



REGIONAL MUNICIPALITY OF PEEL  
REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE  
AGENDA

**Meeting #:** PPC-7/2020  
**Date:** Thursday, October 1, 2020  
**Time:** 1:00 PM - 2:30 PM  
**Location:** Council Chamber, 5th Floor  
Regional Administrative Headquarters  
10 Peel Centre Drive, Suite A  
Brampton, Ontario

**Chair & Members:** P. Brown, B. Crombie, P. Fortini, N. Iannicca, J. Innis, Sue McFadden, M. Medeiros, M. Palleschi, C. Parrish (Chair), P. Saito, I. Sinclair (Vice-Chair), A. Thompson

Due to the efforts to contain the spread of COVID-19 there will be limited public access to the Council Chambers, by pre-registration only. Please email [regional.clerk@peelregion.ca](mailto:regional.clerk@peelregion.ca) to pre-register. The meeting will be live streamed on <http://www.peelregion.ca/>.

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1. CALL TO ORDER
2. DECLARATIONS OF CONFLICTS OF INTEREST
3. APPROVAL OF AGENDA
4. DELEGATIONS
  - 4.1 Jeffrey Abrams and Janice Atwood-Petkovski, Integrity Commissioners, Principles Integrity Presenting an Overview of Proposed Amendments to the Principles Integrity Recommended Regional Council Code of Conduct  
(As requested at the January 30, 2020 Regional Council Policies and Procedures Committee workshop) (Related to 7.1, 7.2 and 7.3)
5. REPORTS
  - 5.1 Process to Enact a By-law to Provide Mississauga a Designated Voting Member  
(Deferred from the February 6, 2020 Regional Council Policies and Procedures Committee meeting)  
WITHDRAWN

- 5.2 Review of Regional Council Composition  
(For information) **(Deferred from the February 6, 2020 Regional Council Policies and Procedures Committee meeting)**
- 5.3 Regional Council Agenda Development Process  
(For information) **(As requested at the June 25, 2020 Regional Council meeting)**
- 5.4 Establishing a Region of Peel Media Release Policy  
**(As requested at the August 20, 2020 Regional Council Policies and Procedures Committee meeting)**
- 5.5 Replacing the Regional By-law to Indemnify Employees and Members of Council

## 6. COMMUNICATIONS

## 7. OTHER BUSINESS

- 7.1 Motion Regarding Rules Governing the Conduct of the Regional Chair  
as it Relates to the Sharing of Information to Council as a Collective Whole and  
Endorsement of Regional Council Position Statements  
**(As requested at the February 6, 2020 Regional Council Policies and Procedures Committee meeting )** (Related to 4.1 and 7.2)
- 7.2 Resolution 2019-1069 - Paragraph [105] from the Integrity Commissioner's Report Titled,  
"Region of Peel – Code of Conduct Complaint Against Chair Iannicca – Recommendation  
Report"  
**(Deferred from the February 6, 2020 Regional Council Policies and Procedures Committee meeting)** (Related to 4.1 and 7.1)
- 7.3 Request that Amendments to the Peel Regional Council Code of Conduct  
Include a Process for Resolving Matters Under Joint Responsibility of the Region and Local  
Municipalities **(As requested at the September 10, 2020 Regional Council meeting)** (Related  
to 4.1)

## 8. IN CAMERA

## 9. NEXT MEETING

Thursday, February 18, 2021  
1:30 p.m. – 3:00 p.m.  
Council Chamber, 5th Floor  
Regional Administrative Headquarters  
10 Peel Centre Drive, Suite A  
Brampton, Ontario

## 10. ADJOURNMENT

# Request for Delegation

FOR OFFICE USE ONLY

MEETING DATE YYYY/MM/DD <b>2020/10/01</b>	MEETING NAME <b>Policies and Procedures Committee</b>
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Attention: Regional Clerk  
Regional Municipality of Peel  
10 Peel Centre Drive, Suite A  
Brampton, ON L6T 4B9  
Phone: 905-791-7800 ext. 4582  
E-mail: [council@peelregion.ca](mailto:council@peelregion.ca)

DATE SUBMITTED YYYY/MM/DD <b>2020/09/23</b>
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NAME OF INDIVIDUAL(S) <b>Jeffrey Abrams and Janice Atwood-Petkovski</b>
--

POSITION(S)/TITLE(S) <b>Co-Principals</b>
--

NAME OF ORGANIZATION(S) <b>Principles Integrity</b>
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E-MAIL	TELEPHONE NUMBER <b>(647) 259-8697</b>	EXTENSION <b>n/a</b>
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REASON(S) FOR DELEGATION REQUEST (SUBJECT MATTER TO BE DISCUSSED) <b>Presenting an overview of the Principles Integrity recommended Code of Conduct.</b>
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A formal presentation will accompany my delegation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Presentation format: <input type="checkbox"/> PowerPoint File (.ppt) <input checked="" type="checkbox"/> Adobe File or Equivalent (.pdf)		
<input type="checkbox"/> Picture File (.jpg)	<input type="checkbox"/> Video File (.avi,.mpg)	<input type="checkbox"/> Other <input type="text"/>
Additional printed information/materials will be distributed with my delegation : <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Attached		

<p><b>Note:</b> Delegates are requested to provide an electronic copy of all background material / presentations to the Clerk's Division at <b>least ten (10) business days prior</b> to the meeting date so that it can be included with the agenda package. <b>In accordance with Procedure By-law 56-2019, as amended, delegates appearing before <u>Regional Council</u> or <u>Committee</u> are requested to limit their remarks to 5 minutes and 10 minutes respectively (approximately 5/10 slides).</b></p> <p>Delegates should make every effort to ensure their presentation material is prepared in an <a href="#">accessible format</a>.</p> <p>Once the above information is received in the Clerk's Division, you will be contacted by Legislative Services staff to confirm your placement on the appropriate agenda.</p>
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<p align="center"><b>Notice with Respect to the Collection of Personal Information</b> (Municipal Freedom of Information and Protection of Privacy Act)</p> <p>Personal information contained on this form is authorized under Section 5.4 of the Region of Peel Procedure By-law 56-2019, as amended, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Regional Council or a Committee of Council. The Delegation Request Form will be published in its entirety with the public agenda. The Procedure By-law is a requirement of Section 238(2) of the <i>Municipal Act, 2001</i>, as amended. Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. All Regional Council meetings are audio broadcast via the internet and will be posted and available for viewing subsequent to those meetings. Questions about collection may be directed to the Manager of Legislative Services, 10 Peel Centre Drive, Suite A, 5th floor, Brampton, ON L6T 4B9, (905) 791-7800 ext. 4462.</p>
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Please save the form to your personal device, then complete and submit via email attachment to [council@peelregion.ca](mailto:council@peelregion.ca)

**Peel Region**  
**Draft Code of Conduct for Members of Council**

September 2020

Table of Contents:

	<u>Page</u>
A. General Introduction	2
B. Framework and Interpretation	2
C. Guiding Principles	4
D. Specific Rules	
Rule 1: Avoidance of Conflicts of Interest	5
Rule 2: Gifts, Benefits and Hospitality	9
Rule 3: Member's Role in Funding Charitable/Community Activities	14
Rule 4: Confidential information	16
Rule 5: Use of Regional Resources	18
Rule 6: Election Campaigns	20
Rule 7: Improper Use of Influence	22
Rule 8: Business Relations	24
Rule 9: Member Conduct	25
Rule 10: Media Communications	27
Rule 11: Respect for the Region By-laws and Policies	29
Rule 12: Respectful Workplace	29
Rule 13: Conduct Respecting Staff	30
Rule 14: Employment of Council Relatives/Family Members	31
Rule 15: Not Undermine, Work Against Council's Decisions	32
Rule 16: Reprisals and Obstructing	33
Rule 17: Acting on Advice of Integrity Commissioner	33
Rule 18: Implementation	33
E. Complaint Protocol	34
Part A: Informal Complaint Procedure	34
Part B: Formal Complaint Procedure	
Initial Complaint	34
Classification by Integrity Commissioner	35
Investigation	36
Council Review	38
Confidentiality	39
Complaint Form	40

## **A. General Introduction**

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

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

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

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

## **B. Framework and Interpretation**

1. Regional Councillors also serve as Members of lower tier municipalities that have adopted codes of conduct. This *Code of Conduct* applies to all Members of Regional Council ("Members") \*including the Regional Chair.\*, however a Member's lower-tier municipal code of conduct will apply in respect of lower-tier municipal Council matters.
2. The following factors are to be used by the Integrity Commissioner to determine whether a complaint is more properly subject to the lower-tier code of conduct, or to this Regional *Code of Conduct*:
  - The underlying context and circumstances, particularly whether the Member is clearly executing responsibilities as either a member of the lower-tier or Regional Council, or in rare circumstances, is executing responsibilities in a matter of joint jurisdiction
  - The code of conduct under which a complaint has been filed
  - The jurisdiction with the most substantial connection
  - Whether the integrity commissioner of the other jurisdiction is in a better position to dispose fairly and efficiently with the complaint
  - Whether the behaviour complained of, not being clearly aligned with one or the other jurisdiction, it is the opinion of the integrity commissioners for both jurisdictions that a public report to both

Councils would be warranted, were the facts alleged proven . [per Saito Motion May 7, 2020 and Referral from Regional Council September 10, 2020]

### Commentary

It is in the public interest that there not be a multiplicity of proceedings arising out of the same fact situation and so in applicable circumstances the integrity commissioners for a Member's lower-tier municipality and Regional Council (where they differ) will consult on the appropriate forum and jurisdiction for a complaint. In rare circumstances, where joint jurisdiction is determined, the integrity commissioners are expected to cooperate in the investigation and prepare a joint report to both councils if findings substantiate contraventions of both codes of conduct.

3. This *Code of Conduct* is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document the Code of Conduct will be brought forward for review at the end of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council
4. Commentary and examples used in this *Code of Conduct* are illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner and supplementary materials may also be produced as deemed appropriate.
5. Where an elected official discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice provided by the Integrity Commissioner. The Integrity Commissioner will be bound by the advice given, as long as the facts remain unchanged, in the event that he or she is asked to investigate a complaint.
6. Elected Officials seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.
7. The *Municipal Act, 2001* is the primary piece of legislation governing municipalities however there are other statutes that govern the conduct of elected municipal officials. It is intended that the *Code of Conduct* operate together with and as a supplement to the following legislation:
  - *Municipal Act, 2001*;
  - *Municipal Conflict of Interest Act* (MCIA);
  - *Municipal Elections Act, 1996*;
  - *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA);
  - *Criminal Code of Canada*.

