Wednesday, April 20, 2016

3:00 p.m. – Regular Meeting

Closed Session (See Item 18) – Following Regular Business
(Under Section 239 of the Municipal Act, 2001)

Council Chambers – 4th Floor – City Hall

Members:
Regional Councillor M. Medeiros – Wards 3 and 4 (Chair)
Regional Councillor G. Gibson – Wards 1 and 5
Regional Councillor E. Moore – Wards 1 and 5
Regional Councillor M. Palleschi – Wards 2 and 6
Regional Councillor G. Miles – Wards 7 and 8
(Vice-Chair, Corporate and Financial Affairs)
Regional Councillor J. Sprovieri – Wards 9 and 10
(Vice-Chair, By-law Enforcement)
City Councillor D. Whillans – Wards 2 and 6
City Councillor J. Bowman – Wards 3 and 4
City Councillor P. Fortini – Wards 7 and 8
City Councillor G. Dhillon – Wards 9 and 10

For inquiries about this Agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact:

Sonya Pacheco, Legislative Coordinator
Phone (905) 874-2178, TTY (905) 874-2130, cityclerksoffice@brampton.ca

Note: Some meeting information may also be available in alternate formats, upon request.
Note: Please ensure all cell phones, mobile and other electronic devices are turned off or placed on non-audible mode during the meeting. Council Members are prohibited from sending text messages, e-mails and other electronic messaging during the meeting.

1. Approval of Agenda

2. Declarations of Interest under the Municipal Conflict of Interest Act

3. Consent

* The following items listed with an asterisk (*) are considered to be routine and non-controversial by the Committee and will be approved at this time. There will be no separate discussion of any of these items unless a Committee Member requests it, in which case the item will not be consented to and will be considered in the normal sequence of the agenda.

(8.1)

4. Announcements

5. Delegations

6. Staff Presentations

7. By-law Enforcement

8. Corporate and Financial Affairs

* 8.1. Report from D. Sutton, Director, Financial Planning and Budgets, Corporate Services, dated March 11, 2016, re: Temporary Borrowing By-law

Recommendation

To be received

9. Minutes


To be approved

10. Other/New Business

11. Referred Matters

Note: In accordance with the Procedure By-law, the Referred Matters List will be published quarterly on a meeting agenda for Committee’s reference and consideration. A copy of the current Referred Matters List for this Committee is publicly available on the City’s website.

12. Deferred Matters

13. Notices of Motion

14. Correspondence

15. Regional Council Business

16. Councillors’ Question Period
17. **Public Question Period**

15 Minute Limit (regarding any decision made at this meeting)

18. **Closed Session**


19. **Adjournment**

Next Meeting: May 4, 2016
Date: 2016-03-11

Subject: 2016 Temporary Borrowing By-law

Contact: David Sutton, Director, Financial Planning and Budgets, Corporate Services (905)874-2257 david.sutton@brampton.ca

Recommendations:

Whereas Section 407 of the Municipal Act 2001 S.O. 2001, c.25 as amended authorizes a municipal council to borrow money, as the council considers necessary, until the taxes are collected and other non-tax revenues are received, to meet the current expenditure of the Corporation for the year;

Therefore be it Resolved:

- That the report from David Sutton, Director, Financial Planning and Budgets, Corporate Services Department dated March 11, 2016, to the Corporate Services Committee meeting of February 3, 2016, re: 2016 Temporary Borrowing By-Law, be received, and

- That a by-law be enacted in accordance with Section 407 of the Municipal Act, 2001 to authorize the temporary borrowing of funds, if considered necessary by the Treasurer, to meet current expenditures for the year 2016, until sufficient taxes are collected and other non-tax revenue are received.

Overview:

- The Municipal Act, 2001 authorizes a municipality to borrow money, if the Treasurer considers it necessary, to meet the current expenditures of the Corporation for the year, until taxes are collected and other non-tax revenues are received.

- A by-law is required for the purpose of authorizing the Corporation to borrow money if deemed necessary to meet current expenditures for the year 2016.

- In the event the City of Brampton finds it necessary to borrow money for operational requirements, this By-law gives the Treasurer the authority to temporarily borrow money, subject to the legislative limitations.
Background:

Section 407(1) of the Municipal Act, 2001 states that at any time during a fiscal year, a municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amounts that the municipality considers necessary to meet the expenses of the municipality for the year and of the amounts, whether or not they are expenses for the year, that the municipality requires in the year.

Section 407(2) of the Municipal Act, 2001 sets out the requirement that the total amount that may be borrowed at any one time for the purposes described above plus any outstanding amounts of principal borrowed and accrued interests shall not exceed:

- From January 1\textsuperscript{st} to September 30\textsuperscript{th} in the year, 50\% of the total estimated revenues of the municipality as set in the Budget adopted for the year; and
- From October 1\textsuperscript{st} to December 31\textsuperscript{st} in the year, 25\% of the total estimated revenues of the municipality as set in the Budget adopted for the year.

