the Committee must pass a resolution that clearly sets out the reasons for the decision. The City Development Department will always provide a recommendation on the application for the Committee's assistance.

Minutes of the meetings and the mailing of decisions of the Committee are coordinated by the Assistant Secretary-Treasurer.

Each Committee of Adjustment decision is subject to a twenty-day appeal period during which an individual, including City Council, may lodge an appeal of the decision to the Ontario Municipal Board Local Planning Appeal Tribunal. The City Development Department keeps City Council informed of all Committee of Adjustment decisions.

6.0 Budget

Committee Members are paid in accordance with a City Council Resolution. Honorarium (\$120.00 per attended meeting) as per By-law 7666/18 and mileage (53-56 cents per kilometre) are paid on a bi-annual basis (January to June and July to December).

** or note honorariums paid as per the current by-law

Terms of Reference

1.0 Mandate

The Cultural Advisory Committee (CAC) will assist City staff with the implementation of the City of Pickering Cultural Strategic Plan. The CAC will identify and coordinate opportunities for stakeholder and community engagement and provide expert community input on matters relating to the provision of cultural services.

2.0 Goals, Objectives and Responsibilities

The City of Pickering Cultural Strategic Plan, approved by Council on June 16, 2014 as per resolution #247/14, sets a vision for the place of arts, culture and heritage in the City and identifies strategic directions for policy, investment, partnerships and programs for the next 10 years.

Pickering's Cultural Strategic Plan sets out six strategic directions:

1. broaden and deepen City leadership and investment;
2. build a strong and collaborative cultural sector;
3. strengthen culture-led economic development;
4. conserve and promote history and heritage;
5. celebrate and support diversity and inclusion; and
6. culture opportunities for the creation, education and enjoyment of the arts.

Committee responsibilities include;

- a) Assist and advise staff on the implementation of the Cultural plan;
- b) Assist and advise staff on the development and review of policy relating to cultural development;
- c) Assist and advise staff on matters concerning the strategic planning, development and evaluation for cultural development in the municipality;
- d) Advocate for culture and promote community-wide cultural initiatives;
- e) Provide consultation, research and report findings and make recommendations as necessary on matters of culture within the City of Pickering;
- f) Encourage and promote effective communication between community cultural groups, individuals and the City;
- g) Advise and develop working relationships with owners of businesses, Business Improvement Areas (BIA) and Chamber of Commerce;
- h) Advise and assist with the development of education programs and promote Pickering's Cultural Strategic Plan;
- i) Liaise with other like-organizations to promote Pickering's culture;
- j) Advocate and promote the value and benefit of cultural activities for all; and
- k) Report annually to Council.

Members do not have the authority to assign work to staff but will work cooperatively and assume related duties as directed by the Supervisor, Cultural Services, and/or the Coordinator, Cultural Services.

More specifically, the CAC will **not** be responsible for the following:

1. Programme delivery;
2. Budget approval;
3. Day-to-day operations of City-owned facilities; and
4. Administrative matters including direction given to staff.

3.0 Composition

Twelve (12) Committee members will be selected, 4 members from the public and eight (8) representatives from related community organizations. Members from the public must reside in Pickering and represent a broad range of interests and experience in the cultural sector. Community Organization representatives must be from organizations who serve the City of Pickering. Where possible, appointments to the Committee shall include representatives of the following organizations/associations:

- Pine Ridge Arts Council
- Durham West Arts Centre
- Pickering Historical Society
- Pickering Public Library
- Ajax/Pickering Board of Trade
- Diversity Group

City Staff from the following departments will also make up the Committee:

- Community Services Department
- City Development Department
- Engineering Services Department
- Corporate Services Department

4.0 Member Qualifications

Qualifications include the skills, knowledge, and experience needed to contribute effectively to the Committee's objectives. Membership will be sought on the basis of broad interest, understanding and commitment to cultural development in the municipality, in addition to specific expertise and interest related to Culture.

5.0 Meeting Schedule

The Cultural Advisory Committee meets 6 times per year, and up to 8.

Established meeting dates and times shall not be changed unless circumstances warrant special consideration. Meetings will not be held in the months of July, August or December unless determined by the Committee that a meeting is necessary to meet the mandate or work plan of the Committee.

Terms of Reference – Cultural Advisory Committee

During a Municipal election year, meetings shall not be held after September 30th unless determined by the Committee that a meeting is necessary to meet the mandate or work plan of the Committee.

Terms of Reference Heritage Pickering Committee

1.0 Mandate

Heritage Pickering Advisory Committee is hereby established in order to advise and assist Council on all matters relating to the conservation of property of cultural heritage value or interest and heritage conservation districts, and such other heritage matters as the council may specify by by-law.

Enabling Legislation - The Heritage Pickering Advisory Committee is provided for under Part IV, Section 28, of the *Ontario Heritage Act*. The Committee is deemed to be a statutory committee.

2.0 Goals, Objectives and Responsibilities

Undertake research into Pickering properties having cultural heritage value or interest and advise Council on matters related to their conservation;

Advise Council on applications pertaining to a heritage property or a heritage district involving:

- a) designation or de-designation
- b) alterations, additions, new construction or demolition
- c) loans, grants or other forms of assistance to heritage property owners; or
- d) easement agreements.

Provide guidance and assistance to owners of heritage properties in meeting their conservation obligations and obtaining heritage approvals;

Advise and assist with the development and maintenance of an inventory of the City's heritage resources; and

Advise and assist with the development of cultural heritage conservation guidelines, and with cultural heritage policies, plans and programs.

In addressing its responsibilities, the Committee shall comply with the Official Plan and have regard for the heritage policies adopted by Council, including:

- a) Regional and City Official Plans
- b) Whitevale Heritage Conservation District Guidelines
- c) Heritage Permit Application Procedures; and
- d) Individual heritage by-laws.

3.0 Composition

Heritage Pickering Committee

Terms of Reference

The Committee shall be comprised of nine (9) citizen appointments.

4.0 Member Qualifications

Committee members shall contribute time, knowledge, skill and expertise to the fulfillment of the committee's mandate; research issues relevant to their committee's mandate as required; work with staff to implement Council's decisions relevant to the Committee's mandate and commit to attending regular meetings during the year.

5.0 Meeting Schedule

The Heritage Pickering Advisory Committee shall meet on the fourth Wednesday of every month at the Civic Complex, One the Esplanade, Pickering, at 7:00 pm.

Established meeting dates and times shall not be changed unless circumstances warrant special consideration. Meetings will not be held in the months of July, August or December unless determined by the Committee that a meeting is necessary to meet the mandate or work plan of the Committee.

During a Municipal election year, meetings shall not be held after September 30th unless determined by the Committee that a meeting is necessary to meet the mandate or work plan of the Committee.

6.0 Budget

The Director, City Development shall be responsible for the Heritage Pickering Advisory Committee budget, which shall be submitted annually in accordance with established City budget guidelines.

The Director, City Development will present a draft budget for review by the Heritage Pickering Advisory Committee on an annual basis, prior to submission to the Chief Administrative Officer for approval.

The City of Pickering Public Library Board

Terms of Reference

1.0 Enabling Legislation

The *Public Libraries Act, R.S.O. 1990, c. P.44, s.3 (3)* provides the authority, and direction for the establishment of public library boards by municipal Councils. The relevant sections of the Act are as follows.

Board

3 (1) A public library shall be under the management and control of a board, which is a corporation known in English as The City of Pickering Public Library Board.

Composition of public library board

9 (1) A public library board shall be composed of at least five members appointed by the municipal Council. 2002, c. 18, Sched. F, s. 3 (8).

Board Members

10. (1) A person is qualified to be appointed as a member of a board who is a member of the appointing Council or,

- a) Is at least eighteen years old;
- b) Is a Canadian citizen;
- c) Is,
 - i. A resident of the municipality for which the board is established in the case of a public library board,
 - ii. A resident of a municipality that has a contract with the board under section 29,
 - iii. A resident of the board area of a local service board that has the contract with the board under section 29,
 - iv. A member of an Indian band that has a contract with the board under section 29, or
 - v. A member of a second board that has entered into a contract with the board to purchase from it library services for the residents of the second board; and
- d) Is not employed by the board or by the municipality or county or, in the case of a union board, by any of the affected municipalities. R.S.O. 1990, c. P.44.s.10 (1); 2002, c. 18, Sched. F, s. 3 (9).

Number of council members on board limited

10. (2) The appointing Council shall not appoint more of its own members to a board than the number that is,

- a) In the case of a public library board or union board, one less than a majority of the board;

Term

10. (3) A board member shall hold office for a term concurrent with the term of the appointing council, or until a successor is appointed, and may be reappointed for one or more further terms. R.S.O. 1990, c. P.44, s. 10 (3).

Time for making appointments

10. (4) The first appointments of members of a new board shall be made at a regular meeting of council and the member shall take office as soon as possible thereafter, and thereafter appointments shall be made at the first meeting of council in each term, but if the council fails to make the appointments at its first meeting, it shall do so at any regular or special meeting held within 60 days after its first meeting. R.S.O. 1990, c. P.44, s. 10 (4); 2002, c. 18, Sched. F, s. 3 (10).

Notice of Vacancies

11. (1) The clerk of the appointing municipality or county or, in the case of a union board, the clerks of the affected municipalities shall give public notice of vacancies on the board by publishing a notice of them, inviting applications, in a newspaper of general circulation in the municipality. R.S.O. 1990, c. P.44, s. 11 (1).

2.0 Responsibilities

- 2.1 The purpose of the Board is to:
- Represent the interests of the moral ownership, defined as the Residents of Pickering
 - Determine the benefits that the organization will provide, keeping a long term, strategic perspective (the Ends policies)
 - Monitor the operations to ensure that the Executive Limitations policies are being complied with and that the Ends policies are being accomplished according to Board-CEO Delegation policies.

3.0 Composition

- 3.1 The Board shall be comprised of 8 citizen appointments and 2 members of Council.

4.0 Board Chair

- 4.1 The position of Chair will be elected by a majority of the Board at the first meeting of the applicable calendar year during the term of the Board. The Chair will serve for a two-year term and until a successor is elected. A Board member may not serve as Chair for more than 3 consecutive (two year) terms.
- 4.2 The Chair will preside at all Board meetings, maintain order, decide whether motions are in order, and rule on all procedural matters.

5.0 Vice-Chair

- 5.1 The position of Vice-Chair will be elected by a majority of the Board at the first meeting of the applicable calendar year during the term of the Board. The Vice-

Chair will serve for a two-year term and until a successor is elected. A Board member may not serve as Vice-Chair for more than 3 consecutive (two year) terms. In the absence of the Chair, the Vice-Chair will preside and will have all of the Chair's powers and responsibilities

6.0 Councillors

- 6.1 A member of Council is appointed to the Library Board to act as a liaison between Council and the Board; respond to Board members' questions; provide updates on Board activities to Council and to provide updates on Council activities to the Board.
- 6.2 Members of Council are also acting members of the Library's Board and as such have the responsibilities and duties that are assigned to all Board members.

7.0 Treasurer

- 7.1 The Board will appoint a Treasurer. Typically, that will be the City Treasurer or his/her designate.
The Treasurer will:
- a) Receive, keep safely, and account for all the Board's money
 - b) Deposit all money received on the Board's behalf to the credit of that account or accounts
 - c) Disburse funds as required by provincial and federal legislation, City and Library procedures, and Board resolutions

8.0 Board Members

8.1 Duties of Board Members:

- d) employ a competent and qualified CEO
- e) determine and adopt written policies to govern the Library
- f) determine the 'Ends' for the Library
- g) understand the Library programmes and needs of the community in relation to the Library
- h) keep abreast of standards and trends in libraries
- i) be aware of local and other laws which affect libraries and play an active role in initiating and supporting beneficial Library legislation
- j) attend all Board and committee meetings as assigned... May attend outside meetings and workshops for Board members
- k) be an effective advocate for the Library in the community
- l) be prepared to interact with provincial library agencies if required.
- m) interest in the Library, the community and their inter-relationship
- n) readiness to dedicate time and effort
- o) knowledge of the community's social and economic condition
- p) aptitude for planning – both long and short range
- q) ability to work in a political environment

8.2 Disqualification of Board Members

If a board member,

- (a) is convicted of an indictable offence;
- (b) becomes incapacitated;
- (c) is absent from the meetings of the board for three consecutive months without being authorized by a board resolution;
- (d) ceases to be qualified for membership under clause 10 (1) (c); or
- (e) otherwise forfeits his or her seat,

the member's seat becomes vacant and the remaining members shall forthwith declare the seat vacant and notify the appointing council accordingly. R.S.O. 1990, c. P.44, s. 13.

8.3 Vacancies

Where a vacancy arises in the membership of a board, the appointing council shall promptly appoint a person to fill the vacancy and to hold office for the unexpired term, except where the unexpired term is less than forty-five days. R.S.O. 1990, c. P.44; s. 12.

9.0 Library Staff

- 9.1 The CEO of the Pickering Public Library is the Board's employee to whom the Board delegates the supervision and direction of the Library and its staff. He or she will attend all Board meetings, will have the other powers and duties that the Board assigns from time to time, and will be known in these bylaws as the "CEO." The Board's relationship with the CEO is defined in Board-CEO delegation policies.

10.0 Reporting

- 10.1 The Library Board will provide an annual report at year end to Council to communicate its activities in the preceding year. Generally, this annual report follows the release of the Library's audit.
- 10.2 The Library Board will present its four-year strategic plan to council in which it prioritizes library services to the community based on community feedback and engagement.