### Definitions

- a. "Family" includes "child", "parent" and "spouse" as those terms are defined in the

*Municipal Conflict of Interest Act* (set out below for ease of reference), and also includes:

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

“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;

“Parent” means a parent 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;

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

- b. “Member” means a member of the Council of the Region of Peel, including the **Regional Chair**.
- c. “Social Media” means publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.
- d. “Staff” includes the Chief Administrative Officer, Commissioners, Directors, Managers, Supervisors and all non-union and union staff whether full-time, part-time, contract, seasonal or volunteers.
- e. “Nomination Day” means the last day for filing or withdrawing a nomination as provided for by the *Municipal Elections Act, 1996*.

### **C. Guiding Principles**

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

and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

**D. Specific Rules**

**Rule No. 1**

**Avoidance of Conflicts of Interest**

In this Rule:

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

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

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

1. Members of Council shall not participate in the decision-making processes associated with their office when prohibited to do so by the *Municipal Conflict of Interest Act*.
2. Members of Council shall not participate in the decision-making processes associated with their office when they have a disqualifying interest in a matter.
3. For greater certainty:
  - a. Members of Council shall not participate in the decision-making processes associated with their office when they have a direct, indirect or deemed pecuniary interest in a matter, except in compliance with the *Municipal Conflict of Interest Act*.
  - b. Members of Council shall not participate in the decision-making processes associated with their office when they have an interest that though in compliance with the *Municipal Conflict of Interest Act*, is nevertheless a disqualifying interest by virtue of the nature of the relationship between the Member and other persons or bodies to be affected by the decision.
4. Treatment of Non-Disqualifying Interests:
  - a. Members of Council may participate in the decision-making processes associated with their office when they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and



manner established by the Regional Clerk acting in consultation with the Integrity Commissioner.

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

### Commentary

*Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Members of Council shall also not extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.*

*Members of Council have a common understanding that in carrying out their duties as a Member of Council, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.*

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

*Members of Council may seek conflict of interest or other advice, in writing, from the Integrity Commissioner. Where members choose to seek external legal advice on conflict of interest or other Code of Conduct issues, these fees will not be reimbursed by the Region of Peel and cannot be charged to any office account.*

*Members may not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.*

*When a member, despite the existence of an interest, believes that he or she may still participate in a matter with an open mind, the public interest is best served when the Member is able to articulate the interest, and why the interest does not amount to a disqualifying conflict of interest.*

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

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

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

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

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

#### *Commentary*

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

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

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

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

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

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

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

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

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

## **Rule No. 2**

### **Gifts, Benefits and Hospitality:**

In this Rule:

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

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

TABLE '1'  
Gift Treatment and Disclosure

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

Commentary

*Gifts and benefits are often received by elected officials in the course of their duties*

*and attendance at public functions is expected and is considered part of their role. Business-related entertainment and gift-giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.*

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

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

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

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

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

*An invitation to attend a function with a developer or supplier could be seen as allowing the giver an opportunity to influence the elected official. Such invitations should only be accepted if the invitation is within the scope of permissible gifts and benefits, meaning that Members should not consistently accept invitations from the same individual or corporation and should avoid any appearance of favouritism.*

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

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

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



### Rule No. 3

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

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

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

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

- a. Members of Council should not directly or indirectly manage or control any monies received relating to community or charitable organizations fundraising;
- b. Members of Council or persons acting on behalf of a Member shall not solicit or accept support in any form from an individual, group or corporation, with any pending significant planning, conversion or demolition variance application or procurement proposal before Regional Council, which the Member knew or ought to have known about.
- c. With reference to member-organized community events, Members of Council must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event.
- d. Where a Member of Council sponsors and/or lends support to a community or charitable event, this *Code* recognizes that all donations are subject to the **Business Expense Accounts – Members of Council policy F30-02**.
- e. No donation cheques should be made payable to a Member of Council or to the Region of Peel. Members of Council may only accept donation cheques made payable to a Business Improvement Association, charity or community group and only for the purpose of passing the cheques on to such group.
- f. Members of Council should not handle any cash on behalf of any charitable organization, not-for-profit or community group, and should always remain at arm's length from the financial aspects of these community and external

events. If a Member of Council agrees to fundraise on behalf of a charity or community group, the Member should ensure that payment is received by a means that does not involve cash, including bank draft, money order, credit card or cheque made payable to the applicable group or organization.

2. Nothing included herein affects the entitlement of a Member of Council to:
  - i) use the Member's office expense budget champion or support community events subject to the terms of the **Business Expense Accounts – Members of Council policy section 8.2 relating to event expenses**;
  - ii) urge constituents, businesses or other groups to support community events and advance the needs of a charitable organization put on by others in the Region;
  - iii) play an advisory ex officio or honorary role in any charitable or non-profit organization that holds community events in the **Region ; and,**
  - iv) collaborate with the Region of Peel and its agencies, boards or commissions to hold community events.

### Commentary

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

## Rule No. 4

### Confidential Information:

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

### Commentary:

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

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

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

*As elected officials, Members of Council will receive highly sensitive and confidential information concerning residents who need their assistance. This is consistent with the nature of the Members' duties. In accordance with the **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**, these types of records are at all times under the control of the Member and are not subject to any municipal disclosure requirements.*

*Under the **Regional** Council Procedure By-law, a matter that has been discussed at*

*an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public. The following are examples of the types of information that a Member of Council must keep confidential:*

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

Where it is clear that a communication was not made in a confidential manner (i.e. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labelling it “Confidential”, such communication will not be given any higher level of confidentiality than any other communication. The words “Privileged”, “Confidential” or “Private” will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication.

## Rule No. 5

### Use of Regional Resources:

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

### Commentary

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

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

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

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

5. No Member shall include in his or her website, newsletters, E-mails or other printed material, advertising of businesses in the Region, including the distribution of gift certificates, free tickets and compiling a list of businesses located in a ward. Attending and reporting the opening of a new business or a business event in the Region is permissible and a Member may thank verbally or in a newsletter, a business by name or an employee of that business, which contributes to a Regional or ward event provided that no such recognition shall constitute an endorsement of such business.

## Rule No. 6

### **Election Campaigns:**

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

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

#### Commentary

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

*The restriction on booking facilities ensures that election-related functions, or those that could appear to be election-related, will not occur at any time there is an advance or regular poll at the facility. The need to set up in advance means that election night parties cannot be held in the same facilities that polling stations are located in.*

*Members should not authorize any event that could be perceived as the Region providing them with an advantage over other candidates. It is the personal responsibility of Members to ensure that any use of facilities or the services of municipal staff are carried out in accordance with applicable legislation. Staff are not responsible for monitoring and advising Members or any other candidates, in this regard.*

5. No Members shall use the services of persons for campaign related Activities during hours in which those persons receive any compensation from the Region.
6. The Integrity Commissioner may at any time be consulted with regard to complying with any part of Rule 6 and in particular may rule on whether any activity by staff in a Councillor's office during an election year is prohibited election work or permitted activity sufficiently unrelated to the election.



## Rule No. 7

### Improper Use of Influence:

1. No member shall use the influence of his or her office for any purpose other than for the exercise of his/her official duties.
2. Members shall not contact members of any tribunal which is charged with making independent decisions and whose members have been appointed by Regional Council regarding any matter before it.

If Council has taken a position in an Ontario Municipal Board/Local Planning Appeal Tribunal ("OMB/LPAT") matter and instructed the Regional Solicitor to appear at a hearing in support of such position, no member of Council who disagrees with such position, shall give evidence at such hearing or otherwise work against the will of Council in such matter. With the consent of the lawyer assigned to represent the Region at an OMB/LPAT hearing, a member of Council who is in support of the Council instructions to such lawyer, may give evidence at an OMB/LPAT hearing. Notwithstanding the above, if the OMB/LPAT has decided to mediate a dispute between parties in a matter, any member of Council may offer his or her services to assist with such mediation regardless of his or her position in the matter and participate, if approved by the OMB/LPAT mediator.

### Commentary

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

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

3. Pursuant to corporate policy, the Chief Administrative Officer directs Regional Commissioners, who in turn direct Regional staff. Regional Council and not individual Members of Council appropriately give direction to the Regional administration.
4. \*As the Head of Council the Regional Chair shall work with Regional Council with regard to those decisions or actions which have not been delegated to the Regional Chair by Council, or not provided to the Chair by legislation, or which do not flow directly from the responsibility to manage the administrative affairs of the Regional Chair's Office.

The Regional Chair, including when exercising the role of Chief Executive Officer of the Region of Peel, will only represent and promote publicly, or make statements to external bodies, decisions entirely within the Chair's legislative and delegated authority or which are reached by Regional Council as a whole. The Chair may however express a personal perspective so long as it is in compliance with Rule 10, Media Communications.\* [Per Saito Motion May 7, 2020]

## **Rule No. 8**

### **Business Relations:**

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

## **Rule No. 9**

### **Member Conduct**

#### **Conduct at Council and Committee Meetings:**

1. Members shall conduct themselves at Council and committee meetings with decorum in accordance with the provisions of the **Regional** Council Procedure By-law.
2. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session), and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

#### **Commentary**

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

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

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

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

#### **Commentary**

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

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

Commentary

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

## Rule No. 10

### Media Communications:

1. Members of Council will accurately communicate the decisions of Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
2. Members of Council will keep confidential information confidential, until such time as the matter can properly be made public.
3. In all media communications, including social media, members will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.
4. \*Members may communicate a personal position on an issue on which Regional Council has not taken a position or that is contrary to a position taken by Regional Council, but, in doing so, should make clear that they are not representing the Council and/or the Regional Municipality of Peel, and where it is contrary, to include an accurate recitation of Council's position.\* [Per Saito Motion May 7, 2020]

### Commentary

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

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

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

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

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

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

## **Rule No. 11**

### **Respect for Regional By-laws and Policies:**

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

### **Commentary**

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

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

## **Rule No. 12**

### **Respectful Workplace:**

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

### **Commentary**

*It is the policy of the Region of Peel that all persons be treated fairly in the workplace in an environment free of discrimination or personal and sexual harassment.*



## Rule No. 13

### **Conduct Respecting Staff:**

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

### **Commentary**

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

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

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

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

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

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

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

#### **Rule No. 14**

##### **Employment of Council Relatives/Family Members:**

1. No Member shall attempt to influence the outcome, or to influence any Regional employee to hire or promote a Family Member.
2. No Members shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any Family Member.
3. No Member shall supervise a Family Member, or be placed in a position of influence over a Family Member.
4. No Member shall attempt to use a family relationship for his or her personal benefit or gain.
5. Every Member shall adhere to the Region's **Employment of Relatives policy HR05-01**.