Although actual borrowings under the provision have not been required for a considerable amount of time, Council has approved a Temporary Borrowing By-Law in prior years as a proactive measure for unforeseen circumstances.

Current Situation:

As in previous years, staff does not anticipate having to temporarily borrow money in 2016 to meet operational requirements. However, if the City of Brampton finds it necessary to borrow money for this purpose, this By-law gives the Treasurer the authority to temporarily borrow money, subject to the legislative limitations noted above.

The City of Brampton 2016 Budget was approved by Council on December 9, 2015.

The following table outlines the City of Brampton’s upper limits should borrowing be required in 2016, based on the City’s 2016 approved budget:

<table>
<thead>
<tr>
<th>Estimated Revenues set out in 2016 Budget</th>
<th>Maximum Borrowing Limits 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>between Jan 1 and Sep 30</td>
</tr>
<tr>
<td>$570 million</td>
<td>$286 million</td>
</tr>
</tbody>
</table>
Strategic Plan:

This report achieves the Strategic Plan priorities of Good Government by delivering the statutory responsibility for “handling all the financial affairs of the municipality on behalf of and in the manner directed by Council”.

Conclusion:

Finance staff is recommending that a by-law be enacted in accordance with Section 407 of the *Municipal Act, 2001* to authorize the temporary borrowing of funds, if considered necessary by the Treasurer, to meet current expenditures for the year 2016, until sufficient taxes are collected and other non-tax revenues are received.

Approved by

David Sutton, Director,  
Financial Planning and  
Budgets

Peter Honeyborne,  
Executive Director,  
Finance and Treasurer

Attachments:

By-law to authorize the temporary borrowing of funds for the year 2016

Report authored by: Maggie Wang
THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number ________-

To authorize the temporary borrowing of funds for the Year 2016
The Corporation of the City of Brampton

WHEREAS Section 407 of the Municipal Act 2001 S.O. 2001, c.25 as amended authorizes a municipal council to borrow money, as the council considers necessary, until the taxes are collected and other non-tax revenues are received, to meet the current expenditures of the Corporation for the year;

AND WHEREAS the Corporation of The City of Brampton (hereinafter called The City) finds it necessary to borrow from time to time, in accordance with Section 407 of the Municipal Act 2001 S.O. 2001, c.25 as amended;

AND WHEREAS the taxes levied or to be levied and other non-tax revenues to be raised for current expenditures of The City to be made during 2016 may not yet have been collected, or fully collected, and such taxes and other non-tax revenues hereafter to be collected will provide the monies required to repay the sums borrowed hereunder and interest thereon;

NOW THEREFORE the Council of The Corporation of the City of Brampton hereby ENACTS as follows:

1. The borrowing from time to time, in accordance with Section 407 of the Municipal Act 2001 S.O. 2001, c.25 as amended, if considered necessary by the Treasurer, of a sum or sums not exceeding during the period January 1 and September 30, 2016, fifty percent (50%) of the total; and, from October 1 and December 31, 2016, not exceeding twenty-five percent (25%) of the total of the estimated current revenues of The City, as set forth in the estimates adopted for the year, to meet the 2016 current expenditures of The City until the 2016 current revenue has been received, is hereby authorized, provided that the interest and other charges connected therewith do not exceed the interest that would be payable at the minimum lending rate of the majority of the Schedule A Chartered Banks with branches in the City of Brampton, at the date of borrowing.

2. The City Treasurer is hereby authorized and directed to apply in payment of all sums borrowed as aforesaid, together with interest thereon, all the monies comprising the current revenue of The City hereafter received.
3. Until the estimates are adopted, the limitations upon borrowing set out in paragraph 1, shall temporarily be calculated on the estimated revenues of the City of Brampton as set forth in the estimates adopted for the previous year.

4. Any two of the Mayor, Chief Administrative Officer, Treasurer, or Deputy Treasurer, are hereby authorized to execute on behalf of The City, any documentation necessary to effect the temporary borrowing authorized by this by-law.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this ___th day of April, 2016.

_______________________
MAYOR LINDA JEFFREY

Approved as to content:

___________________________   ____________________
Peter Honeyborne,   Peter Fay,
Executive Director, Finance &   City Clerk
Treasurer
Date: 2016-03-04

Subject: 2015 Access to Information Requests Processed under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and Status of Various Appeals to the Information and Privacy Commissioner of Ontario (IPC) of Decisions of the Head for the Institution (City of Brampton) on Access to Information Requests.