11.0 Meetings

- 11.1 The Library Board shall meet every fourth Thursday of the month at 7:00 pm.
- 11.2 The meeting schedule is monthly, except for June and July. Special meetings may be held from time to time.

12.0 Conflict of Interest

- 12.1 The Municipal Conflict of Interest Act will govern the Board; an agenda will include provision for the Members to disclose a direct pecuniary interest in a matter and the general nature thereof.

13.0 Budget

- 13.1 The CEO shall be responsible for the Library budget, which shall be submitted annually in accordance with established City budget guidelines.
- 13.2 The CEO will present a draft budget for review by the Board on an annual basis, prior to submission to City Council for approval.

Terms of Reference Property Review Committee

1.0 Mandate

To act as a quasi-judicial tribunal, hearing appeals to Property Standards Orders issued under the authority of the *Building Code Act*. The Committee may confirm, amend or quash an Order.

The Property Review Committee will also review applications for exemptions under the City's Fence By-law and render a decision which becomes final and binding.

2.0 Goals, Objectives and Responsibilities

The Property Review Committee fulfills the legislated requirements of the Building Code to provide a committee to hear appeals. It is also responsible for providing a review process for Fence Exemption applications and rendering a decision that is final and binding.

3.0 Composition

The Property Review Committee will be comprised of 5 Citizen Appointees. A hearing conducted by the Property Review Committee shall have 3 members present for quorum purposes. Appointments shall be for a 4-year term corresponding with the term of City Council.

Committee members shall be paid an honorarium of \$50.00 per appeal or hearing attended.

4.0 Member Qualifications

Committee members with experience in building construction or property maintenance would be an asset.

5.0 Meeting Schedule

The Property Review Committee shall meet as required.

6.0 Budget

Remuneration for committee members will be paid from the By-law Services Salary Account.

Terms of Reference Site Plan Advisory Committee

1.0 Mandate

Pursuant to Section 41(2) of the Planning Act, the City of Pickering has passed By-law 7632/18 identifying the territorial limits of the City of Pickering as being designated as a site plan control area. The following types of development are exempt for site plan control:

- a) residential development of one or two dwelling units per lot;
- b) agricultural and farm related buildings or structures that are used in farming operations, including new buildings or structures used for agricultural purposes within the Natural Heritage System of the Greenbelt Plan, which are located outside of the 30.0 metre minimum vegetation protection zone from a key natural heritage or key hydrologic feature identified in the Pickering Official Plan;
- c) tents and similar structures to be erected for a temporary period not exceeding 12 weeks;
- d) accessory buildings or structures not exceeding a total gross floor area of 50 square metres;
- e) any expansion or enlargement of a building or structure that is less than 20 square metres or less than 10 percent of the total floor area of the building, whichever is less;
- f) any building or structure owned or operated by the City, the Region of Durham, a conservation authority, the Government of Ontario or of Canada;
- g) any building or structure destroyed by fire, explosion or flood or other similar cause, provided that:
 - i. the reconstructed building or structure is used for the same purpose as the former building or structure;
 - ii. the gross floor area and height of the reconstructed building or structure generally do not exceed those of the former building or structure; and,
 - iii. the reconstructed building or structure is generally not closer to any lot lines than the former building or structure; and
- h) development of residential sales offices and model homes.

Site plan control is a form of development control provided to municipalities by Ontario's *Planning Act*. No one can undertake any development which is subject

to site plan control unless the City has reviewed and approved certain plans. Once the plans are approved, a site plan agreement is generally executed. This agreement contractually binds the owner to develop and maintain a site in accordance with the approved plans and the terms of the agreement. The Director, City Development, has been delegated the authority to approve site plans.

2.0 Goals, Objectives and Responsibilities

The Site Plan Advisory Committee is to assist and advise the Director, City Development on applications for sign variances and site plan approval with respect to matters such as architecture, building massing and exterior building materials, site layout, landscaping, accessibility, and sustainable design elements.

3.0 Composition

3 Members of Council – 1 from each Ward

Staff support:

Chief Planner
Manager, Development Review & Urban Design
Principal Planner – Site Planning
Planner II – Site Planning

4.0 Member Qualifications

Not applicable.

5.0 Meeting Schedule

The Site Plan Advisory Committee meets the second and fourth Tuesday of every month at 2:00 pm at the Pickering Civic Complex, One The Esplanade, Pickering.

6.0 Budget

There is no budget allocated to the Site Plan Advisory Committee.

Terms of Reference Taxicab Advisory Committee

1.0 Mandate

The Taxicab Advisory Committee (TAC) shall serve as a quasi-judicial committee to review appeals in accordance with the provisions of the Taxicab Licensing By-law.

The Taxicab Advisory Committee will also provide recommendations regarding fare increases and other issues which may arise within the taxicab industry.

2.0 Goals, Objectives and Responsibilities

The Taxicab Advisory Committee sits on an as-required basis to hear appeals or provide advice to Council regarding the regulation of the taxicab industry.

3.0 Composition

The TAC will be composed of the following:

- 1) Brokerage Representatives – 2
- 2) Taxicab Plate Licensees - 2 – ***Elected***
- 3) Taxicab Drivers - 2 – ***Elected***
- 4) City of Pickering Councillor
- 5) Manager, Municipal Law Enforcement Services

Membership shall be for a 4-year term corresponding with the term of City Council.

4.0 Member Qualifications

Brokerage representatives must be employed by a brokerage licenced by the City of Pickering.

Taxicab Plate Licensee and Taxi Cab Driver representatives must hold the associated licence with the City of Pickering to be accepted as a nomination for election.

5.0 Selection Process

Each of the two main brokerages will have the ability to send a representative from the management staff of the brokerage.

Taxicab Advisory Committee Terms of Reference

Each of the elected positions for Taxicab Plate Owners and Drivers will be selected through an election process initiated through Municipal Law Enforcement Services. Nominations will be submitted in writing. Once the nomination period has ended, licenced industry participants (taxicab plate licensees or drivers) attend the Pickering Civic Complex, present their identification, then complete a ballot to vote for one of the nominees listed on the ballots. A record of voters is kept to ensure each person only votes once. City staff tally the ballots and advise of the successfully elected candidates. Taxicab industry representatives are permitted to act as scrutineers. Should the number of nominees equal the available positions, representatives shall be acclaimed.

6.0 Meeting Schedule

The TAC will meet as required to conduct appeal hearings at the Pickering Civic Complex. Meetings may also be called as required to provide input regarding matters relating to the taxicab industry.

7.0 Budget

The Taxicab Advisory Committee has no budget funds.

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Subject: Revisions to Code of Conduct Policy ADM 070 and Procedure ADM 070-001
- Changes required through Bill 68, Harmonization of Gifts and Benefits Wording and Housekeeping Matters
- File: A-1100-19

Recommendation:

1. That Report CLK 02-19 respecting changes to the Code of Conduct Policy ADM 070 and Procedure ADM 070-001 be received;
2. That the changes to Policy ADM 070 as outlined in Attachment #1 to CLK 02-19 be approved;
3. That the changes to Procedure ADM 070-001 as outlined in Attachment #2 to CLK 02-19 be approved;
4. That the Mayor and Clerk be authorized to execute an addendum agreement for Integrity Commissioner services to align with the new provisions of Bill 68;
5. That the draft by-law to amend Procedure By-law #7665/18 as presented in Attachment #3 to CLK 02-19 be enacted;
6. That the draft by-law to confirm the appointment of the Integrity Commissioner and the expanded roles and responsibilities as presented in Attachment #6 to CLK 02-19 be enacted;
7. That a copy of this report be forwarded to the Regional Clerk, Regional Municipality of Durham, all Durham Region Municipalities and to the Integrity Commissioner, Guy Giorno, Fasken Martineau Dumoulin LLP; and,
8. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

Executive Summary: Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, provides for several legislated changes, some of which have already come into effect. Additional changes effective March 1, 2019 require updates to the City's Code of Conduct Policy, ADM 070, Complaint Procedure ADM 070-001, as well as various other documents as noted in the Report recommendations.

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The Code of Conduct Policy ADM 070 was adopted by Pickering Council on March 26, 2012, to enhance the transparency and accountability with which Members of Council conduct themselves. Since that time, through the provisions of Bill 68, a desire to harmonize gift and benefit language in Codes across the Region of Durham and the need for some other minor housekeeping matters, the Code requires updating.

The changes through Bill 68 and the expanded role of the Integrity Commissioner also require an addendum to the original agreement for Integrity Commissioner services provided through Faskin Martineau Dumoulin LLP, as well as an updated appointment by-law for the Integrity Commissioner.

Staff are seeking authority from Council to update these applicable documents and to execute the addendum agreement as outlined in the Report recommendations.

Financial Implications: Under the original agreement, the Region of Durham covers the cost of the annual \$900 retainer and this will remain in effect for the remainder of the term of the contract which expires at the end of the current term of Council (November 14, 2022). The City is responsible for paying the hourly service fee of \$239.00 per hour for any services provided by the Integrity Commissioner including services relating to complaints under the Code of Conduct, the Municipal Conflict of Interest Act, any advice requested by Members of Council and any other special project or service requests that may be made by the City.

There is no specific budget line item for the Integrity Commissioner, however, funds in the General Government Contingency Account would be available should there be a need to engage the services of the Integrity Commissioner. Up until this point in time, the City has incurred few expenses related to the Integrity Commissioner. Should there be an increase in the usage of the services, staff will review and consider the budgetary requirements for inclusion in the 2020 Current Budget for the City.

Discussion: Some of the legislated changes through Bill 68 came into effect in January, 2018, with the remaining amendments coming into effect on March 1, 2019. The City Clerk has reviewed the appropriate legislation and collaborated with other Durham Region Clerks and the Integrity Commissioner to discuss necessary revisions to the Code.

It should be noted that the City is in a good position because its Code of Conduct already meets some of the requirements of the March 1, 2019 Bill 68 requirements (including the adoption of a Code of Conduct, appointment of an Integrity Commissioner, establishment of a policy for pregnancy and parental leave for Members of Council and written disclosure statements for conflicts of interest). The remaining changes to the Code relating to requirements from Bill 68 are outlined later in this report. For ease of reference, the proposed changes to the Code and the Complaint Procedure are outlined using tracked changes in Attachment Nos. 1 and 2 to provide the ability to compare the old wording with the new. In an effort to decrease duplication of

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language between the Code and the Complaint Procedure, some of the information previously contained in the Code of Conduct pertaining to enforcement, informal and formal complaints as well as the review and investigation of complaints has been moved to the Complaint Procedure as it is better placed in this document and not required in both.

In addition to the required changes through Bill 68, the Integrity Commissioner's 2017 Annual Report provided suggested wording for two areas of the Code as noted below. Further, at the meeting held on September 17, 2018 where the annual report from the Integrity Commissioner was received by City Council through Resolution #471/18, Council suggested during discussion of this matter that revisions to the Code should conform with other municipalities in Durham Region as much as possible. To that effect, in addition to the legislated requirements, the City Clerk has been collaborating with other Clerks in the Durham Region and the Integrity Commissioner to look for opportunities to achieve Council's request in harmonizing some of the Code wording.

The following provides an overview of the proposed changes broken down into three (3) categories. It should be noted that the Code of Conduct applies to the City's advisory committees and some local boards, and the following changes will also apply to those bodies:

Legislated Changes through Bill 68 (that have not yet been adopted by the City)

Municipal Act:

Requirement under Bill 68 and Relevant Section of the Applicable Legislation (Effective Date March 1, 2019):	Action taken to comply with legislation:
Requirement to adopt a Policy for Council Staff Relations. [<i>Municipal Act - Section 270 (1)</i>]	Section 05 of the Code of Conduct has been updated and expanded to include wording relating to Council/Staff relations and reference to other City Policies currently in place that speak to Council/Staff relations.
Expansion of the Integrity Commissioner's responsibilities to include: <ul style="list-style-type: none"> • Application of the Code for Members, application of any procedures, rules and policies of the City governing the ethical behaviour of Members, and application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act (MCIA)</i> • Requests from Council Members for advice respecting their obligations 	Sections 19, 20, 21 and 23 of the Code of Conduct as well as the Complaint Procedure have been updated to include these new provisions and the expanded role of the Integrity Commissioner. It is being recommended that Members contact the Integrity Commissioner directly should they wish to receive advice pertaining to the Code, City Policies or the MCIA and that

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<p>under the Code of Conduct and other policies and procedures of the City governing the ethical behaviour of Members</p> <ul style="list-style-type: none"> • Requests from Council Members for advice respecting their obligations under the <i>MCIA</i>; and, • The ability to provide educational information to Members of Council. [<i>Municipal Act - Section 223.3 (1)</i>] 	<p>the City Clerk be copied on the request for awareness and budgetary reasons.</p> <p>Inclusion of the expanded role of the Integrity Commissioner is also reflected in the draft addendum to the existing contract.</p> <p>A proposed draft by-law to confirm the appointment of Guy Giorno as the Integrity Commissioner has been included as Attachment #6 to update his expanded role and reference to new sections of the <i>Municipal Act</i> and <i>Municipal Conflict of Interest Act</i>.</p>
<p>An elector or a person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of Section 5, 5.1 or 5.2 of the <i>MCIA</i>. [<i>Municipal Act - Section 223.4.1</i>]</p>	<p>New provisions included in Section 21 of the Code and Section 15 of the Complaint Procedure.</p>
<p>Requirements that requests for advice be in writing as well as the requirement that the advice being given is provided in writing. [<i>Municipal Act - Section 223.3 (2)</i>]</p>	<p>Included in Section 22 of the Code.</p>
<p>Requirement to indemnify and save harmless the Integrity Commissioner or any person acting under the instructions of the Commissioner for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority. [<i>Municipal Act - Section 223.3 (6)</i>]</p>	<p>Draft addendum agreement includes this provision.</p>
<p>Termination of inquiries in an election year if not completed before nomination day and the requirement that no requests for inquiries or reports to the City on an inquiry be</p>	<p>Included in Section 08 of the Complaint Procedure.</p>