##### **Commentary**

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

## **Rule No. 15**

### **Not Undermine, Work Against Council's Decisions:**

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

#### *Commentary*

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

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

2. Members of Council shall not engage in litigation or other legal challenges against the municipality or Council's decisions.
  - a. Despite this provision, Members may pursue a complaint or request for investigation under any of the oversight, transparency and accountability mechanisms provided under Part V.1 and under section 239 of the *Municipal Act*, 2001.

#### *Commentary*

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

3. Despite this Rule, Members of Council may seek to have a Council decision reconsidered in accordance with Council's Procedure By-law.

## **Rule No. 16**

### **Reprisals and Obstruction:**

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

## **Rule No. 17**

### **Acting on Advice of Integrity Commissioner:**

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

## **Rule No. 18**

### **Implementation:**

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

Commentary:

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

## COUNCIL CODE OF CONDUCT COMPLAINT PROTOCOL

### PART A: INFORMAL COMPLAINT PROCEDURE

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

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

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

### PART B: FORMAL COMPLAINT PROCEDURE:

#### Initial Complaint

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

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

(4) Election Blackout Period:

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

### **Classification by Integrity Commissioner**

2. (1) Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation, a complaint with respect to the *Municipal Conflict of Interest Act* or other relevant Council policies.
- (2) If the complaint, on its face, is not a complaint with respect to non-compliance with the Code or another Council policy governing ethical behaviour or the *Municipal Conflict of Interest Act*, or if the complaint is covered by other legislation, the Integrity Commissioner shall advise the complainant in writing as follows:
  - (a) 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 force;
  - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the Regional Clerk; and
  - (c) the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate. The Integrity Commissioner may proceed with that part of the complaint that is within jurisdiction.

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

## Investigation

- 3. (1) The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently and shall report directly to Council in respect of all such matters. In applying this Protocol, the Integrity Commissioner shall retain the discretion to conduct investigations applying the principles of procedural fairness, and any deviation from the provisions of this Protocol for that purpose shall not invalidate the investigation or result in the Integrity Commissioner losing jurisdiction.
- (2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, or that the pursuit of the investigation would not, in the opinion of the Integrity Commissioner be in the public interest, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- (3) The Integrity Commissioner shall file an annual report to Regional Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (2) except as part of an annual or other periodic report.
- (4) Where the Integrity Commissioner rejects or terminates an investigation pursuant to this section, reasons shall be provided.
- 4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
- (2) The Integrity Commissioner may in exceptional circumstances elect to exercise the powers of a Commission under Parts I and II of the *Public Inquiries Act*, as contemplated by Subsection 223.4(2) of the Act.

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



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

### **Council Review**

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

and may also take the following actions:

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

### **Confidentiality**

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

**Schedule “A”  
Complaint**

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

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

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name:  
Address:

Email:  
Phone:

Email completed Complaint to Principles Integrity at: [postoffice@principlesintegrity.org](mailto:postoffice@principlesintegrity.org)

**APPROVED AT REGIONAL COUNCIL**  
**February 27, 2020**

**14.4 Report of the Regional Council Policies and Procedures Committee (PPC-1/2020)  
meeting held on February 6, 2020**

**4.4 Review of Regional Council Composition**

*RECOMMENDATION PPC-2-2020:*

*That the report of the Acting Commissioner of Corporate Services, titled "Review of Regional Council Composition", be deferred to the next Regional Council Policies and Procedures Committee meeting.*

*Approved*

2020-128

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**For Information**

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DATE: November 28, 2019

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

FROM: Catherine Matheson, Commissioner of Corporate Services

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**OBJECTIVE**

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

**REPORT HIGHLIGHTS**

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

**DISCUSSION****1. Background**

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

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

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

## REVIEW OF REGIONAL COUNCIL COMPOSITION

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

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

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

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

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

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

## 2. Previous Review of Regional Council Composition

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

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

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

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

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

## REVIEW OF REGIONAL COUNCIL COMPOSITION

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

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

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

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

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

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

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

## REVIEW OF REGIONAL COUNCIL COMPOSITION

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

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

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

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

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

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

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

#### Next Steps

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

Options for Council's consideration include:

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

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



## REVIEW OF REGIONAL COUNCIL COMPOSITION

### RISK CONSIDERATIONS

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

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

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

### CONCLUSION

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



Catherine Matheson, Commissioner of Corporate Services

### Approved for Submission:



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N. Polsinelli, Interim Chief Administrative Officer

*For further information regarding this report, please contact Kathryn Lockyer, Regional Clerk and Director, Legal Services, ext. 4325 or [kathryn.lockyer@peelregion.ca](mailto:kathryn.lockyer@peelregion.ca).*

*Authored By: Christine Thomson, Legislative Specialist*

**For Information**

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**REPORT TITLE:**      **Regional Council Agenda Development Process**

**FROM:**                Kathryn Lockyer, Interim Commissioner of Corporate Services

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**OBJECTIVE**

To facilitate discussion regarding the length of Regional Council meetings and the number of significant issues included on agendas.

**REPORT HIGHLIGHTS**

- Regional Council meetings are scheduled on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month; Committee meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of the month. When there is a fifth Thursday in the month, it is reserved for Regional business and Committee meetings are scheduled as required.
  - The Regional Chair and Executive Leadership Team review agenda items at a Council/Committee Report Review meeting held three weeks prior to the scheduled Regional Council or Committee meeting.
  - Regional Council approves or amends and approves the draft agenda (or revised draft agenda) for the meeting as the first item of business at every meeting.
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**DISCUSSION**

**1. Background**

At the June 25, 2020 Regional Council meeting, a concern was raised regarding the length of Regional Council meetings and the number of significant issues included on the agenda. The matter was referred to the Regional Council Policies and Procedures Committees for discussion, including the consideration of scheduling weekly Regional Council meetings.

**a) Regional Council and Committee Meeting Schedule**

Regional Council meets twice a month to govern the issues of the Region. These issues are brought to Regional Council by staff reports, delegations, correspondence, presentations or motions by Councillors.

The Region of Peel Procedure By-law 56-2019, as amended, states that there shall be a two-week rotation of meetings of Council to be followed by committee meetings as follows:

Week 1 and Week 3 – Committee meetings  
Week 2 and Week 4 – Council meetings  
Week 5 – Regional business days

## Regional Council Agenda Development Process

### b) Current Agenda Development Process

All Regional Council and Committee reports and other agenda items are reviewed by the Regional Chair and the Executive Leadership Team (ELT) at a Council/Committee Report Review (“CRR”) meeting three weeks before the Regional Council or Committee meeting. Any revisions to reports required as a result of ELT’s review are provided to the Commissioner and responsible Director for follow up. Once the report has been finalized, it is forwarded to the Chief Administrative Officer for final approval.

At the CRR meeting, ELT and the Chair review the agenda as a whole and consider timing of reports and presentations to try to balance the meetings so that meetings are a manageable length.

The draft Regional Council agenda and related materials are made available electronically to Members of Regional Council one week prior to the meeting.

The CRR meeting is far enough in advance of the meeting for good planning purposes. However, issues that affect the Region are constantly evolving. While as much notice as possible is provided by sending out the agenda and related material a week in advance of the meeting, the emerging, urgent issues are compiled (reports, communications, delegation requests, and motions) and provided to Council on the Tuesday prior to the meeting.

In addition, those items that are received in between the delivery of the added agenda items on Tuesday and the meeting on Thursday, are presented to Council at the meeting at the approval of agenda item and Council can determine if they want to add that item or not to the agenda. These items may include delegation requests, updates following provincial announcements, or items referred from local municipal councils.

Excerpts from the Region of Peel Procedure By-law 56-2019, as amended, that apply to the development, additions to and approval of agendas are listed in Appendix I. It should be noted that Section 1.1.2 of the Procedure By-law states that the Rules of Procedure, with certain exceptions, may be suspended with respect to the consideration of one or more matters or questions during the course of a single meeting by a two-thirds vote.

## 2. Findings

The following chart shows: the end times of Regional Council meetings for the 2010 – 2014, 2014 – 2018 terms and current term; the number of meetings in that timeframe that had Revised Agendas; and, the number of meetings that had items added at the meeting through the approval of the agenda.

	<b>2010-2014</b> <b>Term of Council</b> (% of total meetings)	<b>2014-2018</b> <b>Term of Council</b> (% of total meetings)	<b>2018- July 2020**</b> (% of meetings to date)
# of Meetings	73	75	31
# of meetings with Revised Agendas	19 (26%)	50 (67%)	29 (93%)

## Regional Council Agenda Development Process

# of Meetings with Items Added at the meeting (approval of agenda)	55 (75%)	56 (75%)	27 (87%)
# of Meetings that ended at:			
10am-11am	3	6	0
11am-12pm	13	13	0
12pm-1pm	12	25	8
1pm-2pm	10	12	7
2pm-3pm	13	12	7
3pm-3:30pm	6	3	3
3:30pm-4:00pm	8	2	3
4:00pm-4:30pm	4	1	2
4:30pm-5:00pm	1	0	1
5:00pm-5:30pm	1	1	
5:30pm-6:00pm	1	0	
6pm-	1	0	

\* excludes Budget meetings

\*\* Nine Regional Council meetings have been held since the COVID-19 emergency was declared and a total of 29 items were added at the approval of agenda for these meetings. Of those 29 added items, 21 were directly related to COVID-19.

The Procedure By-law states that a regular meeting of Council shall not carry on past 3:30 p.m. without Council first passing a resolution to carry on past that time.

Other jurisdictions, including the three local municipalities, were asked to provide information regarding their agenda building process and the findings are summarized in the following table:

<b>Municipality</b>	<b>Q1: Who determines what goes on the agenda?</b>	<b>Q2: Do you limit the number of items on an agenda?</b>	<b>Q3: Do you have revised/added agendas?</b>	<b>Q4: Do items get added to the agenda at the meeting?</b>
<b>Brampton</b>	CAO, Senior Leadership Team	No	Yes	By 2/3 vote
<b>Caledon</b>	Senior Management Team	No	Yes, if related to existing agenda item	By 2/3 vote

## Regional Council Agenda Development Process

<b>Mississauga</b>	Leadership Team	No	Yes	Yes
<b>Durham</b>	Clerk	No	Yes	By 2/3 vote
<b>Halton</b>	CAO, Management Team	No	Yes	By 2/3 vote
<b>Waterloo</b>	Clerk, Reg Chair, CAO	No	Yes	No
<b>York</b>	Chair, CAO & Senior Management	No	Yes	Only if urgent

## CONCLUSION

This report was prepared to facilitate the Regional Council Policies and Procedures Committee's discussion regarding Regional Council agendas and the length of Council meetings in response to concerns raised at the June 25, 2020 Regional Council meeting.