Contact: David DeForest, Freedom of Information Coordinator, Corporate Services, 905-874-2745

Recommendations:

1. That the report from David DeForest, Freedom of Information Coordinator, dated March 4, to the Corporate Services Committee Meeting of April 20, 2016 re: 2015 Access to Information Requests Processed under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and Status of Various Appeals to the Information and Privacy Commissioner of Ontario (IPC) of Decisions of the Head for the Institution (City of Brampton) on Access to Information (FOI) Requests, be received.

Overview:

- This report provides statistical information regarding the number of formal requests for information under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) for 2015.

- The basis of the information is the annual report of such statistics to the Information and Privacy Commissioner of Ontario.

- In September 2012, Council approved Recommendation CW223-2012 directing the City Clerk, as delegated Head for the purpose of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), to report to Council for information regarding any appeals to the Information and Privacy Commissioner of Ontario (IPC) of decisions on MFIPPA Access Requests made by the Head.

- This information report also provides a status of current appeals filed with the Information and Privacy Commissioner of Ontario (IPC) of
decisions on MFIPPA Access Requests made by the Head (see comments in Closed Report).

Background:

MFIPPA: The City's Statutory Obligations

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), which imposes legal obligations upon municipalities and other institutions, establishes an access to information regime that balances public access to information with protection of privacy based on the following purposes:

1. To provide a right of public access to information under the control of the municipality, based on the following principles:
   a. information should be made available to the public;
   b. necessary exemptions from the right of access should be limited and specific; and,
   c. decisions on the disclosure of information should be reviewed independently of the municipality controlling the information.

2. To protect individual personal information and allow an individual access to his/her own personal information held by the municipality.

MFIPPA sets out legally binding requirements for providing public access to information under municipal control, and a process which is initiated by an access to information request (informally known as a freedom of information, or FOI request).

Responsibility of the City Clerk

Under MFIPPA, responsibility for administering requests for access to a record rests with the "Head" of an institution. For purposes of the legislation, a municipality is an "institution". Council delegated the powers and duties of the Head to the City Clerk by By-law No.102-90 and Delegation of Authority By-law 191-2011.

Processing access to information requests is an administrative function which the City Clerk's Office performs independently. Performance of this function requires knowledge of the legal requirements of MFIPPA as well as the institution's programs and records management practices. Whether a record is disclosed in response to an access to information request is determined solely by the City Clerk. The Clerk's decision will depend upon the nature of the information requested and the manner in which it is required to be treated by statute.

The responsibilities of the City Clerk in exercising the powers and duties of the Head with respect to requests for access to information include the following:

- adhering to time limits and notification requirements;
- considering representations from third parties;
• providing a response to access requests;
• determining the method of disclosure;
• calculating and collecting fees;
• where necessary, defending decisions made under the Act at an appeal.

Annual Reporting to IPC of Statistical Information

The City Clerk, exercising the powers and duties of the Head, is also required to report annually to the Information and Privacy Commissioner of Ontario (IPC), providing statistical information on the number and types of access requests received, and the decisions made on those requests. The annual report for 2015 was filed on February 29, 2016. This information report contains a summary of statistical information provided to the IPC.

Reporting to Council re: Appeals to the IPC of Decisions on Access to Information Requests

In September 2012, Council approved Recommendation CW223-2012 directing the City Clerk, as delegated Head for the purpose of MFIPPA, to report to Council for information regarding any appeals to the IPC of decisions on MFIPPA access requests made by the Head.

This information report also provides a status of appeals to the IPC of decisions on MFIPPA Access Requests made by the Head.

Current Situation:

Annual Statistics:

The following is a chart of the number of access to information requests received* from 2010 to 2015:

<table>
<thead>
<tr>
<th>Year</th>
<th>Requests to City Clerk's Office</th>
<th>Requests to Building Division</th>
<th>Total Requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>78</td>
<td>1984</td>
<td>2062</td>
</tr>
<tr>
<td>2014</td>
<td>99</td>
<td>1499</td>
<td>1598</td>
</tr>
<tr>
<td>2013</td>
<td>66</td>
<td>1366</td>
<td>1432</td>
</tr>
<tr>
<td>2012</td>
<td>39</td>
<td>1308</td>
<td>1347</td>
</tr>
<tr>
<td>2011</td>
<td>59</td>
<td>1237</td>
<td>1332</td>
</tr>
<tr>
<td>2010</td>
<td>40</td>
<td>913</td>
<td>953</td>
</tr>
</tbody>
</table>

*Note that requests are not always processed in the calendar year in which they are received, particularly when the request is received late in the year.

Requests to the Building Division are for information related to building permits, plans and surveys, and are processed directly by Planning and Infrastructure Services. As the overwhelming majority of access to information requests involving Building Division records are, in practice, general records requests which can more
appropriately be processed as part of a proactive disclosure program, the Clerk’s Office is working with the Building Division to establish proactive disclosure practices so these types of general records requests are no longer reported as formal access to information requests.