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<p>commenced or provided between nomination day and voting day. [<i>Municipal Act - Section 223.3 (7), (8) and (9)</i>]</p> <p>Timelines include inquiries under Section 5, 5.1 and 5.2 of the <i>MCIA</i>. [<i>Municipal Act - Section 223.4.1</i>]</p> <p>Timing of inquiries under the <i>MCIA</i> and the requirements that they must be made within six weeks after the applicant became aware of the alleged contravention. [<i>Municipal Act - Section 223.4.1 (4)</i>]</p>	<p>Timelines pertain to inquiries under the Code and <i>MCIA</i>.</p> <p>A new <i>MCIA</i> Complaint Form has been created and includes the required statutory declaration as part of the Complaint. (Form included as Appendix 3 to the Complaint Procedure).</p> <p>Note: the Integrity Commissioner has advised that an affidavit is not required for a Complaint under the Code and that it holds little value. Based on this advice, the Code of Conduct Complaint Form has been updated to remove the affidavit requirement).</p>
<p>Release of advice permitted with the Member's written consent but if Member releases only part of the advice, the Integrity Commissioner may release part or all without obtaining the member's consent. [<i>Municipal Act - Section 223.5 (2)</i>]</p>	<p>Included as Section 29 of the Code.</p>

Municipal Conflict of Interest Act (MCIA):

Requirement under Bill 68 and Relevant Section of the Applicable Legislation:	Action taken to comply with legislation:
<p>Requirement to allow a Member to take part in the discussion at a meeting if the matter under consideration is to consider whether to suspend the remuneration paid to the Member under subsection 223.4 (5) or (6) of the <i>Municipal Act</i>. [<i>MCIA - Section 5 (2.1)</i>]</p>	<p>Proposed amendment to Procedure By-law to include this provision (See Attachment #3 of Report CLK 02-19)</p>
<p>Ability for an elector, Integrity Commissioner or a person acting in the public interest to apply to a judge for a determination on whether a Member has contravened Section 5, 5.1 or 5.2 of the <i>MCIA</i>. [<i>MCIA - Section 8</i>]</p>	<p>No changes required – note provided for information and awareness.</p> <p>Application directly to a judge requires several events to have occurred prior to the application being made. The updates to the Code and Complaint Procedure outline the process for</p>

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	MCIA inquiries to occur through the City's appointed Integrity Commissioner. Outside of this process, the City would have no involvement in an application made directly to a judge.
<p>If determined by the judge that a Member has contravened the relevant sections of the <i>MCIA</i>, the judge may do any or all of the following:</p> <ul style="list-style-type: none"> • Reprimand the Member or former Member; • Suspend the remuneration paid to the Member for a period of up to 90 days; • Declare the Member's seat vacant; • Disqualify the Member or former Member from being a Member during a period of not more than seven years after the date of the order; • If the contravention has resulted in personal financial gain, require the Member or former Member to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be. <p>[<i>MCIA - Section 9</i>]</p>	<p>No changes required.</p> <p>This note is provided for information and awareness of the possible penalties that may be applied by a Judge for contraventions under the <i>MCIA</i>.</p>

Recommendations from the Integrity Commissioner in the 2017 Annual Report (See Attachment #4 to CLK 02-19):

The Integrity Commissioner has recommended that the following wording be included:

"Any written advice by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner." (Included as Section 22.05 of the Code).

"If upon review of a Complaint, or at any time during an investigation, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation or shall discontinue the investigation and shall communicate this position in writing to the Complainant and the member identified in the Complaint Form. The Integrity Commissioner is

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under no obligation to prepare a report for any matters that he or she summarily dismisses or determines not to investigate or after an investigation is discontinued." (Included as Section 05 of the Complaint Procedure).

Harmonization of Code of Conduct wording with other Durham Region Municipalities

Harmonization of wording centered mainly around the provisions of gifts and benefits under Section 04 of the Code. This has been a long standing concern for several Durham Region municipalities in that wording in the lower tier and upper tier codes has not been consistent making it difficult for Members who sit on both the upper and lower tier councils to determine which code applies in various circumstances.

Durham Region Clerk's met on January 29, 2019 with Guy Giorno, the City's appointed Integrity Commissioner, who provided suggested wording for various sections of the Code (See Attachment #5) to assist with providing consistent language across the Region. Some of the changes are minor in nature and serve to re-organize the information in a format that is conducive to specific section references as it pertains to limits and exceptions for gifts and benefits. More significant changes are around the wording of some of the exceptions that allow Members to accept certain gifts and benefits as well as the associated limits and disclosures of gifts and benefits.

Many of the exceptions listed in Section 04.02 remain the same. The old wording for items h), i) and j), have been expanded and elaborated to provide greater clarity around these exceptions. Durham Area Clerks have all agreed to present this language to their respective Council's as recommended by the Integrity Commissioner. Further to the wording changes, the Integrity Commissioner has also recommended that the maximum acceptable value for gifts and benefits be changed to increase the transparency of items received by Members. In the old wording of the Code, some of the gifts listed under Section 04.02 required a disclosure statement if the value exceeded \$150 and others if the value exceeded \$500. Limits were included to cap a total value of certain gifts received at \$1,000. The new wording provides that a dollar-limit of \$500 be imposed for some of the listed exceptions (see new Code Section 04.04) and that a disclosure statement would be required for anything received valuing more than \$200 (see new Code Section 04.05 and 04.06).

Most of the Integrity Commissioner's recommendations have been incorporated in the proposed changes described in this Report, however, the optional changes suggested by the Integrity Commissioner, namely around the inclusion of lobbyist wording have not been included. The Integrity Commissioner advised that if lobbyists were not actively participating and engaging Members of Council, this provision was not necessary. Although not specifically stated in the Code, all provisions of the Code would apply to a lobbyist and therefore these types of situations and/or scenarios would already be covered under the Code. Should Council wish to include this provision, direction should be provided to Staff in this regard.

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The updates to the Gifts and Benefits wording suggested in Mr. Giorno's recommendations includes posting the Gifts and Benefits Disclosure statements on the City's website. Currently the Disclosure Statements are kept in the Clerk's Office and are available to the public for viewing upon request. Further, minor changes to the Disclosure of Gifts and Benefits Statement have been incorporated as suggested by Mr. Giorno. In an effort to be open and transparent, it is recommended that the Gifts and Benefits Statements be posted on the City's website. The updated Code and Complaint Procedure would also be included on the website.

Through discussions with the Integrity Commissioner, Sections 04.05 to 04.07 inclusive have been deleted as there is no need for the Integrity Commissioner to examine each Gifts and Benefits Disclosure Statement. If a complaint is filed that pertains to a gift or benefit received by a Member, the Integrity Commissioner would examine the Disclosure Statement at that time. Further, there is no requirement for the Integrity Commissioner to review these statements. Provisions that the City Clerk report annually to Council on all gifts received have also been removed, as the Disclosure Statements are and will be publicly available on the City's website and, if applicable, through the Integrity Commissioner's annual reports to Council which outline any investigations conducted.

Further to the changes proposed in the Code, the new provisions in the *Municipal Conflict of Interest Act* and the *Municipal Act*, and the expanded role of the Integrity Commissioner, an addendum is needed to the original contract signed with Faskin Martineau Dumoulin LLP. The Region of Durham provided the addendum wording and it has been vetted through the City Solicitor who has not raised any concerns. Staff are requesting authority to execute the agreement with the changes taking effect as of March 1, 2019 to coincide with the legislated timeframes.

In closing, changes to the *MCIA* also require an amendment to the Procedure By-law to include that a Member may take part in the discussion at a meeting if the subject matter being considered is whether to suspend the remuneration paid to the Member. Although the Member can take part in the discussion, they are not permitted to vote on the matter. The draft By-law is included as Attachment #3 to this report and staff are requesting authority to bring this by-law forward for enactment by City Council.

Attachments:

1. Draft Code of Conduct Policy ADM 070 with Tracked Changes
 2. Draft Procedure ADM 070-001 with Tracked Changes
 3. Draft By-law to Amend Procedure By-law #7665/18
 4. Integrity Commissioner 2017 Annual Report
 5. Proposed harmonized wording recommended by Integrity Commissioner
 6. Draft By-law to Confirm Appointment of Integrity Commissioner
-

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Prepared By:



Susan Cassel
City Clerk

Approved/Endorsed By:



Paul Bigioni
Director, Corporate Services & City Solicitor

SC:sc

Recommended for the consideration
of Pickering City Council



Feb. 21, 2019

Tony Prevedel, P.Eng.
Chief Administrative Officer



Policy Title: Code of Conduct Policy		Policy Number: ADM 070
Reference: <i>Municipal Act, 2001, as amended</i> <u><i>Municipal Conflict of Interest Act, 1990</i></u> Council Resolution # 45/12 Council Resolution # 186/14 <u><i>Council Resolution #xxx/19</i></u>	Date Originated: March 2012	Date Revised: February 2014 <u><i>March 2019</i></u>
Approval: Chief Administrative Officer		Point of Contact: Director, Corporate Services & City Solicitor

Policy Objective

1. This Code of Conduct is intended to complement the oath of office sworn by each of the Members of Council of the City of Pickering.
2. Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council are held to a high standard as leaders of the community and are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent, professional and respectful manner.
3. All members of the Council of the City of Pickering are committed to protecting and promoting the well-being and best interests of the citizens of the City with the highest standards of integrity and ethical conduct. This Code is an affirmation of this commitment. It recognizes and is based on the following key statements of principle:
 - Members are committed to performing their duties of office and arranging their private affairs, in a manner that promotes public confidence in the integrity of each Member and respect for Council as a whole
 - Members are committed to acting and being seen to act with integrity and impartiality that will bear the closest scrutiny
 - Members are committed to serving their constituents in a conscientious and diligent manner
 - Members are committed to working with City officials and staff in a conscientious and respectful manner
 - Members are committed to ensuring that their actions are open and transparent to the greatest extent possible

- Members are committed to avoiding waste, abuse and extravagance in the provision and use of any of the City's resources

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01 Definitions

01.01 In this Code and in the Policy Objective,

- a) "child", means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;
- b) "City" means the Corporation of the City of Pickering;
- c) "City property" includes City-owned and leased facilities, vehicles, equipment, supplies, services, computer hardware and software, and intellectual property;
- d) "complaint" means a written request to investigate the conduct of any member or a possible violation of the Code of Conduct or an inquiry into an allegation that the Member has contravened Section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act filed in accordance with Complaint Procedure ADM 070-001.
- e) "confidential information" includes information relating to the subject matters set out in Section 08.01 of this Code and information in the possession of the City that the City is prohibited from disclosing under the Municipal Freedom of Information and Protection of Privacy Act and other legislation;
- e)f) "Council" means the Council of The Corporation of the City of Pickering
- f)g) "gift or benefit" includes any cash or monetary equivalent, fee, object of value, service, forbearance, preferential treatment or personal benefit, received from a third party means anything of value including but not limited to cash or monetary equivalent, fee, object of value, service, meal, travel, accommodation or entertainment;
- g)h) "Integrity Commissioner" means the Integrity Commissioner appointed by the City pursuant to Section 223.3 of the Municipal Act, 2001;
- h)i) "legitimate municipal purpose" when used in this Code means that the activity or event in which the Member participates relates in the first instance and directly, to the fulfillment of duties as a Member of Pickering City Council and not in relation to a private interest or individually to that Member of Council.
- i)j) "Member" when used in this Code, means every Member of Council of the City as well as every other person described in Section 03; and;

~~j)k)~~ "parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

~~l)~~
~~k)~~ "spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;

~~j)m)~~ "third party" includes any individual, corporation, and other legally recognized person or entity, but does not include:

- (i) the City, and those bodies referenced in Section 03 of the Code;
- (ii) any other Ontario municipality;
- (iii) the Government of Ontario; and
- (iv) the Government of Canada;
- (v) or any of their respective staff, employees, committees, advisory committees, boards, authorities, departments and related entities, in their capacities as such.

02 Statutory Provisions and References to Legislation

02.01 In this Code, reference to any Act or by-law is reference to that Act or by-law as amended or re-enacted from time to time.

02.02 This Code of Conduct operates along with, and as a supplement to, the existing statutes governing the conduct of Members. The following Acts of Provincial legislation govern the conduct of Members of Council:

- The *Municipal Act, 2001*;
- The *Municipal Conflict of Interest Act*;
- The *Municipal Elections Act, 1996*; and
- The *Municipal Freedom of Information and Protection of Privacy Act, 1990*.
- Occupational Health and Safety Act, 1990; and,
- Human Rights Code, 1990.

02.03 The Criminal Code of Canada also governs the conduct of Members of Council.

03 Application

03.01 Subject to Section 03.02, this Code applies to all Members of City Council and, with any necessary modifications, to:

- a) all persons appointed by the City to exercise any statutory power of decision (e.g. Fence Viewers and members of the Committee of Adjustment, the Animal Services Committee and the Property Standards Committee);
- b) all members of the City's advisory committees (e.g. Heritage Pickering Advisory Committee, Accessibility Advisory Committee and Pickering Museum Advisory Committee); and
- c) all persons appointed by the City to any agency, board or commission including Ellexicon Energy (formerly Veridian Corporation) and the Toronto and Region Conservation Authority.