## APPENDICES

Appendix I – Agenda Building

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*For further information regarding this report, please contact Kathryn Lockyer, Regional Clerk and Interim Commissioner of Corporate Services, Ext. 4325, [Kathryn.lockyer@peelregion.ca](mailto:Kathryn.lockyer@peelregion.ca).*

*Authored By: Christine Thomson, Deputy Clerk and Manager of Legislative Services*

***Reviewed and/or approved in workflow by:***

Department Commissioner and Division Director.

Final approval is by the Chief Administrative Officer.



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N. Polsinelli, Interim Chief Administrative Officer

## **Appendix I**

### **Regional Council Agenda Development Process**

#### **Excerpts from the Region of Peel Procedure By-law Applicable to the Development, Additions to and Approval of Agendas**

**Section 5.1.1** - The Regional Clerk shall prepare a draft agenda for all meetings of Council and committees. The Regional Clerk may amend the draft agenda by adding matters to or deleting matters from the draft agenda at any time before the commencement of the meeting.

**Section 5.1.2** - Regional Council or the committee, as the case may be, shall by resolution approve or amend and approve the draft agenda or revised draft agenda for the meeting. A motion to further amend the agenda following its approval shall require a two-thirds vote.

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

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

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

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

**Section 5.14.2** – A member may, with the consent of majority vote of the members present, introduce a motion under Other Business which due to its urgent nature cannot properly be presented at a future meeting of Council or committee.

**Section 6.1.6** - Any motion may be put forth and considered during Council or committee, providing it relates to the subject of a motion, recommendation or report under debate by Council or committee and is presented at the time of such debate, otherwise previous notice of motion is required.

**Section 6.1.9** - No matters can be added at a meeting except for Notices of Motion to be heard at the next or subsequent meetings or directions to staff to provide a report at a subsequent or future meetings of Council, except that a motion arising from a local municipal council of an urgent nature may be presented to Regional Council or committee and may be received without notice.

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**REPORT TITLE:**      **Establishing a Region of Peel Media Release Policy**

**FROM:**                      Kathryn Lockyer, Interim Commissioner of Corporate Services

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## **RECOMMENDATION**

**That the Media Release Policy attached as Appendix II to the report of the Interim Commissioner of Corporate Services, titled “Establishing a Region of Peel Media Release Policy”, be approved;**

**And further, that the Media Release Policy replace Corporate Policy I30-02 – Communication with Media.**

## **REPORT HIGHLIGHTS**

- The Region of Peel has committed to a vision of Community for Life where everyone enjoys a sense of belonging and access to the services and opportunities they need to thrive at each stage of their lives.
  - The opportunities and needs to communicate with various media outlets are critical for sharing key messages and information for residents and businesses on Regional programs and services.
  - Recognizing that timely information distribution to media is essential, the Region has developed a procedure to be followed by Regional staff.
  - This procedure and approach support key outcomes in the Marketing and Communications Strategy, a key organizational strategy which support the outcomes of the Region's 20-year Strategic Plan, helping to build a Community for Life.
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## **DISCUSSION**

### **1. Background**

The Region of Peel provides information on a regular basis on programs, services, and advancements of the business of the corporation, to support residents and businesses. Information distribution is accomplished in a variety of ways, including but not limited to: in person engagements, social media, instructional videos or video storytelling, peelregion.ca website, e-newsletter (Connect2Peel), and media release distribution.

At the Regional Council Policies and Procedures Committee meeting held on August 20, 2020, staff in Marketing and Communications was asked to report back to the Committee with recommendations for establishing a Region of Peel media release policy and procedure.

The following report outlines the background on media release distribution, the common practices of the Region and the local municipalities, and the proposed Policy and Procedure.

## **Establishing a Region of Peel Media Release Policy**

An existing Corporate Policy I30-02 – *Communication with the Media* will be replaced with the new policy.

### **2. Background on the Use of Media Releases at the Region of Peel**

A media release is one communications tactic that may be used in order to gain media interest or coverage on programs, services, and advancements of the business of the Region, to support residents and businesses.

In 2020 (at the time of writing of this report), 87 media releases from the Region have been prepared and distributed to media, posted to the Region's website, and shared through various channels. The media releases in 2020 have covered: 27 COVID-related items, 5 Holiday Closures, 13 PAMA events/updates, and 42 Programs and Services news items.

By comparison, in 2019 during non-COVID response, 97 were distributed over the year. The media releases in 2019 covered: 8 Holiday Closures, 23 PAMA events/updates, and 66 Programs and Services news items.

In most cases, the Region will use a media release as one part of an overall communications strategy, with a potential to reach intended media audiences. This decision to use a media release as a tactic is made on a case-by-case basis, considering the final intended audience and intended action/behaviour change to be taken, and interest the media may have in covering the subject. On an ongoing basis, Council and Committee report reviews include consideration to communications needs.

If a media release is a chosen method of communication, the Communications lead will draft the media release with the departmental subject matter experts (SMEs), who consult to ensure that all content is correct. The Communications lead will also ensure that other aspects of the communications are prepared to align – including, but not limited to, resident-facing communications, social media, signage, e-newsletters and community engagement.

When the media release would be enhanced by a quote from the Head of Council, the communications lead works with the Chair's office to determine the quote/statement, seeks review and sign-off. Chairs/Vice Chairs of programs, SME's and/or departmental leads may also be quoted, as well as other levels of government, etc.

Once all contributors have reviewed the communications tactics aligned to the strategy, including the media release, Communications will distribute the media release to a media contact list via email, post to website, and share through other channels.

### **3. Common Practices on Media Release Distribution**

The approach to media release distribution is aligned with that of the local municipalities within the Region; information was received from the Cities of Brampton and Mississauga and Town of Caledon communications departments. All departments were found to use a common set of best practices and informal procedures to support the preparation of media releases (see Appendix I)

### **4. Procedure for Media Releases for the Region of Peel**

Incorporating these common best practices and informal procedures, a Corporate Policy and related Procedure have been developed for the preparation of media releases and are attached as Appendix II and III respectively



## Establishing a Region of Peel Media Release Policy

The Policy provides the Purpose, Scope and Responsibilities for the preparation of Media Releases.

The Procedure provides guidelines on planning, use of, spokespersons/quotes, timing and distribution of media releases. The procedure provides an expected structure for media release activities while allowing for the flexibility that may be necessary to ensure factual and newsworthy content.

### NEXT STEPS

Upon approval, staff will launch the Policy and Procedure with the Communications division within Corporate Services. Subject matter experts will be made aware of the Procedure when working with Communications to support fact-checking and the timely distribution of information to the media.

### CONCLUSION

The Media Release Policy and Procedure will ensure the timely distribution of Regional information to media outlets in support of building knowledge and awareness of the work undertaken by the Region as we work towards building a *Community for Life*.

### APPENDICES

Appendix I – Common Practices on Media Release Distribution

Appendix II – Media Release Policy

Appendix III – Media Release Procedure

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*For further information regarding this report, please contact Lisa Duarte, Director, Marketing and Communications, [Lisa.Duarte@peelregion.ca](mailto:Lisa.Duarte@peelregion.ca), 905-791-7800 x4862*

*Authored By: Bethany Lee, Manager, Strategic Client Communications, Corporate Services*

#### ***Reviewed and/or approved in workflow by:***

Department Commissioner and Division Director.

Final approval is by the Chief Administrative Officer.



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N. Polsinelli, Interim Chief Administrative Officer

## Appendix I

### Establishing a Region of Peel Media Release Policy

#### COMMON PRACTICES ON MEDIA RELEASE DISTRIBUTION

Town of Caledon	<ul style="list-style-type: none"> <li>• The decision to use a media release as a communications tactic is made between the Communications Advisor and their internal client.</li> <li>• Communications will draft the media release in accordance with Communications style guidelines and circulate to client(s) for review. In most cases, the media release includes a quote from the Head of Council and requires their review and final sign-off. Following client and Mayor's Office review, the media release is sent to the General Manager (GM), Strategic Initiatives (SI) for review.</li> <li>• The GM of SI will either 1) sign-off and direct Communications to distribute the media release to the Town's established media contact list electronically or 2) send the media release to the CAO for final review and sign off. This decision is made on a case-by-case basis, depending on the issue at hand.</li> <li>• Once the CAO reviews/edits the media release, it is considered final and distributed to the media contact list. The media release is also posted to Town social media channels and to the Town's website.</li> </ul>
City of Brampton	<ul style="list-style-type: none"> <li>• The City follows best practices for Media Releases and it varies by scenario based on the situation, newsworthiness, quote approvals (esp. if third party), amount of information available at time of the meeting or the presentation of the motion.</li> <li>• Generally, for Media Releases we include quotes from Mayor, Chair and Vice Chair of respective Committee and CAO. Depending, the City may include Ward Councillors depending on the nature of the communication.</li> <li>• Councillors at times do their own releases and ideally there would be some fact checking process but that does not currently exist.</li> <li>• If the City has shared media releases following a Committee of Council meeting (i.e. for newsworthiness' sake), we emphasize that the resolution still requires ratification at the next City Council meeting.</li> <li>• If the City is participating in a joint release with another level of government or organization, we wait to share until the owner of the release has distributed before issuing to our media lists.</li> </ul>

## Appendix I

### Establishing a Region of Peel Media Release Policy

City of Mississauga	<ul style="list-style-type: none"><li>• The City's Strategic Communications team works closely with business areas across the organization to plan and prepare appropriate news releases.</li><li>• Each week, the team carefully reviews both the General Committee Agenda and Council Agenda to plan and prepare media releases and media activities accordingly.</li><li>• Releases that are prepared in advance of the meetings are again reviewed following the discussion and direction/approval of Council and any necessary updates are immediately made.</li><li>• In general, releases are prepared when there are items that would result in an impact to residents, support our City's Strategic Plan, there is a call to action for residents, announcement of a change in service or program, changes/updates to fees, by-laws or policies, important funding announcements with other levels of government, national and/or prestigious awards/recognition the City receives, significant updates to masterplans and/or projects and important initiatives that impact the municipality.</li><li>• Releases are issued based on the most appropriate timing, some are issued directly following the Council meeting and/or Council decision/direction others are timed to when the topic is most relevant.</li></ul>
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**CATEGORY: INFORMATION MANAGEMENT**

**SUBCATEGORY: CORPORATE COMMUNICATIONS**

**SUBJECT: MEDIA RELEASE POLICY**

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#### **A. PURPOSE**

To describe the general principles to be used in releasing information to the media on behalf of the Region of Peel.