03.02 This Code does not apply to members of the Pickering Public Library Board.

Member Conduct

04 Gifts and Participation at Events Benefits

Gifts and benefits are often received by Members in the course of their duties, and attendance at public functions is expected and considered a legitimate part of their role. The object of this rule is not to prohibit Members from participating in events in their community, but rather to provide transparency around the receipt of incidental gifts and benefits, where the total value may be perceived as potentially influence decision making. Maintaining a public record of Member disclosure statements functions as a transparency tool and not an impediment to Member participation at community events.

Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council is perceived as showing favoritism or bias toward the vendor, contractor or other.

A Gift or Benefit to a Member's Spouse, Child or Parent that is connected directly or indirectly to the performance of the Member's duties is deemed to be a Gift or Benefit to the Member if provided with the Member's knowledge or solicited by the Member.

Each Member of Council is accountable to the public and should:
General Rules on Gifts and Benefits:

04.01 A Member shall not solicit or accept any Gift or Benefit that:

- a) is intended to influence, might influence, or could reasonably be perceived that it might influence or is intended to influence, the Member in the performance of the Member's duties as an elected official; or
- a)b) is intended, or could reasonably be perceived that it is intended, as a reward for any action or impending action by the Member. Subject to Sections 04.02 to 04.07, no Member shall solicit or accept any gift that is directly or indirectly connected with the performance of his or her duties of office. For the purposes of this provision, any gift provided to a Member's child, parent or spouse, with the Member's knowledge, shall be deemed to be a gift accepted by that Member.

Exceptions:

04.02 Despite section 04.01, a Member may accept the following: The City recognizes that moderate hospitality and participation in charitable, non-profit fundraising and business events is an accepted courtesy of community participation and business relationships. When a Member receives an invitation to attend an event where the invitation is connected directly with the performance of the Member's duty as an official City representative, the attendance and participation at the event is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty. When a Member receives an invitation to attend an event in his or her capacity as an individual Member of Council and not as an official City representative, receipt of the food and beverages consumed at lunches, dinners, charity fundraisers, banquets, receptions, ceremonies or similar events, is deemed to be a gift or benefit under the Code and triggers the requirement of filing a disclosure statement if the value of the gift or benefit exceeds the monetary threshold set by the Code. Accordingly, the following types of gifts are recognized as exceptions to the prohibition in Section 04.01:

- a) A political contribution offered, accepted and reported in accordance with applicable law;
- b) Food or beverage, of reasonable value, at a banquet, reception, ceremony or similar event that the Member attends for a legitimate municipal purpose;

- c) A Gift or Benefit that is received as an incident of protocol or social obligation that normally and reasonably accompanies the responsibilities of office;
 - d) A token gift such as a souvenir, memento or commemorative gift that is given in recognition of service on a committee, for speaking at an event, or for representing the City at an event;
 - e) A communication to the office of a Member, including a subscription to a newspaper or periodical;
 - f) A service provided by a person volunteering time without compensation;
 - g) Food, lodging, transportation or entertainment lawfully provided by a government (federal, provincial, local or foreign) or government agency, or by a not-for-profit organization whose members are governments or government agencies (examples of such a not-for-profit organization include the Canadian Association of Nuclear Host Communities and the Federation of Canadian Municipalities);
 - h) Food, lodging, transportation or entertainment lawfully provided by the organizer of a conference, seminar, charity fundraiser, reception, ceremony, cultural event, sporting event, business, or political event where the Member is speaking or attending in an official capacity;
 - i) An invitation from and at the expense of a private third party to attend a conference, seminar, charity fundraiser, reception, ceremony, cultural event or other similar event within the City where the proceeds raised are to support a not-for-profit or charity organization provided that the Member is not lobbied at the event;
 - j) Reimbursement of a reasonable expense incurred, or an honorarium received, in the performance of activities connected with a public authority, or a municipal association, agency, board or corporation, including a corporation of which the City is a shareholder or member;
 - k) A sponsorship or donation for a community event organized or run by a Member, or a third party on behalf of a Member, subject to the limitations set out in any applicable policy of the City; and,
 - l) Compensation authorized by Council or law.
- ~~a) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibilities of office;~~

- ~~b) token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee, for speaking at an event, or representing the City at an event;~~
- ~~c) food and beverages consumed at lunches, dinners, charity fundraisers, banquets, receptions, ceremonies or similar events, if the Member's attendance serves a legitimate municipal purpose;~~
- ~~d) communications to the offices of a Member, including subscriptions to newspapers and periodicals;~~
- ~~e) compensation authorized by law;~~
- ~~f) political contributions that are offered, accepted and reported in accordance with applicable law;~~
- ~~g) services provided without compensation by persons volunteering their time;~~
- ~~h) gifts of admission to dinner, charity fundraisers, banquets, receptions, ceremonies, cultural events, sporting events, business, galas, political events, and similar events, if the Member's attendance serves a legitimate municipal purpose.~~
- ~~i) reasonable payment for participation in or organizing any reception, dinner, gala, golf tournament or similar event to support charitable causes or a political fundraising event; and~~
- ~~j) food, lodging, transportation or entertainment from a not-for-profit non-government organization (e.g. Greater Toronto Marketing Alliance and Canadian Association of Nuclear Host Communities).~~

Solicitation:

04.03 This section does not preclude a Member from soliciting funds or donations in support of a charitable or philanthropic cause, organization, or charity provided that all funds or donations are provided directly by the donor(s) to the recipient organization or charity.

Maximum Acceptable Value:

04.04 Despite anything else in this Code, a Member shall not accept a Gift or Benefit of value greater than \$500 and shall not accept from a single source during a 12-month period Gifts and/Benefits of total value greater than \$500. This dollar-limit does not apply to an item described in paragraph (a), (g), (h), (j) or (l) of section 04.02.

Public Disclosure:

04.05 A Member who receives a Gift or Benefit of value greater than \$200 or receives from a single source during a 12-month period Gifts and/Benefits of total value greater than \$200 shall within 30 days of receipt file a Disclosure Statement with the City Clerk~~Within 30 days of receipt of any gift described in Section 04.02 (a), (b) or (c), Members shall file a disclosure statement with the City Clerk for any gift that exceeds \$150. If the value of any gift described in Section 04.02 (h), (i) or (j) exceeds \$500, or if the total value of such gifts received from any one source during one calendar year exceeds \$1,000, the Member shall file a disclosure statement with the Integrity Commissioner within 30 days of the receipt of the gift or the receipt of the last of such gifts totalling \$1,000, as the case may be.~~

04.06 No Disclosure Statement is required for an item described in paragraph (a), (b), (f), or (l) of section 04.02.

~~04.03~~04.07 The Disclosure Statement shall set out~~Every disclosure statement shall indicate;~~

- a) Nature of Gift or Benefit;
- b) Source;
- c) Date received;
- d) Circumstances under which Gift or Benefit was given and received;
- e) Estimated value;
- f) What the recipient intends to do with Gift or Benefit; and,
- g) Whether Gift or Benefit will at some point be provided to the municipality.

~~a) the nature of the gift;~~

~~b) its source and date of receipt;~~

~~a) the circumstances under which it was received; and~~

~~a) its estimated value.~~

~~04.04~~04.08 Every Disclosure Statement shall be made a public record and posted on the City's Website~~Every disclosure statement shall be a matter of public record.~~

Recommendations of Integrity Commissioner and Authority of Council

04.05 The City Clerk shall report to Council annually on all gifts received by Members that are disclosed in accordance with Section 04.03.

04.06 The Integrity Commissioner shall examine every disclosure statement filed with him or her to ascertain whether the receipt of the gift might, in her or his opinion, create a conflict between a private interest and the public duties of the Member. If the Integrity Commissioner makes that preliminary determination, the Member shall be asked to justify receipt of the gift.

04.09 In a report on a Complaint that relates to a Gift or Benefit, in addition to the range of recommendations otherwise provided under this Code, the Integrity Commissioner may recommend, and upon consideration of the Integrity Commissioner's report the Council, in addition to its other powers under this Code, may impose, one or more of the following remedies: If the Integrity Commissioner determines that receipt of the gift was inappropriate, he or she may direct the Member to return the gift, reimburse the donor for the value of any gift already consumed, forfeit the gift, or remit the value of any gift already consumed, to the City.

a) That the Member be directed to return the Gift or Benefit.

b) That the Member be directed to reimburse the donor for the value of a Gift or Benefit already consumed.

c) That the Member forfeit the Gift or Benefit to the City.

a)d) That the Member be directed to remit to the City the value of a Gift or Benefit already consumed

05 Interaction with the Public, Other Members and Council/Staff, Other Relations Members and City Staff

05.01 Members have a duty to treat members of the public, one another, and staff, with respect and dignity and without abuse, bullying or intimidation.

05.02 Members have a duty to ensure that the City's work environment is safe, and free from discrimination and harassment.

05.03 No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in any such activity.

05.04 Members must recognize that staff serve Council as a whole and the collective interests of all Members as evidenced through the decisions of Council, and that the role of staff is to provide advice that is based on political neutrality, objectivity and professional judgment which may not necessarily reflect the opinion or position of any single member of Council.

05.05 Every Member shall conduct himself or herself properly and with decorum at Council meetings in accordance with the provisions of the City's Procedural By-law or any revision thereof.

05.06 Respect shall be shown at all times for the roles and responsibilities which Members of Council have in the decision-making process through elected office and which City Staff have in formulating and providing recommendations to Council.

05.07 The priorities and timelines of Council and City Staff must be understood and respected, including sufficient communication if there are adjustments made to any previously stated timelines.

05.08 At no time shall a Member of Council involve themselves in matters of administration or departmental management.

05.09 Notwithstanding the provisions noted above, Members shall have regard for the following City Policies that outline further parameters pertaining to Council/Staff Relations including:

- Hiring Policy (HUR 040)
- Workplace Harassment Policy (HUR 070)
- Occupational Health & Safety Policy (HUR 130)
- Council Compensation Policy (ADM 190)
- Personal Computer Use Policy (ADM 030)
- Freedom of Information and Protection of Privacy Policy (ADM 050)
- Purchasing Policy (PUR 010)
- Cellular Phone and Mobile Communications Devices Policies (ADM 080)
- Employee Code of Conduct (HUR 050) and,
- The City's Procedure By-law as amended from time to time.

05.10 To the extent that there is any inconsistency between this Code and any of the City's policies, this Code prevails.

06 Influence

- 06.01 No member shall use his or her office to seek to influence any decision made or to be made by Council, any Member or any other person to the member's private advantage or to the advantage of another person.
- 06.02 No Member shall use his or her office to seek to influence or interfere with the administration or enforcement of the City's regulatory by-laws or other laws enforced by the City. Notwithstanding this, it is recognized that Members of Council may, in good faith, raise the concerns of residents with City staff for the purpose of determining if those concerns can be resolved, having due regard for the public interest in fair and impartial by-law enforcement.
- 06.03 All applicants for City positions shall have an equal opportunity to obtain employment. No Member shall use his or her office to seek to inappropriately influence the hiring of specific individuals for any position within the City, including part-time employees and summer students. Nothing in this Section prohibits a Member from: (i) providing a reference for an applicant for any position within the City, or (ii) offering his or her opinions and voting on any decision to hire a Chief Administrative Officer.
- 06.04 No Member shall use the City's corporate logo or the City letterhead in any communication intended to solicit funds to support any cause, unless such cause has been sanctioned by the City.

07 Conflicts of Interest

- 07.01 It is the responsibility of each Member to be familiar with and adhere to the provisions of the *Municipal Conflict of Interest Act*. In addition, recognizing the importance of avoiding even the appearance of a conflict of interest, Members are encouraged to interpret the phrase "conflict of interest" in its broadest possible terms, and shall avoid taking any action or making any decision where there are grounds for a reasonable person to think that a conflict exists between the Member's personal interests and the public interest.

08 Confidential Information

- 08.01 In accordance with Section 239 of the *Municipal Act, 2001* and City's Procedural By-law, meetings may be held in camera if the subject matter being considered is,

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

08.02 In accordance with the *Municipal Act, 2001*, a meeting may also be held in camera if it is held for the purpose of educating or training Members and, at the meeting, no Member discusses or otherwise deals with any matter

in a way that materially advances the business or decision-making of Council.

08.03 Members shall hold in strict confidence all information concerning matters dealt with in camera. No Member shall release, make public, or in any way divulge any such confidential information or any aspect of the in camera deliberations, unless expressly authorized or required by law.

08.04 No Member shall release, make public, or in any way divulge any such confidential information acquired by virtue of his or her office, unless expressly authorized or required by law.

08.05 No Member shall use information gained in the execution of his or her office that is not available to the general public, for any purpose other than his or her official duties.

08.06 No Member shall access or attempt to gain access to confidential information in the custody of the City except to the extent necessary for the performance of his or her duties as a Member.

09 Communications and Media Relations

09.01 Members shall fairly and accurately communicate the decisions of Council even if they disagree with a majority decision of Council, in order to foster respect for the decision-making process of Council.

10 Charitable Activities

10.01 As community leaders, Members of Council are called upon to organize, sponsor, assist and support various charities, service clubs, and other non-profit and community-based associations. For example, Members support their communities in a variety of ways including, but not limited to:

- a) accepting honorary roles in organizations;
- b) sending their names to organizations and events to assist in fundraising; and
- c) encouraging community donations to registered charitable, not-for-profit, or other community-based groups.

10.02 Members supporting these community endeavours shall respect the need for transparency with respect to their involvement in such enterprises, and shall perform their community service in a manner that promotes public confidence.

10.03 This Code recognizes that Members of Council are community leaders and may, ~~within the rules of City Expense policies,~~ lend their support to and encourage community donations to registered charitable and Not-for-profit groups, urge constituents, business and other groups to support community events and advance the needs of a charitable organization put on by others in the City, in addition to collaborating with the City of Pickering and its agencies to hold community events.

10.04 Members of Council should not handle any funds on behalf of any organizations or community group and should remain at arm's length from the financial aspects of these community and external events. Any funds solicited and/or donated should be handled in accordance with Section 04.03 of this Code.

11 Use of City Property

11.01 A Member who has care or custody of City property shall ensure that such property is properly used, maintained and secured. Members shall be held personally responsible for loss or damage if, in the opinion of the Chief Administrative Officer, City property under their care or custody has been used, maintained or secured in a negligent or abusive manner.

11.02 All City property required by Members to perform their duties of office shall be procured by the appropriate City staff in the manner set out in the City's Purchasing Policy and shall be considered purchased for the benefit of the City, not the benefit of the Member.

11.03 A Member shall not use, or permit the use of, City property or any other City resource for activities not associated with the discharge of his or her duties of office.

~~12 Applicable Laws and Policies~~

Commented [CS1]: The information in this section has been moved to Section 5.

~~12.01 Members are expected to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and City Council.~~

~~12.02 The City has established a comprehensive set of policies and procedures designed to ensure that the work environment is safe and free from discrimination and harassment, and that the City's operations are effective,~~

efficient, open and accessible. All Members are required to observe the terms of all such policies and procedures in the same manner and to the same extent as employees of the City. Specifically, Members are expected to comply with the following policies:

- ~~Hiring Policy (HUR-040)~~
- ~~Workplace Harassment Policy (HUR-070)~~
- ~~Occupational Health & Safety Policy (HUR-130)~~
- ~~Council Compensation Policy (ADM-190)~~
- ~~Personal Computer Use Policy (ADM-030)~~
- ~~Freedom of Information and Protection of Privacy Policy (ADM-050)~~
- ~~Purchasing Policy (PUR-010)~~
- ~~Cellular Phone and Mobile Communications Devices Policies (ADM-080)~~

~~12.03 To the extent that there is any inconsistency between this Code and any of the City's policies, this Code prevails.~~

4312 Election Campaigns

~~4312.01~~ No Member shall use City property for any election campaign or campaign-related activities. For purposes of this Section, City property includes the City's corporate logo.

~~4312.02~~ No Member shall undertake campaign-related activities on City-owned lands.

~~4312.03~~ An exemption to Sections 13.01 or 13.02 may be granted by the City Clerk where such is, in the view of the City Clerk, in the public interest (e.g. political debates).

~~4312.04~~ No Member shall use the services of City employees in work for his or her re-election during hours in which those employees are in the paid employment of the City.

4413 Use of Alcohol

~~4413.01~~ Members shall not be permitted to charge as an expense to the City the cost of purchasing any alcoholic beverage. An exception shall be made for reasonable alcohol costs associated with a legitimate business meeting, lunch, dinner or event involving business representatives or dignitaries, consistent with conducting City business.

4514 Professional Development

4514.01 Members shall promote and participate in opportunities for professional development in order to carry out efficiently and effectively the responsibilities of their office and to remain current on issues affecting the City.

4615 Conduct of Former Members

4615.01 The City shall not hire or award any contract to any former Member for a period of 12 months from the date the former Member ceased to hold office, except where the former Member is the successful bidder through a quote or tender consistent with appropriate City policies.

4615.02 A former Member may not lobby the City, or any Member, for a period of 12 months from the date the former Member ceased to hold office. For purposes of this Section, "lobby" includes being paid to try to influence a Member on an issue.

4716 Obstruction

17.01 No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.

17 Reprisals

18.01 No Member shall seek any reprisal or threaten any reprisal, against a complainant or any other person for providing relevant information to the Integrity Commissioner in the course of inquiry pursuant to a complaint.

18 Role of the Integrity Commissioner

18.01 The Integrity Commissioner shall be responsible for performing in an independent manner the following functions as assigned by the City with respect to:

- the application of the Code of Conduct;
- the application of any procedures, rules and policies of the City governing the ethical behaviour of Members; and
- maintaining custody and control of the Integrity Commissioner's complaint and inquiry files and, on completion of their term of appointment, to transfer open files relating to ongoing matters to the incoming Integrity Commissioner appointed by Council.

18.02 In addition, to the responsibilities set out in Section 19.01, the Integrity Commissioner shall also provide:

- information to Council as to Members' obligations under the Code of Conduct and the Complaint Procedure;
- information to Council with respect to compliance with the requirements of the *Municipal Conflict of Interest Act* including with respect to declaring a conflict of interest, and not using any influence where a matter is being considered by an officer or employee of the City;
- advice to individual Members regarding specific situations as they relate to the application of the Code of Conduct;
- advice to individual Members regarding their obligations under the *Municipal Conflict of Interest Act*;
- advice to Council on other policies and procedures that relate to the ethical behavior of Members;
- information to the public regarding the Code of Conduct and the obligations of Members under the Code of Conduct and the *Municipal Conflict of Interest Act*; and
- an annual report to Council on the activities of the Integrity Commissioner.

18.03 Without limiting the generality of Section 19.01, the Integrity Commissioner may determine, on a case-by-case basis, whether to undertake an investigation or not to undertake an investigation on whether a member has contravened the Code of Conduct or sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*. The Integrity Commissioner shall be entitled to summarily dismiss a complaint filed in accordance with the Complaint Procedure on the basis that it constitutes in his or her opinion, an abuse of process or is frivolous or vexatious.

189.04 Without limiting the generality of Section 19, all determinations of the Integrity Commissioner under the Code of Conduct shall be made in his or her own absolute discretion and shall be final and binding.

18.05 Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.

19 Complaints

2019.01 All complaints pursuant to the Code of Conduct shall be filed in accordance with Complaints Procedure ADM 070-001.

20 Inquiries

20.01 An elector or a person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

20.02 The application must set out the reasons for believing that a Member has contravened the aforementioned sections of the *Municipal Conflict of Interest Act* and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application (or within the period of time starting six weeks before nomination day for a regular election and ending on voting day).

20.03 The Integrity Commissioner must complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated.

20.04 Upon completion of the inquiry, the Commissioner may apply to a judge for a determination as to whether the member has contravened the aforementioned sections of the Act.

20.05 All requests for inquiry shall be filed in accordance with the Complaint Procedure.

21 Advice

212.01 20Requests by a Member for advice must be in writing and provided directly to the Integrity Commissioner. The City Clerk shall be copied on all requests for advice by a Member to the Integrity Commissioner.

212.02 Advice given by the Integrity Commissioner to a member of Council or local board shall be provided in writing.

21.03 The Integrity Commissioner shall update the City Clerk on the status of such Member requests.

22 Penalties

22.01 Council may, where it has received a report from its Integrity Commissioner that there has been a violation of the Code of Conduct, impose one of the following penalties on a member who has been found to be in contravention of the Code of Conduct:

- a) a reprimand; or
- b) suspension of the remuneration paid to the Member in respect of his or her services as a member for a period of up to ninety (90) days.

Enforcement

Commented [CS2]: The following deleted sections have been included in the Complaint Procedure.

~~19.01 Any resident of Pickering who has observed conduct by a Member that the person believes contravenes this Code, is encouraged to deal initially with the matter informally by advising the Member that the conduct contravenes the Code and by encouraging the Member to stop the prohibited conduct.~~

20 — Lodging of Formal Complaints

~~20.01 Any resident of Pickering who believes that a Member has contravened the Code may make a request the ("complaint") that the matter be formally reviewed. Every complaint shall;~~

- ~~a) be in writing;~~
- ~~b) set out the grounds for the belief and the contravention alleged;~~
- ~~c) be signed by an identifiable individual (which includes the authorized signing officer of an organization);~~
- ~~d) include a supporting affidavit that sets out the evidence in support of the complaint;~~
- ~~e) include the original or copy of any supporting documentation or other supporting material available to the complainant; and~~
- ~~f) include the name and contact information of the complainant and any witness.~~

~~20.02 Staff of the Clerk's Office who are commissioners for taking oaths are authorized to commission the supporting affidavit.~~

21 Initial Classification

~~21.01 Subject to Sections 20.01 and 20.02, each complaint shall be filed with the City Clerk, who shall forward it to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with this Code and within the jurisdiction of the Integrity Commissioner to consider.~~

~~21.02 Each complaint shall be reviewed initially by the Integrity Commissioner to determine whether, on its face, the complaint is frivolous, vexatious or not made in good faith, and whether there appear to be sufficient grounds for an investigation. In the absence of apparent sufficient grounds, the Integrity Commissioner shall not conduct an investigation and, where that absence becomes apparent in the course of an investigation, shall terminate the investigation.~~

~~21.03 If a complaint or a part of a complaint is not, on its face, a complaint with respect to non-compliance with the Code or not within the jurisdiction of the Integrity Commissioner to process, the Integrity Commissioner may refer the matter to the appropriate person or body.~~

22 Investigations

~~22.01 If the Integrity Commissioner is of the opinion that any complaint or other matter provided or referred to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation. Where such becomes apparent in the course of an investigation, she or he shall terminate the investigation. Save in exceptional circumstances, the Integrity Commissioner shall not report to Council on any such complaint except as part of an annual or other general report.~~

~~22.02 If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under Sections 21.01, 21.02 or 21.03, the Commissioner shall investigate and may attempt to settle the complaint.~~

~~22.03 The Integrity Commissioner shall serve a copy of the complaint and supporting material upon the Member whose conduct is in question, with a request that a written response to the allegation by way of affidavit be filed within ten days.~~

~~22.04 The Integrity Commissioner shall serve a copy of the Member's response upon the complainant, with a request for a written reply within ten days.~~

~~22.05 For the purposes of any investigation, the Integrity Commissioner shall have access to all City books, accounts, financial records, electronic data, reports, files and all other papers, things or property as he or she believes to be relevant to any complaint.~~

~~22.06 The Integrity Commissioner may make interim reports to Council as required to address any instances of interference, obstruction or retaliation encountered during an investigation.~~

~~23~~ Presentation of Findings

~~23.01 The Integrity Commissioner shall report to the complainant and the Member no later than 90 days after the making of the complaint.~~

~~23.02 Where a complaint is upheld in whole or in part, the Integrity Commissioner shall also report to Council setting out the findings, the terms of any settlement, and any recommended corrective action or sanction.~~

~~23.03 If the Integrity Commissioner determines that there has been no contravention of the Code or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error in judgement made in good faith, the Integrity Commissioner shall so state in the report to Council and shall recommend that no sanction be imposed.~~

~~23.04 The City Clerk shall give a copy of the Integrity Commissioner's report to Council to the complainant and to the Member whose conduct it concerns.~~

~~23.05 Where a complaint is dismissed, save in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other general report.~~

~~24~~23 Confidentiality

~~2423.01~~ The Integrity Commissioner shall preserve the confidentiality of all matters that come to his or her knowledge in the course of his or her duties and shall disclose information only in accordance with this Code or otherwise as required by law.

~~2324.02~~ A complaint about any Member is to be treated as the personal information of the Member against whom the complaint is directed, and of

the Complainant. Under the *Municipal Freedom of Information and Protection of Privacy Act*, both the Member and the Complainant must therefore consent to the public disclosure of the complaint.

23.24.03 Subject to Section 24.29.01, the Integrity Commissioner may disclose in any report to Council such matters as in his or her opinion are necessary for the purposes of the report.

23.24.04 Despite Sections 24.29.01 and 24.29.02, all reports to Council from the Integrity Commissioner shall be made available to the public.

23.05 Any matters pertaining to the giving of advice by the Integrity Commissioner under paragraph 4, 5 or 6 of subsection 223.1 (1) of the *Municipal Act*, may be released with the Member's written consent.

23.06 If a Member releases only part of the advice provided to the Member by the Integrity Commissioner, he or she may release all or part or all of the advice without obtaining the Member's consent.

23.07 The Integrity Commissioner may disclose such information as in his or her opinion is necessary:

- a) For the purposes of a public meeting under subsection 223.4.1(8) of the *Municipal Act*;
- b) In an application to a judge referred to in subsection 223.4.1(15); or
- c) In the written reasons given by the Integrity Commissioner under subsection 223.4.1 (17).

24 Annual Reports

24.1 The Integrity Commissioner shall submit an annual report to Council which will include information on the nature and volume of activity for the past year and provide examples, while maintaining the anonymity of the persons involved, in respect of advice provided and the nature of complaints received and responded to.

24.2 The annual report of the Integrity Commissioner shall be provided to Council for information purposes. The report is a public document.

2525 Council Review

2525.01 Council shall consider all reports of the Integrity Commissioner and may adopt or reject, in whole or in part, any recommendation of the Integrity Commissioner.

26 Sanctions

Commented [CS3]: This information has been included in Section 4 and 23 of the Code.

26.01 If the Integrity Commissioner reports to Council that, in her or his opinion, a Member has contravened this Code, Council may,

- a) reprimand the Member;
- b) require the Member to repay or reimburse monies received;
- c) require the Member to reimburse the City for losses or damages;
- d) require the Member to return property; and/or
- e) require the Member apologize to Council, the complainant, or both.