The Region will use a media release as one part of an overall communications strategy, with the intent of reaching media audiences, and supporting broad awareness and sharing of information related to Regional activities.

#### **B. SCOPE**

This policy applies to Region of Peel employees who communicate on behalf of the Region of Peel. This policy is to be read in conjunction with the following legislation and policies:

- [Corporate Policy HR02-01 Code of Conduct](#)
- [Corporate Policy G00-26 Use of Corporate Resources for Election](#)
- [Ontario \*Municipal Freedom of Information and Protection of Privacy Act\* \(MFIPPA\)](#)
- [Ontario \*Personal Health Information Protection Act\* \(PHIPA\) \(2004\)](#)

Staff must also refrain from commenting on any Regional matter that is personal or confidential, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or in camera, or is the subject of litigation.

This policy does not apply to Members of Council who wish to work directly with the media. Council members who wish to work directly with the media may do so and shall have regard to applicable provincial legislation including MFIPPA and PHIPA and the Council Code of Conduct, including the *Municipal Elections Act*, *Municipal Conflict of Interest Act*.

#### **DEFINITIONS**

**"Media Release"** means a summary of information that is written with the intent of capturing media coverage, that expresses a Regional point of view, offers further comment regarding an action taken by the Region, or provides information regarding a Regional event, program or service.

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**CATEGORY: INFORMATION MANAGEMENT**

**SUBCATEGORY: CORPORATE COMMUNICATIONS**

**SUBJECT: MEDIA RELEASE POLICY**

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V.1-2017

**"Spokesperson"** means a Regional employee or elected official who is the primary contact with the media, and who is fully briefed and authorized to speak to the media on behalf of the Region.

## **C. POLICY**

### ***RESPONSIBILITIES***

1. The Regional Chair and Chief Executive Officer is responsible for:
  - a. serving as the Corporate Spokesperson or delegating as required, on matters of Council.
2. The Chief Administrative Officer (CAO) is responsible for:
  - a. acting as the Regional Spokesperson or delegating as required, on matters of a corporate or administrative nature.
3. The Director of Communications is responsible for:
  - a. ensuring that the Policy and Procedures for preparing media releases are followed.

## **D. PROCEDURES**

1. A Procedure has been established to support this Policy. The Procedure sets out parameters for developing Media Releases, responsibilities of staff, key spokespersons, and timelines.

<b>APPROVAL SOURCE:</b>	Provided by issuer &/or Clerk's, Legislative Services
<b>ORIGINAL DATE:</b>	Provided by original issuer
<b>LAST REVIEW DATE:</b>	Provided by issuer
<b>LAST UPDATE:</b>	Provided by issuer
<b>EFFECTIVE DATE:</b>	Provided by issuer
<b>RESPONSIBILITY:</b>	Corporate Services/Marketing and Communications

V.1-2017

## **DRAFT – Procedure for Media Release Preparation and Distribution**

### **1. Developing Media Releases and Responsibilities of Staff**

#### **a. Determining when to use a media release**

- i. The Communications Lead will follow the Proactive and Reactive guidelines below.
- ii. The decision to use a media release as a tactic is made on a case-by-case basis, considering the intended audience and intended action/behaviour change to be taken, and interest the media may have in covering the subject.
- iii. A media release will be considered as a part of planning for program communications and includes but is not limited to: funding announcements, service level changes, program updates for residents, program milestones, opportunities to engage with the Region, budget information, etc. These opportunities are identified in advance and the work can be taken proactively.
- iv. The Communications Lead should proactively consider the use of a Media Release as a positive approach to reaching media audiences and the opportunity to reach others directly as well (examples: members of Council, staff, and the public through posting to website).
- v. The Communications lead will consider the current relevance of the materials using their community and portfolio awareness, current media activities, additional or alternate ways of sharing the information including direct to resident communications, campaign approaches being used, online and social media alternatives. Detailed criteria to be considered:
  1. Newsworthiness: Does the topic align with trends in the media, has the media reported on this topic before (either in Mississauga or other municipality)?
  2. Financial Impact: Is there a financial impact ex. funding announcement of more than \$50,000 or third party funding of more than \$50,000, transparency and impact to tax dollars?
  3. Reputation: Does it showcase the City's brand, reputation or demonstrate value of tax dollars?
  4. Public interest: Is it confusing to the public, would a release help simplify? Does the public need to know this for public safety, program or service update, by-law or legislation change? Is there a human-interest element or considerable public interest?
  5. Council Position: Do we need to indicate a stance or position taken by council?
  6. Awards: Is this an award of national or international significance?
  7. Project Update: Is this item a new initiative or a follow-up or next phase of a large-scale project or master plan?
  8. HR Announcements: Announcement of new staff at the Director level and above.
  9. Emergencies: Significant events

## Appendix III

### Establishing a Region of Peel Media Release Policy

- vi. There are also opportunities for media releases which will not be identified in advance and this Media Release Procedure sets out timelines and support for identifying and developing Media Releases in these instances as well.

## 2. Responsibilities

- a. The Chair and Chief Executive Officer is responsible for:
  - i. acting as the Regional Spokesperson, on matters of Council
- b. The Chief Administrative Officer (CAO) is responsible for:
  - i. acting as the Regional Spokesperson, on matters of a corporate or administrative nature
- c. The Director of Communications is responsible for:
  - i. ensuring that all information that is given to the media either orally or in written form is factual, free from bias, accurately reflects the Region's policies and procedures, and is issued in a timely manner
  - ii. ensuring that the appropriate Communications Lead is aware of all information that is given to the media
  - iii. approving, or delegating authority to approve, all media communications prepared by Communications team
  - iv. refraining from commenting on any Regional matter that is personal or confidential, in accordance with the [Municipal Freedom of Information and Protection of Privacy Act \(MFIPPA\)](#), or in camera, or is the subject of litigation
  - v. attending media conferences and media briefings, or delegating as appropriate
- d. The Regional Clerk is responsible for:
  - i. acting as the Regional Spokesperson on all Council agendas and Council decisions of record or delegating as appropriate.
- e. The Director, Marketing and Communication is responsible for:
  - i. identifying and arranging for a Regional spokesperson
  - ii. briefing the Regional spokesperson
  - iii. Identifying a Communications Lead
- f. The Communications Lead is responsible for:
  - i. identifying the appropriate methods of communication for the distribution of information to the media, including the media release
  - ii. identifying key media for the distribution of information
  - iii. coordinating the research and completion of communications in order to distribute information to the Region's audiences
  - iv. distributing and maintaining copies of approved media communications
  - v. monitoring media coverage
  - vi. analyzing media coverage
  - vii. identifying Regional source and spokesperson(s), in preparation for and in response to media inquiries

## **Appendix III**

### **Establishing a Region of Peel Media Release Policy**

- viii. seeking approvals from the appropriate department representative regarding the content of communications

#### **3. Coordination of Media Releases with Subject Matter Experts (SMEs) - Proactive**

- a. On an ongoing basis, staff attend Council and Committee Report Reviews (CRRs) which will include consideration to communications needs for reports coming to Council or Committee.
  - i. The Council Report Review is a proactive process which provides an opportunity to identify to the Director of Communications those council reports which may benefit a media release.
  - ii. The Director of Communications will consult with the CRR team and the Communications leads to identify those matters which could benefit from a formal media release.
- b. When the need for a media release is positively identified, either through CRR or as a normal course of supporting the departmental communication needs, the Communications lead will work with the Department to proactively gather information and draft the media release.
- c. The Departmental subject matter expert (SME) will provide factual information to support the development of the media release and associated communications supports for the intended audiences.
- d. The Communications lead will draft the media release with the departmental SMEs, who consult to ensure that all content is correct. The Communications lead will also ensure that other aspects of the communications are prepared to align – including, but not limited to, resident-facing communications, social media, signage, e-newsletters, community engagement, translations and so on.

#### **4. Coordination of Media Releases with Subject Matter Experts (SMEs) – Reactive**

- a. When information is new or unplanned (as in an emergency, an immediate service change notification, or a Motion that is passed by Council requiring public awareness), the Clerk will inform the Communications Director and the Communications Director will designate a Communications lead to prepare a media release as soon as possible.
  - i. When safety is concerned, due to an emergency, a public health matter, etc. the highest urgency will be undertaken, and immediate distribution will take place.
  - ii. When the matter is less urgent, a one-to-two business day turnaround can be expected to confirm the information, seek approvals and consult with SMEs. The matter will be treated with reasonable urgency, and fact checking will be undertaken as recordings, motion wording and vote information may not yet be available.

#### **5. Developing Supportive Quotes/Statements**

- a. The purpose of quoting spokespersons/individuals is to support the media release and Regional activity through sentiment, recognition, linking to strategic



### Appendix III

#### Establishing a Region of Peel Media Release Policy

plan and community outcomes when possible. The communications lead will guide the development of the quotes or supportive statements and will work to find a balance of appropriate content.

- b. When the media release would be enhanced by a quote from the **Chair - Head of Council**, the Communications lead works with the Chair's office to determine the quote/statement, seeks review and sign-off. Within the Chair's office, the Chief of Staff is responsible for coordination, review and seeking approvals of materials, quotes and providing any background information which may be helpful to the development of the release. The Chair should also indicate at this time if they are available for media interviews. This information will be made available as a part of the media release.
- c. When the media release would be enhanced by a quote from the **Chair of a Committee of Council**, the Communications lead works with the Committee Chair's office directly to determine the quote/statement, seeks review and sign-off. The Communications lead will work with the Regional Chair's office to keep them informed of the activities with the Committee Chair.
- d. When corresponding with the Chair's office or a member of Council, the Director of Communications, the Commissioner of Corporate Services and the CAO will be copied on correspondence.
- e. When the Regional Chair is not available, or the Committee Chair is not available, an alternate will be identified and consulted/included.
- f. When the media release would be enhanced by information or a quote from a **partner organization**, or a leading organization from within Peel (example: BCAN, PAMA co-curator, Community Response Table partnerships, etc. ), information, quotes and approvals will be coordinated by the Communications lead.
- g. When the media release would be enhanced by information or a quote from **another level of government**, the Communications lead will work with the Communications lead from the Local tier municipality, the Province and/or Federal government. Information, quotes and approvals will be coordinated by the Communications lead.
- h. When the media release would be enhanced by information or a quote from the **Chair of a Committee of Council**, the Communications lead works with the Committee Chair's office to determine the quote/statement, seeks review and sign-off. The Communications lead will work with the Chair's office to keep them informed.
- i. SME's may also be quoted – most appropriate to quote **CAO** first, or the CAO may delegate to Commissioner. The Communications Advisors will work with CAO and Commissioners to prepare and seek approval for quotes.