2726 Costs

2726.01 Council may, in its discretion, reimburse either a complainant or a Member for actual and reasonable legal expenses related to a Code of Conduct Complaint, on a case-by-case basis.

2726.02 Costs may be reimbursed to the complainant only if the Integrity Commissioner concludes that the Code of Conduct Complaint is not frivolous, vexatious or made in bad faith.

2726.03 Costs may be reimbursed to the Member only if the Integrity Commissioner concludes that there has been no contravention of the Code.

2726.04 Every Member shall comply with the requirements of this Code of Conduct, and shall act in accordance with its spirit and intent, in all matters pertaining to the performance of his or her duties as a Member.

26.05 The Commissioner's costs of applying to a judge shall be paid by the following:

1. If the Member is alleged to have contravened section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act as a Member of Council of a municipality, the municipality.

2. If the Member is alleged to have contravened section 5, 5.1 or 5.2 of the Municipal Conflict of Interest Act as a Member of a local board, the local board.

28 — Repeal

~~28.01 The Council Code of Practice adopted by Council on October 14, 1997 is hereby repealed.~~

Procedure Title: Complaint Procedure for <u>Complaints under the</u> Council Code of Conduct <u>and Inquiries under the Municipal Conflict of Interest Act</u>		Procedure Number: ADM 070-001	
Reference: <i>Municipal Act, 2001, as amended</i> <u>Municipal Conflict of Interest Act, 1990</u> Council Code of Conduct	Date Originated: December 2012	Date Revised: March 2014 <u>March 2019</u>	Pages: 12
Approval: Chief Administrative Officer		Point of Contact: Director, Corporate Services & City Solicitor	

Procedure Objective

All complaints must be addressed in accordance with the procedure set out herein ~~within six (6) months of the alleged violation~~ or no action will be taken on the complaint.

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Appendix 1 – Council Code of Conduct Formal Complaint Form/Affidavit

Appendix 2 – ~~Council~~ Council -Member Disclosure Statement

Appendix 3 – Application for Inquiry – Alleged Contravention of the *Municipal Conflict of Interest Act* Form

01 Informal Complaint Procedure- Code of Conduct

01.01 01.01 — Any resident of Pickering who has observed conduct by a Member that the person believes contravenes the City's Code of Conduct, is encouraged to deal initially with the matter informally by advising the Member that the conduct contravenes the Code and by encouraging the Member to stop the prohibited conduct.

01.0101.02 ~~Members of the public who identify or witness behaviour or activity by a Member of Council that appears to be in contravention of the Code of Conduct for Members of Council (the "Code of Conduct") may address the prohibited behaviour or activity themselves as follows~~ The following measures could be taken for an informal complaint:

- a) advise the Member that the behaviour or activity appears to contravene the Code of Conduct;
- b) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behavior or activity;
- c) document the incidents including dates, times, locations, other persons present, and any other relevant information;
- d) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. If applicable, confirm to the Member your satisfaction with the response of the Member or, if applicable, advise the Member of your dissatisfaction with the response; and
- e) pursue the matter in accordance with the formal complaint procedure outlined in Part 2, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

01.02 Individuals are encouraged to pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that they believe violates the Code of Conduct. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint. However, it is not a precondition that those making a complaint pursue the informal complaint procedure prior to pursuing the formal complaint procedure set out in Part 2.

02 Formal Complaint Procedure- Code of Conduct

02.01 Members of the public who identify or witness behaviour or an activity by a Member of Council that they believe is in contravention of the Code of Conduct, may file a formal complaint ~~with the required information in the prescribed Complaint Form/Affidavit (Appendix 1)~~ with the City Clerk no later than six (6) months from the date the Complainant became aware of the alleged contravention. Formal complaints shall:

- a) be in writing on the prescribed Code of Conduct Formal Complaint Form (Appendix 1);
- b) set out the grounds for the belief and the contravention alleged;
- c) be signed and dated by an identifiable individual;
- d) include the original or copy of any supporting documentation or other supporting material available to the complainant;
- e) include the name and contact information of the complainant and any witnesses; and,
- f) include the name of the alleged violator, the provision of the Code of Conduct allegedly contravened, the facts constituting the alleged contravention.

- ~~a) All complaints must be made on the Complaint Form/Affidavit and shall be dated and signed by an identifiable individual;~~
- ~~b) The complaint must include an explanation for why the issue raised may be a contravention of Code of Conduct. Evidence in support of the allegation must also be included;~~
- ~~c) Witnesses in support of the allegation must be named on the complaint form;~~
- ~~d) The complaint form will be disclosed to the respondent and to others who may be involved in carrying out this procedure and enforcing the Code of Conduct;~~
- ~~e) The complaint Form/Affidavit must include the name of the alleged violator, the provision of the Code of Conduct allegedly contravened, the facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours; and~~

02.02 The Complaint Form will be disclosed to the respondent and to others who may be involved in carrying out this procedure and enforcing the Code of Conduct;

02.03 Receipt of formal complaints will be acknowledged in writing.

02:04 Any Complaints received after the six (6) month timeframe noted above will not be accepted and no action will be taken.

03 Filing of Complaint and Review and Classification of Code of Conduct Complaints by Integrity Commissioner

03.01 Each formal complaint filed with the City Clerk, shall be forwarded to the Integrity Commissioner for review to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code or under the *Municipal Conflict of Interest Act* and within the jurisdiction of the Integrity Commissioner to consider. The complaint shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial classification unless the City Clerk determines that the complaint lacks sufficient grounds or is, on its face, frivolous, vexatious or not made in good faith. Upon receiving a complaint hereunder, the Integrity Commissioner shall determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct and not covered by other legislation or other Council policies.

03.02 — If the complaint is not in the prescribed form, the Integrity Commissioner may defer the classification until a Complaint Form/Affidavit is received.

04 Response if Complaint is Not a Code of Conduct Violation or is Outside Jurisdiction of Integrity Commissioner

~~03.03~~ 04.01 If a complaint or a part of a complaint is not, on its face, a complaint with respect to non-compliance with the Code or not within the jurisdiction of the Integrity Commissioner to process, the Integrity Commissioner may refer the matter to the appropriate person or body as follows. If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

- a) **Criminal Matter** – if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate Police Service.
- b) ~~**Municipal Conflict of Interest Act**~~ – if the complaint on its face is with respect to non-compliance with the ~~*Municipal Conflict of*~~

~~Interest Act, the complainant shall be advised to review the matter with the complainant's own legal counsel.~~

~~e)b) **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)** – if the complaint is more appropriately addressed under the **Municipal Freedom of Information and Protection of Privacy Act, MFIPPA,** the complainant shall be advised that the matter must be referred to the City Clerk for Access and Privacy review.~~

~~d)c) **Other Matters Policy Applies** – if the complaint is covered seems to fall under by other another policies or legislation, y, the complainant shall be advised to pursue the matter under as considered appropriate by the Integrity Commissionersuch policy.~~

~~e) **Lack of Jurisdiction** – if the complaint is, for any other reason not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.~~

~~f) **Matter Already Pending** – if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion, suspend any investigation pending the result of the other process.~~

045 Refusal to Conduct Investigation

~~If upon review of a Complaint, or at any time during an investigation, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation or shall discontinue the investigation and shall communicate this position in writing to the Complainant and the member identified in the Complaint Form. The Integrity Commissioner is under no obligation to prepare a report for any matters that he or she summarily dismisses or determines not to investigate or after an investigation is discontinued. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, and where this becomes apparent in the course of an investigation, terminate the investigation.~~

056 Opportunities for Resolution

Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to

resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution. The formal complaint will be held in abeyance during such time.

067 Investigation

067.01 If the The Integrity Commissioner determines a formal investigation is required, he/she shall; will proceed as follows, except where otherwise required by the Public Inquiries Act:

- a) give-provide a copy of the complaint and supporting material to the Member whose conduct is in question with a request that a written response to the allegation be provided within ten (10) days; and
- b) give-provide a copy of the response provided by the Member to the complainant with a request for a written reply within ten (10) days.

067.02 If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any City documents, files, financial records, correspondence and other data, and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.

067.03 The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.

07.04 The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the Public Inquiries Act, in which case those sections would apply to the investigation.

078 No Complaints or Reports Prior to Election

08.01 If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in Section 31 of the Municipal Elections Act, 1996, the Integrity Commissioner shall terminate the inquiry on that day. Notwithstanding any other provision of this Protocol, no complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation after June 30 in any year in which a regular municipal election will be held. The time elapsed between June 30 in a regular municipal election year and the inaugural meeting shall not be included in calculation of the six (6) months referred to in section 2.

08.02 If an inquiry is terminated the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six (6) weeks after voting day in a regular election, as set out in Section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the Member whose conduct is the subject matter of the request, makes a written request to the Integrity Commissioner that the inquiry be commenced. No inquiry respecting a former Member may be commenced.

08.03 Between Nomination Day and Voting Day in a regular election:

- a) There shall be no requests for an inquiry, and the Integrity Commissioner shall not accept any requests for an inquiry, respecting whether a Member has contravened the Code of Conduct;
- b) The Integrity Commissioner shall not report to Council on whether a Member has contravened the Code of Conduct or the *Municipal Conflict of Interest Act*; and,
- a)c) Council shall not consider whether to impose penalties on a Member.

089 Recommendation Report

089.01 The Integrity Commissioner shall report to the complainant on and the Member generally no later than 90 days after the receipt of the Complaint Form ~~/Affidavit of the complaint~~. If the investigation process ~~takes~~ requires more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date that the report will be available.

089.02 Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement, or recommended corrective action. Where the complaint is not sustained, the Integrity Commissioner shall report to Council the result of the investigation.

089.03 ~~Pursuant to the *Municipal Act* the municipality may impose any or all of the following penalties on a Member of Council if the Commissioner reports to the municipality that, in his or her opinion, the Member has contravened the code of conduct:~~

~~reprimand the Member;~~

~~require the Member to repay or reimburse monies received;~~

~~require the Member to reimburse the City for losses or damages;~~

~~suspend the remuneration paid to the member in respect of his/her services as a Member of City Council for a period of up to 90 days;~~

~~require the Member to return property; and/or~~

~~require the Member to apologize to Council, the complainant, or both.~~

~~08.04~~ 09.04 If upon completion of the investigation the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred ~~although but~~ the Member took all reasonable measures to prevent it, or that ~~a the~~ contravention ~~occurred that~~ was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act*.

~~0809.0505~~ The City Clerk shall give a copy of the report to the complainant and to the Member whose conduct is concerned.

1009 No Appeal of Integrity Commissioner's Decision~~Report to Council~~

~~Upon receipt of a report, the Clerk shall process the report for the next meeting of Council. There is no appeal from the decision of the Integrity Commissioner's Committee of the Whole.~~

10 No Reports Prior to Election

~~Notwithstanding section 11 or any other provision of this Procedure, the Integrity Commissioner shall not make any report to Council or to any other person after the last Committee of the Whole meeting in June of any year in which a regular municipal election is to be held, until following the date of the inaugural meeting.~~

11 Report to Council

Upon receipt of a report, the Clerk shall process the report for the next meeting of Council.

142 Duty of Council

Council shall consider and respond to the report within 45 days after the day the report is presented to it. This time period may be extended by the length of any intervening summer hiatus.

123 Public Disclosure

4213.01 The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this ~~eC~~complaint ~~protocol~~Procedure.

4213.02 At the time of the Integrity Commissioner's report to Council, and as between the parties, the identity of a complainant and the identity of the person who is the subject of the complaint shall not be treated as confidential information.

4213.03 All reports from the Integrity Commissioner to Council will be made available to the public.

134 Code Prevails

The purpose of this Procedure is to provide guidance for the use of the Code of Conduct. In the event of any conflict between the provisions of this Procedure and the provisions of the Code of Conduct, the Code of Conduct prevails.

15 Request for Inquiry under the *Municipal Conflict of Interest Act*

15.01 An elector, or any person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*. All requests shall be forwarded to the City Clerk and shall be:

- a) made in writing using the City's Application for Inquiry – Alleged Contravention of the Municipal Conflict of Interest Act Form (Appendix 3) and shall be dated and signed by the person making the inquiry;
- b) the Inquiry must include an explanation as to why the issue raised may be a contravention of the applicable sections of the *Municipal Conflict of Interest Act* and any evidence in support of the allegation must be included with the Inquiry Form;
- c) the Inquiry Form must include the name of the member alleged to have breached the *Municipal Conflict of Interest Act*, and any other information as required on the Form;

- d) the Request for Inquiry shall be provided to the Integrity Commissioner who will conduct any such inquiries he/she considers necessary; and
- e) the Inquiry must be submitted no later than six (6) weeks from the date in which the applicant became aware of the alleged contravention, unless both of the following are satisfied:

- a. The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, and ending on voting day in a regular election, as set out in section 5 of that Act; and,
- b. The applicant makes application within six weeks after the day after voting day in a regular election.

15.02 The city Clerk shall forward all requests for inquiry to the Integrity Commissioner who will proceed with reviewing the allegation;

15.03 The Integrity Commissioner may request additional information from the applicant, the municipality, or may conduct a public meeting as he/she believes necessary to investigate the inquiry.

15.04 The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed application.

15.05 A Complainant may at any time abandon a Complaint, provided in the judgement of the Integrity Commissioner, the matter does not warrant an application to the courts.

By-Law No. xxxx/19

Being a by-law to amend By-law 7665/18, which governs the proceedings of Council, any of its committees, the conduct of its Members, and the calling of meetings.

Whereas on December 10, 2018 the Council of the Corporation of the City of Pickering enacted By-law 7665/18 to govern the proceedings of Council and its committees; and,

And Whereas Section 5 (1) of the *Municipal Conflict of Interest Act, 1990* provides that where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or local board at which the matter is the subject of consideration, the member shall disclose the interest and the general nature thereof;

And Whereas Section 5 (2) of the *Municipal Conflict of Interest Act, 1990* further provides that where a meeting is not open to the public, in addition to complying with the provisions of Section 5 (1), the member shall leave the meeting or the part of the meeting during which the matter is under consideration;

And Whereas changes to the *Municipal Conflict of Interest Act, 1990* through Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, provides an exception to Section 5 (2) if the matter under consideration is to consider whether to suspend the remuneration paid to the Member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001*;

And Whereas in order to comply with these provisions Council wishes to amend By-law 7665/18.

Not therefore the Council of the Corporation of the City of Pickering hereby enacts as follows:

That the following be added as Item 06.03 to By-law 7665/18 and the remaining items contained in the By-law renumbered accordingly:

06.03 Notwithstanding Section 06.02, if the matter under consideration pertains to whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the *Municipal Act, 2001*, the member may take part in the discussion of the matter, including making submissions to Council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter. In the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which this matter is under consideration.

By-law passed this 25th day of March, 2019.

David Ryan, Mayor

Susan Cassel
City Clerk

**Integrity Commissioner for Durham Region
and Brock, Clarington, Oshawa,¹ Pickering,
Scugog, Uxbridge and Whitby**

Annual Report

1. Introduction

I was appointed as Integrity Commissioner for the Regional Municipality of Durham and its local municipalities pursuant to the following by-laws² effective the following dates:

Municipality	By-Law No.	Date Passed	Effective Date
Regional Municipality of Durham	58-2016	Dec. 14, 2016	Jan. 1, 2017
Township of Brock	2715-2017-AP	Jan. 16, 2017	Jan. 1, 2017
Municipality of Clarington	2017-019	Feb. 27, 2017	Feb. 28, 2017
City of Oshawa	45-2018	April 30, 2018	April 30, 2018
City of Pickering	7538/17	Jan. 16, 2017	Jan. 1, 2017
Township of Scugog	15-17	March 6, 2017	Jan. 1, 2017
Township of Uxbridge	2017-085	June 26, 2017	June 26, 2017
Town of Whitby	7234-17	Feb. 21, 2017	Feb. 21, 2017

In appointing me all of the local municipalities relied on the Region's Request for Proposal 1042A-2016. Consequently, it makes sense for me to present a joint annual report. However, the different effective dates mean that I have not served each municipality for the same length of time. For the sake of consistency, I propose to issue reports on a calendar year basis. This report covers calendar year 2017.

The Town of Ajax has not appointed me as its Integrity Commissioner and is not covered by this report. The City of Oshawa did not appoint me until 2018 and, therefore, is not covered in this report.

The responsibilities of the Integrity Commissioner include: providing information and advice to councils and members of council on codes of conduct and the issues arising

¹ Because it did not appoint me until 2018, Oshawa is not covered by this annual report.

² Each municipality has adopted its own Code of Conduct for Members of Council and separately appointed me as Integrity Commissioner under section 223.3 of the *Municipal Act, 2001*.

under them; providing advice to councils on other policies and procedures that relate to the ethical behaviour of members; providing information to the public on codes of conduct and the obligations of members under the codes; submitting an annual report to each council; and conducting independent investigations of complaints alleging that a code of conduct has been contravened.

2. Guidance and Advice

While the Integrity Commissioner's independent investigative role is extremely important, it has been observed that the investigation of potential contraventions is a last resort. Ideally, members should act ethically and in compliance with codes so that a contravention never occurs. To this end, the Integrity Commission plays a vital "proactive" role, providing advice and guidance to promote ethical compliance across the Region and the local municipalities.

2.1 Confidential Guidance

One of the Integrity Commissioner's roles is to provide confidential guidance to individual members of councils. While all members of councils are encouraged to reach out to the Integrity Commissioner, some seek guidance while others do not.

In 2017 I provided guidance to three different council members from two local municipalities.

It is important that members be able to rely on advice received from the Integrity Commissioner. While I consider myself to be always bound by advice that I provide to a member, in the interest of transparency and certainty that principle should be enshrined in each code of conduct. For example, Toronto includes the following provision in its code of conduct:

"Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner."

I recommend that Regional Council and local councils amend their codes to include a similar provision.

I also provided guidance to the administration of some municipalities:

- I provided guidance to three municipalities on amendments to their council codes of conduct.
- I provided guidance to a municipality on its employee code of conduct.
- I provided guidance to a municipality on the application of its employee code of conduct to a particular situation.

- I provided guidance to several municipalities on the portions of Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, related to codes of conduct, integrity commissioners and the *Municipal Conflict of Interest Act*.

3. Internal Outreach, Education and Training

During 2017 I conducted the following internal outreach, education and training:

- Monday, October 16: Town of Whitby Council Education and Training Session

4. Complaints and Investigations

An important component of the Integrity Commissioner's role is to receive complaints (from councils, members of councils and members of the public) and to conduct independent investigations to determine whether contraventions have occurred. In the event of a contravention the Integrity Commissioner makes a penalty recommendation (reprimand or suspension of up to 90 days' pay) to council and council has sole responsibility to decide whether the penalty should be imposed.

Not all complaints are investigated. Some complaints relate to rules and laws (e.g., *Municipal Freedom of Information and Protection of Privacy Act*) other than the Code of Conduct. Some complaints fail to contain sufficient grounds to investigate. The Integrity Commissioner may also decline to investigate if a complaint appears to be frivolous, vexatious or made in bad faith.

I issued a total of three investigation reports covering complaints received in 2017. Two of those investigation reports were issued in 2018.

Municipality	Investigation Reports	Contravention Found	No Finding of Contravention
Regional Municipality of Durham	2	0	2
Township of Brock	0	0	0
Municipality of Clarington	0	0	0
City of Pickering	0	0	0
Township of Scugog	1	0	1
Township of Uxbridge	0	0	0
Town of Whitby	0	0	0

5. Public Outreach

Another important role is to provide information to the public about codes of conduct and the obligations of members under the codes. This involves direct contact with members of the public and on occasion with the news media.

While accessibility to the public is an essential aspect of my role, there are certain boundaries that I do not cross:

- I cannot assist anyone to draft a complaint against a member. I limit my role to sending out copies of the Code of Conduct and the Complaint Protocol.
- While I can give general information about the Code to the news media and public, I cannot comment on specific cases, real or hypothetical. (For example, I will not answer "Would it be appropriate for Councillor X to do Y?" or "Did Councillor A contravene the Code by doing B?") The only individuals to whom I provide specific advice in individual cases are the individual councillors.
- Similarly, I will not give advice to one member of a council concerning the conduct of another member of a council.
- I will not comment to the news media on the conduct of an ongoing investigation, nor even whether an investigation is occurring. Once a report to council is submitted, I let the report speak for itself and will not answer news media questions about it. An exception is made if a council instructs me to explain my report to the media.
- If a news media inquiry were to relate to a municipal program or service, then I would refer the journalist to the appropriate municipal spokesperson.

6. Recommended Code of Conduct Amendments

In my experience, it is not always obvious upon initial review of a Complaint that there are insufficient grounds for an investigation. Sometimes this becomes apparent only after an investigation has commenced and the Integrity Commissioner has the opportunity to consider not just the Complaint but also the Response and the Complainant's Reply.

In Durham Region Report 2017-02, I recommended that the Region's Complaint Procedure be amended to confirm that the Integrity Commissioner has the discretion to discontinue an investigation at any point. Specifically, I recommended that the Region's Complaint Procedure be amended by replacing section 4 in its entirety:

Current:

4. Refusal to Conduct an Investigation

- 4.1 If upon review of a Complaint, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this position in writing to the

Complainant and the member identified in the Complaint Form/Affidavit. The Integrity Commissioner is under no obligation to prepare a report for any matters that he or she summarily dismisses or determines not to investigate.

Recommended:

4. **Refusal to Conduct an Investigation / Discontinuance of Investigation**
- 4.1 If upon review of a Complaint, **or at any time during an investigation**, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner **shall** not conduct an investigation **or shall discontinue the investigation** and shall communicate this position in writing to the Complainant and the member identified in the Complaint Form/Affidavit. The Integrity Commissioner is under no obligation to prepare a report for any matters that he or she summarily dismisses or determines not to investigate **or after an investigation is discontinued**.

Respectfully submitted,



Guy Giorno
Integrity Commissioner
Regional Municipality of Durham
Township of Brock
Municipality of Clarington
City of Pickering
Township of Scugog
Township of Uxbridge
Town of Whitby

June 26, 2018

Draft Consistent Code of Conduct Language on Gifts and Benefits

Proposed Text	Comments
Definitions	
<p>"Child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family</p> <p>"Parent" means a person who has demonstrated a settled intention to treat a child as a part of his or her family</p> <p>"Spouse" means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.</p>	<p>These are current definitions in <i>Municipal Conflict of Interest Act</i>.</p> <p>The proposed text does not include at the end of the "parent" definition these words found in some of the codes: "whether or not that person is the natural parent of the child." These additional words are not in the MCIA and probably are superfluous. On the other hand, there would be no material impact if a municipality chose to keep these additional words in its "parent" definition.</p>
<p>"Gift or Benefit" means anything of value including but not limited to cash or monetary equivalent, fee, object of value, service, meal, travel, accommodation or entertainment.</p>	
Section: Gifts and Benefits	
<p>.1 Gift or Benefit to Member's Spouse Child or Parent</p> <p>A Gift or Benefit to a Member's Spouse, Child or Parent that is connected directly or indirectly to the performance of the Member's duties is deemed to be a Gift or Benefit to the Member if provided with the Member's knowledge or solicited by the Member.</p>	<p>Optional (but recommended by Integrity Commissioner)</p>

Proposed Text	Comments
<p>.2 General Rule on Gifts and Benefits</p> <p>A Member shall not solicit or accept any Gift or Benefit that:</p> <p>(a) is intended to influence, might influence, or could reasonably be perceived that it might influence or is intended to influence, the Member in the performance of the Member's duties as an elected official; or</p> <p>(b) is intended, or could reasonably be perceived that it is intended, as a reward for any action or impending action by the Member.</p>	<p>If optional section .1 is not selected, then this section would be numbered .1.</p> <p>A few codes currently have a section such as the following: "There shall be no solicitation of gifts and/or benefits in recognition of the fulfillment of the Member's official duties." The word "solicit" in the first line of the proposed text would have the same effect. Nonetheless, if a municipality wanted to retain an additional "There shall be no solicitation" statement then this would have no adverse effect.</p>
<p>.3 Exceptions</p> <p>Despite paragraph .2, a Member may accept the following:</p>	
<p>(a) A political contribution offered, accepted and reported in accordance with applicable law.</p>	
<p>(b) Food or beverage, of reasonable value, at a banquet, reception, ceremony or similar event that the Member attends for a legitimate municipal purpose.</p>	
<p>(c) A Gift or Benefit that is received as an incident of protocol or social obligation that normally and reasonably accompanies the responsibilities of office.</p>	
<p>(d) A token gift such as a souvenir, memento or commemorative gift that is given in recognition of service on a committee, for speaking at an event, or for representing the Municipality at an event.</p>	
<p>(e) A communication to the office of a Member, including a subscription to a newspaper or periodical.</p>	

Proposed Text	Comments
(f) A service provided by a person volunteering time without compensation.	
(g) Food, lodging, transportation or entertainment lawfully provided by a government (federal, provincial, local or foreign) or government agency, or by a not-for-profit organization whose members are governments or government agencies (examples of such a not-for-profit organization include the Canadian Association of Nuclear Host Communities and the Federation of Canadian Municipalities).	
(h) Food, lodging, transportation or entertainment lawfully provided by the organizer of a conference, seminar, charity fundraiser, reception, ceremony, cultural event, sporting event, business, or political event where the Member is speaking or attending in an official capacity.	
<p>(i) An invitation from and at the expense of a private third party to attend a conference, seminar, charity fundraiser, reception, ceremony, cultural event or other similar event within the Municipality where the proceeds raised are to support a not-for-profit or charity organization.</p> <p>OR</p> <p>(i) An invitation from and at the expense of a private third party to attend a conference, seminar, charity fundraiser, reception, ceremony, cultural event or other similar event within the Municipality where the proceeds raised are to support a not-for-profit or charity organization provided that the Member is not lobbied at the event.</p>	<p>The last ten words of the second option do not appear in the first option.</p> <p>Both options are recommended by the Integrity Commissioner but the Integrity Commissioner prefers the second option.</p> <p>The Integrity Commissioner also recommends that this exception be included only if the Code also provides for transparency (that is, disclosure) of such a Gift or Benefit. See paragraph .6.</p> <p>Note that the second option includes the word "lobbied" which is not a defined term. In the absence of a definition in the Code, the Integrity Commissioner would interpret what "lobbied" means.</p>

Proposed Text	Comments
(j) Reimbursement of a reasonable expense incurred, or an honorarium received, in the performance of activities connected with a public authority, or a municipal association, agency, board or corporation, including a corporation of which the Municipality is a shareholder or member.	
(k) A sponsorship or donation for a community event organized or run by a Member, or a third party on behalf of a Member, subject to the limitations set out in any applicable policy of the Municipality.	Optional. The Integrity Commissioner recommends that this exception be included only if the Code also provides for transparency (that is, disclosure) of such a Gift or Benefit. See paragraph .6.
(l) Compensation authorized by Council or law.	
.4 Solicitation This section does not preclude a Member from soliciting funds or donations in support of a charitable or philanthropic cause, organization, or charity provided that all funds or donations are provided directly by the donor(s) to the recipient organization or charity.	Optional.
.5 Maximum Acceptable Value Despite anything else in this Code, a Member shall not accept a Gift or Benefit of value greater than \$500 and shall not accept from a single source during a 12-month period Gifts and/Benefits of total value greater than \$500. This dollar-limit does not apply to an item described in paragraph (a), (g), (h), (j) or (l) of paragraph .3.	Optional