#### 6. Supportive Communications

- a. Whenever appropriate and possible, the media release will provide links to relevant materials, Council reports, and ways to seek further information. This will include contact information for a Communications lead.
- b. A standard 'boilerplate' will be used on each media release referring to background information on the Region of Peel.

## Appendix III

### Establishing a Region of Peel Media Release Policy

- c. Releases distributed on social media platforms (namely Twitter) will be accompanied by assets created via approved template, highlighting key quotes or vital information as determined by Social Content Supervisor and Communications lead.
- d. The social media assets will be shared with Council once available.

#### 7. Distribution

- a. Once all contributors have reviewed and approved the media release, plus any communications tactics aligned to the media release and overall communications strategy, Communications will distribute the media release to a media contact list via email, post to website, and share through other channels.

#### 8. Timing of Media release

- a. When the communication is **planned**, the timing of the media release will be coordinated to coincide with the event, the Council report once approved, the announcement and so on.
  - i. In general, distribution **same day** is expected for known (proactively prepared) media releases, to align with the report, event or announcement.
  - ii. In some cases, current media activity and day-of-week timing will be considered. Late in the day and late in the week may be pushed to next business day when appropriate.
- b. When the communication is **reactive**, the timing of the media release will be coordinated with reasonable urgency.
  - i. When the matter is less urgent, **a one-to-two business day turnaround** can be expected to confirm the information, seek approvals and consult with SMEs. The matter will be treated with reasonable urgency, and fact checking will be undertaken as recordings, motion wording and vote information may not yet be available.
- c. When possible, quotes/statements from those identified in Developing Supportive Quotes/Statements will be included; the need to deliver information in a timely manner should not be held up by lack of a quote or statement, as a statement can always be provided later to media.

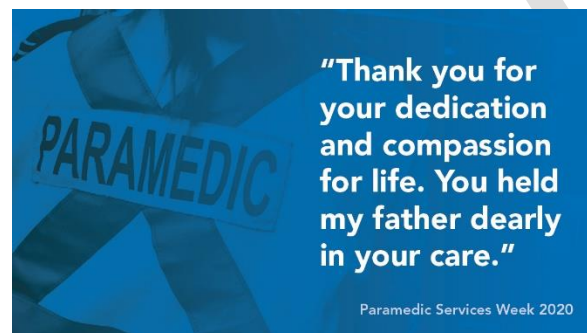
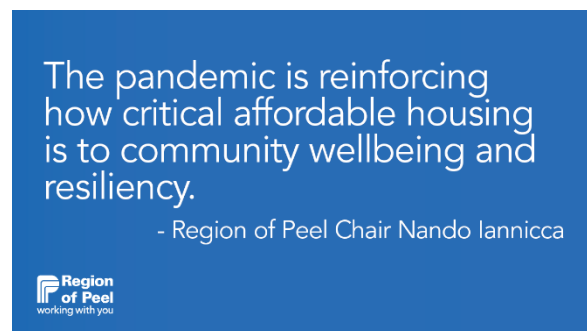
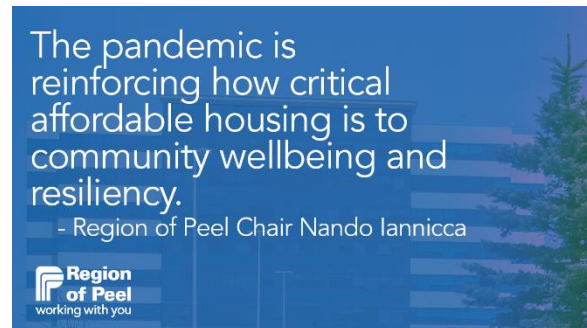
#### 9. Media advisories

- a. When an invitation to the media to attend an announcement either virtually or in person is required, a Media Advisory will be developed and sent to media in advance of the media event.
- b. The Media Advisory will serve as an invitation to media to attend the event, and will identify:
  - i. The intended purpose, time, location or virtual attendance information, who will be present, speakers, subject matter, appropriate information on the physical site if applicable, who the lead Communicator is.

## Appendix III

### Establishing a Region of Peel Media Release Policy

#### Appendix – social tile drafts and examples



**REPORT TITLE:**     **Replacing the Regional By-law to Indemnify Employees and Members of Council**

**FROM:**                Kathryn Lockyer, Interim Commissioner of Corporate Services  
                              Patrick O'Connor, Regional Solicitor

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## **RECOMMENDATION**

**That By-law 38-2005, as amended by By-law 24-2014 (the “By-law”) be repealed and replaced with a newly enacted by-law to provide:**

- a) Clarification of the ability of Regional Council to provide indemnification or reimbursement of legal costs incurred by members of Regional Council and Regional employees in proceedings under or pursuant to the criminal law, including the *Criminal Code of Canada* (the “*Criminal Code*”) where deemed appropriate by Regional Council in its discretion; and**
- b) Protection for members of Regional Council and Regional employees from liability to the Region and the prevention of proceedings by the Region against members of Regional Council and Regional employees in certain instances described in the report of the Interim Commissioner of Corporate Services and the Regional Solicitor titled “Replacing the Regional By-law to Indemnify Employees and Members of Council”;**

**And further, that the required by-law be presented to Regional Council for enactment;**

**And further, that staff be directed to revise the Region’s external insurance program to remove coverage for legal costs incurred in *Criminal Code* proceedings with indemnifying coverage being extended instead in the discretion of Regional Council, to be exercised on a case by case basis.**

## **REPORT HIGHLIGHTS**

- Regional by-laws and insurance policies do not provide Regional Council members and employees with protection from legal claims brought against them by the Region, in cases where the Region incurs liability or losses as a result of good faith acts or omissions done or made by Council members or employees in the good faith performance of their duties.
- Staff recommends that the By-law be amended to provide such protection.
- The current By-law’s general intention is to preclude coverage for legal costs incurred in *Criminal Code* proceedings. However, the Region’s purchased insurance policy provides such coverage even if the individual is ultimately convicted of the criminal offence.

## **Replacing the Regional By-law to Indemnify Employees and Members of Council**

- Staff recommends that the Region's purchased insurance coverage be amended to remove coverage for legal costs in relation to criminal proceedings, that Regional Council decide whether such coverage provided directly by the Region is appropriate on a case by case basis, and that Regional Council direct the Regional Solicitor to assess and advise on the propriety and extent of any claims for such indemnification or reimbursement on a case by case basis where a request for such coverage is made.

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## **DISCUSSION**

### **1. Background**

By-law 38-2005, as amended, (the "By-law") establishes the Region's policies in regards to the extent to which members of Regional Council and employees of the Region will be protected from liability where their actions or omissions have resulted in liability or losses to the Region of Peel or third parties. The current By-law reflects the general principle that members of Council and employees acting honestly and in good faith in the performance of their duties will be protected from liability. The exception to this general principle is in the case of certain criminal proceedings, where the By-law does not afford protection to members of Regional Council or employees but reserves the discretion to Regional Council to provide such protection where deemed appropriate. Legal staff have recently undertaken a review of the By-law, the Region's purchased insurance policies, and the by-laws of other municipalities. As a result of such review, repeal and replacement of the By-law are recommended, as outlined further in this report.

#### **a) Legal Claims by the Region Against Regional Council Members and Employees**

Regional Council members and employees are responsible to act in the best interests of the Region and its residents. They are responsible and accountable for making good faith decisions in the performance of their duties.

However, even when acting in good faith and with proper intentions, members of Council and employees may make errors which result in losses and liability for the Region. One example may be where an employee makes an error in financial reporting to another level of government, and the Region is issued a financial penalty as a result. While errors are to be avoided to the greatest practicable extent, they are also to be expected and, depending on the severity and circumstances, may, in the case of employees, result in discipline up to and including termination of their employment.

Though the By-law protects members of Council and employees acting honestly and in the good faith performance of their duties from claims commenced by third parties, it does not address claims that may be made against them by the Region. Commencement by the Region of a legal claim against Regional Council members or Regional employees for losses or liability resulting from errors in the performance of their duties is a possibility. The current By-law and the Region's purchased insurance do not provide coverage for Regional Council members and employees in respect of such claims.

#### **b) Criminal Code Proceedings Against Regional Council Members and Employees**

Regional Council members and employees who are engaged in the good faith performance of their duties may face investigations and legal proceedings under the criminal law. For clarity, criminal law proceedings (investigations and prosecutions) often involve suspected

## Replacing the Regional By-law to Indemnify Employees and Members of Council

or alleged breaches of the *Criminal Code* but include any matter where the Federal criminal law jurisdiction is engaged. For instance, many drug related offences arise under the *Controlled Substances Act (Canada)*.

Criminal law proceedings are serious matters which may, depending on the circumstances, engage media and public attention. At the same time, there may be situations where *Criminal Code* proceedings may be contemplated or commenced against a Regional Council member or employee even though there are reasonable grounds to believe that the individual is not culpable. One example may be where an employee is accused of criminal wrongdoing by a cognitively impaired resident.

The current By-law specifically excludes legal representation, indemnification and reimbursement for legal costs in relation to proceedings under the *Criminal Code* and the *Controlled Substances Act*, while specifically allowing Regional Council the discretion to extend coverage in circumstances that it deems appropriate. The proposals in this report would extend that exclusion to all criminal law proceedings.

At the same time, the Region's purchased insurance provides coverage for "legal costs" incurred by Regional Council members or employees defending their legal rights in relation to "being investigated" or "being prosecuted" for "an alleged criminal offence."<sup>1</sup> This coverage would be provided whether or not the individual is ultimately convicted of the offence, and there is no ability for the insurer or the Region to recover sums paid out under such coverage.

Legal representation, indemnification and reimbursement for legal costs in relation to Provincial Offences prosecutions are included under the current by-law (always presupposing good faith intended performance of duty and a reasonable belief in the lawfulness of their acts or omissions on the part of the member or employee seeking indemnification). An exception is made for *Highway Traffic Act* and parking offences, which are not covered. Provincial Offences matters are not considered to be criminal law matters. This would continue to be the case under the proposals set out in this report.