Proposed Text	Comments
<p>.6 Public Disclosure</p> <p>(a) A Member who receives Gift or Benefit of value greater than \$200 or receives from a single source during a 12-month period Gifts and/Benefits of total value greater than \$200 shall within 30 days of receipt file a Disclosure Statement with the Clerk..</p> <p>(b) No Disclosure Statement is required for an item described in paragraph (a), (b), (f), or (l) of paragraph .3.</p> <p>(c) The Disclosure Statement shall set out:</p> <ul style="list-style-type: none"> (i) Nature of Gift or Benefit (ii) Source (iii) Date of receipt (iv) Circumstances under which Gift or Benefit was given and received (v) Estimated value (vi) What the recipient intends to do with Gift or Benefit (vii) Whether Gift or Benefit will at some point be provided to the municipality <p>(d) Every Disclosure Statement shall be made a public record and posted on the Municipality's Website.</p>	<p>Optional.</p> <p>Recommended by Integrity Commissioner.</p> <p>Dollar value less than \$200 may be substituted. Limit greater than \$200 not recommended.</p>

Proposed Text	Comments
<p>.7 No Gifts or Benefits from Lobbyists</p> <p>Despite paragraph .3, a Member may not accept any Gift or Benefit from a Lobbyist.</p> <p>“Lobbyist” means any individual, except an individual acting without compensation or expectation of compensation and an individual acting on the individual’s own behalf, who communicates with a Member in an attempt to influence a decision (including a future decision) of the Municipality, of Council, or of a committee of Council. “Lobbyist” also includes an entity that engages or employs a Lobbyist.</p>	<p>Optional.</p>
<p>.8 Recommendations of Integrity Commissioner and Authority of Council</p> <p>In a report on a Complaint that relates to a Gift or Benefit, in addition to the range of recommendations otherwise provided under this Code, the Integrity Commissioner may recommend, and upon consideration of the Integrity Commissioner’s report the Council, in addition to its other powers under this Code, may impose, one or more of the following remedies:</p> <p>(a) That the Member be directed to return the Gift or Benefit.</p> <p>(b) That the Member be directed to reimburse the donor for the value of a Gift or Benefit already consumed.</p> <p>(c) That the Member forfeit the Gift or Benefit to the Municipality.</p> <p>(d) That the Member be directed to remit to the Municipality the value of a Gift or Benefit already consumed.</p>	<p>Recommended by Integrity Commissioner.</p> <p>Under this proposed Gifts and Benefits section, the Integrity Commissioner would play a role only in response to a complaint. The text at left is recommended to ensure that the Integrity Commissioner may make recommendations, and Council make imposed remedies, that are suited to the circumstances of a Gift or Benefit.</p>

The Corporation of the City of Pickering

By-law No. xxxx/19

Being a by-law to confirm the appointment of Guy W. Giorno as the Integrity Commissioner for the City of Pickering

Whereas Section 8 of the *Municipal Act 2001 S.O. c. 25* provides in part that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising authority;

And Whereas Section 223.3 to 223.8 of the *Municipal Act, 2001*, provides that an Integrity Commissioner has certain powers and protections during investigations;

And Whereas, Council of the City of Pickering adopted Code of Conduct Policy ADM 070 on March 26, 2012 and adopted a revised Policy on March 25, 2019;

And Whereas Council entered into an agreement with Faskin Martineau Dumoulin LLP on February 14, 2017 to provide Integrity Commissioner Services to the City;

And Whereas changes to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act, 1990* through Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, have expanded the role of the Integrity Commissioner;

And Whereas Council wishes to amend the agreement with Faskin Martineau Dumoulin to include the additional responsibilities as outlined in the *Municipal Act* and *Municipal Conflict of Interest Act* effective March 1, 2019.

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. That an original agreement with Faskin Martineau Dumoulin LLP for the appointment of Guy W. Giorno as the Integrity Commissioner for the City of Pickering was executed on February 14, 2017 (the Agreement) on such terms and conditions as were presented in the Region of Durham's Request For Proposals, and the parties are executing an Amending Agreement to meet the legislative change requirements coming into effect on March 1, 2019 as a result of Bill 68 amendments to the *Municipal Act* and the *Municipal Conflict of Interest Act*.
2. That outside of the terms of the amending agreement, that all other terms and conditions of the original agreement, including the duration of the original agreement remain the same, being the term which had commenced on January 1, 2017 and will continue through to the end of this current term of Council on November 14, 2022.
3. That the agreement with Faskin Martineau Dumoulin LLP and Guy W. Giorno as the City's Integrity Commissioner provide the following roles and services:

Role:

The role of the Regional Integrity Commissioner is:

- a) The application of the Code of Conduct for Members of Council and for members of local boards.
- b) The application of any procedures, rules and policies of the City and local boards governing the ethical behavior of Members of Council and local boards.
- c) The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members of Council and local boards.
- d) Respond to requests from Members of Council and of local boards for advice respecting their obligations under the Code of Conduct applicable to the member.
- e) Respond to requests from Members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the City or of a local board, governing the ethical behaviour of members.
- f) Respond to requests from Members of Council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
- g) Provide educational information to Members of Council and local boards.

Duties:

The Integrity Commissioner shall cause to perform, in an independent manner, the functions of an Integrity Commissioner pursuant to Part V.1 of the *Municipal Act, 2001* with respect to the application of the Code of Conduct for Members of Council of the City of Pickering, including any legislation, procedures, rules and policies of the City governing the ethical behaviour of the Members of Council. The mandate of the Integrity Commissioner will include:

- a) Provisions of advice and education upon request by a Member of Council or by Council as a whole, regarding ethical obligations and responsibilities under their Code of Conduct, and any other legislation, rules or policies governing their ethical behaviour; and
- b) Receiving, assessing and investigating where appropriate, complaints made by Council, a member of Council, a member of staff, or a member of the public respecting an alleged breach of the Code of Conduct for the Members of Council of the City of Pickering through the provisions of the Code of Conduct and the Complaint Procedure.
- c) Receiving, assessing and conducting an inquiry, where appropriate, with respect to requests for inquiry made by an elector or a person demonstrably acting in the public interest concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

- d) Giving advice on policy issues and the workings of the Integrity Commissioner's office.
- e) All advice being provided in writing in accordance to the requirements of s. 223.3(2.2)

Reporting to Council:

- a) The Integrity Commissioner will report directly to Pickering Council with a report containing the results of investigations and one annual report summarizing the year's activities, observations and any resulting general recommendations.
- b) The Integrity Commissioner may recommend that Council impose penalties in accordance with the *Municipal Act, 2001* if in the opinion of the Regional Integrity Commissioner, a Member of Council has contravened the Code of Conduct.

Other General Provisions:

- a) That should the Integrity Commissioner conduct an investigation or provide any other service, it shall do so in accordance with the terms and conditions of the Agreement executed between it and the City of Pickering and shall adhere to all applicable laws, applicable statutes and established City policies.
- b) That should the City of Pickering desire any further services from the Integrity Commissioner outside what is outlined in this by-law, the Integrity Commissioner may oblige in providing such other services, so long as City Council has passed a resolution to authorize the Integrity Commissioner to provide such other service. If authorized to do so, the Integrity Commissioner will charge their hourly fee in accordance with the Agreement for such other services.
- c) That all services provided by the Integrity Commissioner conform to all the statutory requirements of s. 223.3 to 223.8 of the *Municipal Act S.O., 2001*.

By-law 7538/17 is hereby repealed effective March 1, 2019.

By-law passed this 25th day of March, 2019.

David Ryan, Mayor

Susan Cassel, City Clerk

**Council Code of Conduct
Formal Complaint Form**

Applicant Information:

Full Name:

Address:

Phone:

Email:

I, _____ (insert full name), of the City of Pickering, in the Province of Ontario, have personal knowledge of the facts set out in this Complaint Form because:

I have reasonable and probable grounds to believe that a member of Pickering City Council namely:

_____ (insert name of Member), has contravened
section(s) _____

of the Council Code of Conduct for the City of Pickering. The particulars of which are as follows:

[Set out the statements of facts in consecutively numbered paragraphs in the space provided below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, use the attached Schedule A]

**Council Code of Conduct
Formal Complaint Form**

Names and Contact Information of any Witnesses:

1.

2.

3.

4.

5.

6.

Please read the following before signing:

If the Integrity Commissioner launches an inquiry into the complaint, the content of this form, including the Applicant's identity, may be shared with the Member who is the subject of the complaint. At the end of the inquiry the Integrity Commissioner may issue a public report that includes information about the complaint, including the identities of the parties involved. Only sign this complaint form if you understand and accept the potential for disclosure of your identity and the information provided.

I the undersigned, request that this matter be reviewed by the Integrity Commissioner for the City of Pickering:

Signature of Applicant

Date

Schedule A – Continued Information

Code of Conduct Complaint Form of _____ (insert name of Applicant)

Signature of Applicant

Date

Personal Information on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and will be used to review, assess and potentially investigate the details of the complaint. Any questions related to the collection of this information should be directed to the City Clerk, One The Esplanade, Pickering, ON, L1V 6K7, 905.420.4611.

Council Member Disclosure Statement

Appendix 2 Policy ADM 070/Procedure ADM 070-001

1. Nature of Gift/Benefit received:

2. Source:

3. Date Received:

4. Circumstances under which the Gift/Benefit was given and received:

5. Estimated Value:

6. What does the recipient intend to do with the Gift/Benefit?

7. Will the Gift/Benefit at some point be given over to the municipality?

Member's Name:

Member's Signature:

Date



Application for Inquiry Alleged Contravention of the Municipal Conflict of Interest Act

Applicant Information:

Full Name:

Address:

Phone:

Email:

Applicant is (check one):

- ☐ An elector in the City of Pickering
- ☐ An individual demonstrably acting in the public interest
- ☐ A corporation (including a municipality) demonstrably acting in the public interest

Where the Applicant is a corporation, please identify its authorized representative for purposes of this application:

About the Allegation:

Name of the Member of Council who is the subject of the allegation (complete a separate form for each Member who is the subject of an allegation):

The Applicant alleges that the Member contravened the following sections of the *Municipal Conflict of Interest Act* (check all that apply):

- ☐ Section 5
 ☐ Section 5.1
 ☐ Section 5.2

The following are the Applicant's reasons for believing that the Member has contravened the above section(s) of the *Municipal Conflict of Interest Act*:

[Set out the statements of facts in consecutively numbered paragraphs in the space provided on page 2, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, use the attached Schedule A]

**Application for Inquiry
Alleged Contravention of the
Municipal Conflict of Interest Act**

Reasons:

Please read the following before signing:

If the Integrity Commissioner launches an inquiry into an allegation, the content of this form, including the Applicant's identity, may be shared with the Member who is the subject of the allegation. Information on this form and information obtained during the inquiry, including the identities of the parties involved, may be disclosed in the Integrity Commissioner's published reasons at the end of the inquiry and may be disclosed in an application to the Superior Court. Only sign this application form if you understand and accept the potential for disclosure of your identity and the information provided.

I the undersigned, make application to the Integrity Commissioner for the City of Pickering, for an inquiry to be carried out concerning the alleged contravention as contained in this application:

Signature of Applicant

Date

Note: The statutory declaration on page 4 is a mandatory part of the application and required under the *Municipal Act*. It must be declared before a person authorized to take declarations in Ontario (including any Ontario lawyer).

Personal Information on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and will be used to consider and potentially conduct an inquiry into the details of the application. Any questions related to the collection of this information should be directed to the City Clerk, One The Esplanade, Pickering, ON, L1V 6K7, 905.420.4611.

**Application for Inquiry
Alleged Contravention of the
Municipal Conflict of Interest Act**

Schedule A – Continued Information

Application for inquiry, alleged contravention of the *Municipal Conflict of Interest Act*
(insert name of applicant)

Signature of Applicant

Date

Personal Information on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and will be used to consider and potentially conduct an inquiry into the details of the application. Any questions related to the collection of this information should be directed to the City Clerk, One The Esplanade, Pickering, ON, L1V 6K7, 905.420.4611.

DECLARATION

Required by subsection 223.4.1 (6) of the *Municipal Act, 2001*

I, _____, (insert full name), of the
_____ (city, town, etc.) of _____ (specify
municipality) in the Province of _____ (enter country if outside Ontario)
solemnly declare that:

1. I am the Applicant.
1. The Applicant is a corporation and I am its authorized representative.

(Strike out the line above that does not apply and initial the striking out)

2. I attest to the fact that the Applicant became aware of the Member's alleged contravention of the Municipal Conflict of Interest Act not more than six weeks before today.
2. [In a municipal election year:] I attest to the fact that the Applicant became aware of the Member's alleged contravention of the *Municipal Conflict of Interest Act* within the period of time starting six weeks before the fourth Friday of July, and ending on voting day.

(Strike out the paragraph above that does not apply and initial the striking out)

3. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the _____)
_____ of _____,)

This _____ day of _____, 20____)

) Applicant or Representative
)
)

A Commissioner, etc.