## 2. Findings

### a) Legal Claims by the Region Against Regional Council Members and Employees

A review of a number of by-laws of other municipalities demonstrates that they have not specifically addressed protection for members of Council or employees from legal claims that may be commenced against them by their employer municipality and such protection is not available from insurers. It is recommended that the By-law be amended to provide for such protection in circumstances where there has been good faith performance or attempted performance of duties by the member of Council or employee which nevertheless are performed erroneously or negligently in a manner which causes damage to the Region. This would represent a natural extension of the principle that members of Council or employees performing their duties in good faith should be protected from liability, and is innovative in that it directly addresses a possibility, albeit an unlikely one, which other by-laws have not addressed.

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<sup>1</sup> Legal Expense Insurance Policy Number LC00608, section I, paragraphs 1 and 2.

## Replacing the Regional By-law to Indemnify Employees and Members of Council

### b) Approaches Taken in Peel's Local Municipalities to *Criminal Code* Proceedings Against Local Municipal Council Members and Employees

City of Brampton By-law 134-95 (the "City of Brampton By-law"), provides reimbursement for reasonable legal expenses incurred by employees or Council members in relation to legal proceedings under the *Criminal Code* resulting from acts or omissions in their capacity as employees or Council members, with the condition that such individuals shall be responsible for such costs and for reimbursing the City for same if the individual is convicted of an offence under the *Criminal Code*.<sup>2</sup> The City Solicitor is given authority to assess a claim for reimbursement and its extent.<sup>3</sup>

City of Mississauga By-law 0076-2014 (the "City of Mississauga By-law"), provides indemnification for reasonable legal expenses incurred by employees or Council members in relation to legal proceedings under the *Criminal Code* resulting from good faith acts or omissions based on the reasonable belief that same were lawful and in the best interests of the City, which were done in their capacity as employees or members of Council, but only if the individual has been found not to have contravened the *Criminal Code*.<sup>4</sup> The City Solicitor is given authority to, assess a claim for indemnification and its extent.<sup>5</sup>

Town of Caledon By-law 2007-128 (the "Town of Caledon By-law"), is similar to the current Regional By-law in its denial of coverage for legal costs incurred by Town Council members and employees in *Criminal Code* proceedings.<sup>6</sup> However, the Town of Caledon By-law also specifically allows the Town Council the discretion to extend coverage in circumstances that it deems appropriate.<sup>7</sup>

## 3. Proposed Direction

### a) Regional Legal Claims Against Regional Council Members and Employees

Staff recommends the following amendments by means of a repeal and replacement of the By-law in order to ensure protection for Regional Council members and to employees who are acting in the good faith performance of their duties, while still allowing the Region the discretion to commence legal claims against Regional Council members and employees who do not so conduct themselves in certain instances:

*A new Section 2 be enacted as follows:*

2. The Region shall not commence an action or proceeding against a covered individual arising out of acts or omissions done or made by the covered individual in the attempted performance of their duties as a member of Council of the Region or as an employee, where the covered individual acted honestly and in good faith with a view to the best interests of the Region and had reasonable grounds for believing that their conduct was lawful.

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<sup>2</sup> City of Brampton By-law 134-95, sections 1, 2, 3 and 4.

<sup>3</sup> City of Brampton By-law 134-95, sections 6, 7 and 8.

<sup>4</sup> City of Mississauga By-Law 0076-2014, sections 1, 2, 5, 9 and 16.

<sup>5</sup> City of Mississauga By-Law 0076-2014, sections 6, 10, 11, 12 and 16.

<sup>6</sup> Town of Caledon By-Law 2007-128, section 16.

<sup>7</sup> Town of Caledon By-Law 2007-128, section 33.

## Replacing the Regional By-law to Indemnify Employees and Members of Council

The amendment would go on to provide that the By-law would not apply (i.e. would not provide indemnifying coverage) in cases where the Region proceeds or could proceed to commence an action or proceeding against the member of Council or employee. These cases would include those where the member of Council or employee was not acting in good faith or had no reasonable grounds for believing that his or her conduct was lawful.

In effect then, the Region could not commence an action against a member of Council or employee who acted (or omitted) in honest good faith with objectively reasonable belief that their action or omission was lawful, even if the act or omission caused damage to the Region. The Region could commence an action if these elements were absent (e.g. the member or employee acted dishonestly) in which case there would of course be no obligation on the Region to indemnify the member or employee.

### b) Criminal Law Proceedings Against Regional Council Members and Employees

To preserve the By-law's general intention to exclude coverage for legal costs incurred in criminal law proceedings but also to allow for indemnification or reimbursement of such costs where they would be appropriate in specific circumstances, staff recommends that the Region's purchased insurance coverage be amended to remove coverage for legal costs in relation to criminal proceedings.<sup>8</sup>

New provisions would be enacted to clarify how Council could consider a request for coverage regarding criminal law proceedings against a member or employee. Such a request would result in a report by the Regional Solicitor. Council would then have the discretion to decide to extend coverage, or not to do so.

## RISK CONSIDERATIONS

Key Risk	Risk Response Strategy	Accountable	Risk Type
Failure to commence legal proceedings in circumstances permitted by the By-law.	Enterprise Risk and Audit Services and Legal Services will review cases where Region liabilities and losses arise from the actions or omissions of Regional Council members or employees. Any decision whether or not to pursue an action or proceeding available to the Region under the By-law will be reported to Council.	Regional Solicitor  Director, Enterprise Risk and Audit Services	Reputational Risk  Compliance/Regulatory Risk  Social Risk
Indemnification or reimbursement of legal costs in criminal proceedings may be	Regional Council will request the Regional Solicitor to review and report on claims for indemnification or	Regional Solicitor	Reputational Risk

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<sup>8</sup> Legal Expense Insurance Policy Number LC00608, General Conditions, paragraph 4.



## Replacing the Regional By-law to Indemnify Employees and Members of Council

Key Risk	Risk Response Strategy	Accountable	Risk Type
provided where they are not appropriate in the circumstances.	reimbursement with Regional Council retaining its discretion to deal with such claims as appropriate		Compliance/ Regulatory Risk  Social Risk

### APPENDICES

#### Appendix I – Draft By-law

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*For further information regarding this report, please contact Patricia Caza, Director, Legal Services and Deputy Regional Solicitor, Ext. 4742, [patricia.caza@peelregion.ca](mailto:patricia.caza@peelregion.ca).*

*Authored By: Justin Diggle, Manager, Employee and Labour Relations/Senior Legal Counsel*

#### ***Reviewed and/or approved in workflow by:***

Department Commissioner and Division Director.

Final approval is by the Chief Administrative Officer.



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N. Polsinelli, Interim Chief Administrative Officer

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER XX-2020

**A by-law to provide for certain insurance, indemnification and reimbursement of members of Council and employees by The Regional Municipality of Peel, and to repeal By-laws 38-2005 and 24-2014.**

WHEREAS The Regional Municipality of Peel (the "Region") desires to be or to act as an insurer and to provide indemnification to:

- (a) protect members of Council and employees of the Region against certain risks that may involve pecuniary loss or liability on the part of members of Council and employees;
- (b) pay certain damages or costs awarded against or expenses incurred by a member of Council or an employee;
- (c) pay certain sums required in connection with the settlement of an action or other proceeding against a member of Council or an employee; and
- (d) assume the cost of defending the member of Council or employee in an action or other proceeding, arising out of acts or omissions done or made by the member of Council or employee in the attempted performance in good faith of their duties as a member of Council of the Region or as an employee of the Region including while acting in the performance of any statutory duty, subject to the limitations of the *Municipal Act*, 2001, S.O. 2001, c. 25 (the "*Municipal Act*") and of this by-law;

AND WHEREAS the *Municipal Act* provides the Region with authority to do so, pursuant to section 279 thereof;

AND WHEREAS the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 (the "*Municipal Conflict of Interest Act*") provides the Region with authority to do so, pursuant to section 14 thereof;

AND WHEREAS the *Municipal Act* provides in section 283 that a municipality may pay in whole or in part such expenses of the members of Council and of the employees of the Region as are actually incurred as a result of their acting in their capacity as members of Council of the Region or employees of the Region;

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

**DEFINITIONS**

1. In this By-law,

- (a) “action or proceeding” includes all civil actions, prosecutions of non-criminal offences or administrative proceedings, except proceedings brought under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended or any successor thereto (the “*Highway Traffic Act*”). For greater certainty and without limiting the generality of “non-criminal offences” an action or proceeding does not include prosecutions under the *Criminal Code*, R.S.C. 1985, c. C.46, as amended or any successor thereto (the “*Criminal Code*”), or the *Controlled Drugs and Substances Act*, S.C. 1996, c.19, as amended or any successor thereto (the “*Controlled Drugs and Substances Act*”), or prosecutions or collections related to municipal parking or and traffic infringements whether actual or alleged by-laws;
- (b) “Council” means the Council of The Regional Municipality of Peel;
- (c) “coverage” means coverage of the nature set out in this By-law;
- (d) “covered action or proceeding” means an action or proceeding commenced after the passing of this By-law or pending but not finally determined at the time of passing of this By-law, and arising out of acts or omissions done or made by a covered individual in the attempted performance in good faith of their duties as a member of Council or as an employee including while acting in the performance of any statutory duty;
- (e) “covered individual” means a person who was a member of Council or was an employee, as the case may be, at the time the cause of action or other proceeding arose or at the time that the act or omission occurred that gave rise to the action or proceeding, notwithstanding that prior to judgment or other settlement of the proceeding the person may have ceased to be a member of the Council or to be an employee;
- (f) “employee” means any salaried officer, or any other person in the employ of the Region and includes persons that provide their services on behalf of the Region without remuneration, exclusive of reimbursement of expenses or honoraria, and excludes uniformed and civilian members of the police service of the Region, employees of The Regional Municipality of Peel Police Services Board (the “Board”) and any other person holding an office or position that is appointed by the Board.
2. The Region shall not commence an action or proceeding against a covered individual arising out of acts or omissions done or made by the covered individual in the attempted performance of their duties as a member of Council of the Region or as an employee, where the covered individual acted honestly and in good faith with a view to the best interests of the Region and had reasonable grounds for believing that their conduct was lawful.

### **LEGAL REPRESENTATION**

3. Subject to the provisions of this By-law, in a covered action or proceeding against a covered individual or in which the covered individual is a party and in which their conduct is called into question, the Region will, with the consent of the covered individual, defend or represent the covered individual in the covered action or proceeding in the name of, and on behalf of, the covered individual.
4. Notwithstanding Section 3, the Region shall not defend or represent a member of Council or employee in an action or proceeding against the member of Council or employee which is commenced by the Region.
  - 4.1 Notwithstanding Section 3, in lieu of defending or representing a member of Council in a proceeding under the *Municipal Conflict of Interest Act*, the Region shall, subject to Section 6.1, provide coverage to an individual who has retained their own legal counsel pursuant to Section 9.
5. Where the Region is defending or representing a covered individual in a covered action or proceeding, the Region may make such investigation, negotiation and settlement of any claim in the covered action or proceeding as may be deemed necessary or expedient by the Region. Should the covered individual not consent to any such settlement, the Region's obligation to defend or represent the covered individual or to indemnify the covered individual to an extent greater than would be the case under the proposed settlement to which the covered individual does not consent will end.

### **DAMAGES, COSTS AND FINES**

6. Subject to this By-law, in a covered action or proceeding, the Region will:
  - (a) pay all damages and legal costs, including interest, awarded against a covered individual;
  - (b) pay all sums required in connection with the settlement of the covered action or proceeding against a covered individual, provided that as a condition precedent the Region approves the terms of the settlement;
  - (c) pay any fines, monetary penalties or award of damages levied or imposed against a covered individual by reason of the covered individual being convicted of any violation except a violation of the *Highway Traffic Act*, ~~municipal~~ parking and traffic ~~infringements by-~~ laws, and offences under the *Criminal Code* and *Controlled Drugs and Substances Act*;

provided always that the legal liability for damages or for the imposition of a fine or monetary penalty arose out of acts or omissions done or made by the covered individual in their capacity as a member of Council or as an

employee including while acting in the performance or attempted performance of any statutory duty.

6.1 In the case of a proceeding against a member of Council pursuant to the *Municipal Conflict of Interest Act*, coverage shall be provided pursuant to this By-law only to a member of Council who has been found not to have contravened Section 5, 5.1 or 5.2 of that Act.

7. The Region shall indemnify a member of Council or employee in the manner and to the extent provided by this By-law, in respect of any covered action or proceeding only if, in the opinion of the Council expressed by resolution:
  - a. the member of Council or employee acted honestly and in good faith with a view to the best interests of the Region; and
  - b. the member of Council or employee had reasonable grounds for believing that their conduct was lawful.
8. As a condition precedent to the Region making any payment in respect of the costs associated with defence or representation of any covered individual in any covered action or proceeding or making any payment under this By-law, a covered individual shall:
  - a. cooperate fully with the Region in the defence, investigation, negotiation or settlement of the covered action or proceeding;
  - b. not have or engage in any contact, discussions or negotiations with any adverse person or party without the prior written consent of the Regional Solicitor;
  - c. promptly disclose to the Regional Solicitor all contact, discussions or negotiations with any adverse person or party;
  - d. apprise the Regional Solicitor on an ongoing basis of all matters relating to the covered action or proceeding; and
  - e. execute any documents required by the Region to enable the Region to subrogate as to the position and as to any rights or cause of action of the covered individual, or required by the Region to enable the Region to recover as an assignee of the covered individual of any right of entitlement of the covered individual under an award of costs or otherwise.

#### **RETAINING LEGAL COUNSEL**

9. A covered individual may retain their own legal counsel for their defence or representation in a covered action or proceeding in lieu of defence or representation by the Region, provided that the Region shall not reimburse the covered individual for their legal costs and shall not make payment under this By-law unless i) subject to Section 6.1, the defence or

representation is required in connection with a proceeding under the *Municipal Conflict of Interest Act*, or ii) the Region declines to provide or terminated defence or representation and determines instead to reimburse the covered individual for their legal costs of defence or representation in accordance with this By-law, either because:

- a. the covered individual has demonstrated to the satisfaction of the Region that there exists a clear legal conflict between the interests of the Region and of the covered individual; or
  - b. the Region has determined that it would be inappropriate for the Region to defend or continue to defend and represent the covered individual.
10. Notwithstanding the foregoing, in extending coverage under this By-law, the Region shall have the right to reasonably limit the amount which it shall pay a covered individual for legal costs and may:
- a. set a reasonable global upset limit for legal costs paid pursuant this By-law; and
  - b. establish reasonable hourly rates which it will pay legal counsel retained to defend or represent a covered individual.
11. Any requirement that the Region reimburse a covered individual for the costs of defence or representation in a covered action or proceeding shall take into account any pre-paid legal assistance plan or any defence cost insurance or funding that the covered individual has purchased or which is otherwise available to the covered individual, and in addition any such reimbursement shall be reduced or repaid to the Region by the covered individual to the extent of any costs received or recovered by or available to the covered individual, including costs awarded in the action or proceeding.
12. Notwithstanding the foregoing, the covered individual shall not retain legal counsel and the Region shall not be obligated to pay or reimburse the covered individual for defence costs where the covered individual is an insured under a policy of insurance **maintained by the Region** and the covered action or proceeding is defended on behalf of the covered individual by the insurers under that policy to the extent that the coverage under that policy will reimburse defence costs and will pay damages and costs assessed.

### **APPEALS**

13. Where a covered individual seeks to appeal a judgment in a covered action or proceeding, the Region shall have sole discretion to determine whether coverage shall be extended by the Region for the purposes of the appeal. If a covered individual pursues an appeal without representation or an extension of coverage by the Region and is successful in that appeal, the Region shall have sole discretion to determine whether having regard for

their success on the appeal the covered individual will be indemnified for their legal costs.

14. In exercising discretion under Section 13, the Region shall consider the factors set out in Section 7.

**EXCLUDED ACTIONS OR PROCEEDINGS**

15. Notwithstanding the foregoing, in respect of any action or proceeding where:

- a. the action or proceeding is against the Region and was commenced by or on behalf of the covered individual ~~is opposed in interest with the Region in such action or proceeding;~~
- b. a covered individual has acted in bad faith or intentionally outside the scope of their authority;
- c. the action or proceeding arises out of conduct of the member of Council or employee which constitutes wanton or malicious wrongful conduct;
- d. the covered individual fails or refuses to comply with the provisions of this By-law; or
- e. coverage is otherwise precluded under the provisions of this By-law;

the member of Council or employee shall not be entitled to coverage under this By-law, and the Region shall not be liable to pay any of the damages, costs awarded, expenses incurred, sums required in connection with settlement or the cost of defending any such member of Council or employee, except where such payments (if any) may otherwise be required by law.

16. Where the Region has determined that an individual is not entitled to coverage, that individual shall:
- a. be responsible for all costs in connection with representation in the action or proceeding;
  - b. reimburse the Region for all costs paid by the Region;
  - c. not be entitled to coverage under this By-law or to have the Region make any payments under this By-law; and
  - d. be responsible for payment of any penalty or damages or costs awarded or imposed against the individual in the action or proceeding.
17. This By-law does not apply to grievance and arbitration procedures that relate to a grievance filed under the provisions of a collective agreement.

~~This By-law also does not apply to applications or proceedings in relation to human rights, pay equity or labour relations matters, except in so far as the covered individual was acting within the course and scope of their employment at the time of the acts or omissions that gave rise to such applications or proceedings. [~~

18. This By-law does not apply to employees covered by provisions in or policies pursuant to a collective agreement which provide for indemnity of employees for acts done in the course of employment.
19. Notwithstanding anything in this By-law, the Region shall have the right to discipline or terminate the employment of employees as it may deem appropriate, having regard to any applicable collective agreement-, and such employees shall not be entitled to coverage under this By-law arising out of any such discipline or termination of employment.

#### **COUNCIL DISCRETION TO EXTEND COVERAGE**

20. The express provisions of this By-law shall not limit or preclude Council from exercising its otherwise existing discretion to extend coverage of the nature set out in this By-law beyond the coverage provided to a member of Council or employee as of right under this By-law in circumstances deemed appropriate by the Council.
21. A member of Council or employee, may make a request in writing that Council extend coverage under the discretion reserved to Council under section 20 and Council upon receipt of such a request shall direct the Regional Solicitor to report to Council with a recommendation respecting the request. The report of the Regional Solicitor shall have regard for and describe the outcome, if any, of proceedings related to the request, including any withdrawal of charges or verdict arrived at in any proceedings under the *Criminal Code* related to the request.

#### **COMMENCEMENT**

22. By-laws 38-2005 and 24-2014 are hereby repealed.
23. This By-law takes effect on the day that it is passed.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this \_\_\_\_ day of October, 2020.

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Regional Clerk

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Regional Chair



**APPROVED AT REGIONAL COUNCIL  
February 27, 2020**

**14.4 Report of the Regional Council Policies and Procedures Committee (PPC-1/2020)  
meeting held on February 6, 2020**

**6.2 Rules Governing the Conduct of the Regional Chair as it Relates to the Sharing  
of Information to Council as Collective Whole and Endorsement of Regional  
Council Position Statements**

**RECOMMENDATION PPC-4-2020:**

*That an additional Regional Council Policies and Procedures Committee meeting be  
scheduled on March 26, 2020 for consideration of the following matters:*

- *Update on the Chief Administrative Officer (CAO) Recruitment Process*
- *Governance Structure*
- *Motion from Councillor Saito Regarding item 6.2*

*And further, that item 6.1, titled "Resolution 2019-1069" and item 6.2, titled "Governing  
the Conduct of the Regional Chair as it Relates to the Sharing of Information to  
Council as Collective Whole and Endorsement of Regional Council Position  
Statements", be deferred to the March 26, 2020 Regional Council Policies and  
Procedures Committee meeting.*

Approved

2020-133

## Resolution



### Regional Council Policies and Procedures Committee:

**Date:** October 1, 2020

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**Moved by** Councillor Saito  
**Seconded by** n/a

That the Peel Regional Code of Conduct for Council and local boards, be amended by replacing the following sections as outlined below:

Section H, Sub-section v:

“The Regional Chair and Members of Council may communicate a personal position on an issue on which Regional Council has not taken a position or that is contrary to a position taken by Regional Council, but, in doing so, should make clear that they are not representing the Council and/or the Regional Municipality of Peel.”

Substitute Section I, Sub-section i:

“This Code applies in all respects to the Head of Council (including in his/her role as both Chair and CEO) and as a member of Regional Council.”

Substitute Section I - Regional Chair, Sub-section v.:

“The Regional Chair will work with Regional Council with regard to those decisions or authorities which have not been delegated to the Regional Chair by Council or provided to the Chair by legislation. The Head of Council (as both Chair and CEO) will only represent and promote those decisions reached by Regional Council as a whole.”

**APPROVED AT REGIONAL COUNCIL**  
**February 27, 2020**

**14.4 Report of the Regional Council Policies and Procedures Committee (PPC-1/2020)**  
**meeting held on February 6, 2020**

**6.1 RESOLUTION 2019-1069**

*Deferred to the next meeting of the Regional Council Policies and Procedures*  
*Committee* 2020-132

## Resolution 2019-1069

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

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

### Paragraph [105]:

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