Requests to the City Clerk's Office are related to all other matters, including dog owner information, complaint information, agreements, and other City records. The trend over the past few years has been an increase in requests that are voluminous, involve third party interests, and require significant analysis on the part of staff and external legal counsel.

In 2015, 2,062 requests were received and 2,061 requests were processed. Of the requests that were processed, 1,815 were from individuals, 25 were from agents or representatives of the requestors, 211 were from businesses and 9 were from the media. City staff also responds to informal requests on a routine basis, with this information provided to requestors outside of the MFIPPA processes.

As required by MFIPPA, certain fees are prescribed and applied to formal access to information requests. In 2015, a total of $10,275.00 was collected in application fees and additional fees of $60,810.82 were collected for research, preparation, and reproduction of records.

Since the start of 2015, access to information requests are posted to the City’s website for public reference. These requests are numbered in sequence as received, and include an index associated with each request containing a complete description of the request, itemized responsive records, and an indication of any exemptions applied to disclosure.

Status of Appeals:

A decision of the Head for the institution is appealable to the IPC by the requestor, and in some cases by an affected party. The IPC appeal process includes mediation as a first step to resolve an appeal, followed by adjudication, if necessary.

6 decisions on access were appealed to the IPC in 2015 (5 appeals were filed by the person requesting information and 1 appeal was filed by an affected third party). One appeal was resolved at mediation, one appeal is currently at the mediation stage and four appeals are currently at adjudication. In addition, an appeal from 2014 which involved eight access requests was resolved at adjudication.

Corporate Implications:

To ensure the municipality complies with its obligations under MFIPPA, the City Clerk's Office:

- Continues to work with all departments, and in consultation with Legal Services, to respond to access to information requests;
- Provides coaching and training on access and privacy to all departments; and,
Conducts Privacy Impact Assessments and Privacy Risk Assessments on new technologies, information systems, programs and policies to identify and mitigate potential privacy issues and risks as required.

Financial Implications:
In response to heightened public awareness of privacy protection, the City Clerk’s Office is experiencing increasing demand for Privacy Impact Assessments and Privacy Risk Assessments causing an ever-increasing strain on resources available to conduct the assessments. Additional staff will be necessary to maintain current service levels in the years to come.

Other Implications: - nil

Strategic Plan:

MFIPPA promotes government accountability and transparency by providing a right of access to information. Access to information and protection of privacy is central to a customer-oriented corporate culture. This report achieves the Strategic Plan priority of Good Government by contributing to a climate of service excellence.

Conclusion:

The City is subject to MFIPPA and must comply with the legislation when processing requests for access to City records. The City Clerk is appointed by Council as Head under MFIPPA and exercises the powers and duties of the Head in accordance with the Act. The City Clerk will continue to report to Council regularly to provide annual statistical information on access to information requests and on appeals of decisions on MFIPPA access requests to the IPC.

David DeForest, Freedom of Information Coordinator

Peter Fay, City Clerk and Director of Council and Administrative Services

Attachments:

Nil.

Report authored by: David DeForest
Tuesday, March 29, 2016

Members Present: Broker Representatives:
Milton Bhangoo
Makhan Dhother
Joe Farrugia
Avtar Grewal

Plate Owner Representatives:
Louis Gotzamanis
Amarjit Grewal
Jaswant Uppal

Driver Representatives:
Daljit Gill
Rajinder Rai
Lynn Slade

Citizen Representatives:
Ravinder Chahal
Sushil Ninawat

Accessibility Advisory Committee Representative:
Raymond Shaver

Council Member Representatives:
City Councillor P. Fortini – Wards 7 and 8
City Councillor G. Dhillon – Wards 9 and 10

Members Absent: Zafar Tariq (Plate Owner Representative)

Staff Present: Corporate Services:
John Avbar, Director, Enforcement and By-law Services
James Bisson, Manager, Licensing Enforcement
Earl Evans, Deputy City Clerk
Sonya Pacheco, Legislative Coordinator
The meeting was called to order at 1:07 p.m., recessed at 3:10 p.m., reconvened at 3:19 p.m. and adjourned at 3:49 p.m.

1. **Approval of Agenda**

   The following motion was considered.

   TC001-2016 That the agenda for the Taxicab Advisory Committee meeting of March 29, 2016 be approved as amended to add the following items:

   6.4. Discussion at the request of Makhan Dhother, Committee Member, re: **Deferring Training for New Taxicab Drivers**.

   7.1. Correspondence from Baljit Pandori, on behalf of the Board of Directors, Peel Taxi Association, dated September 18, 2015, re: **Municipal Rideshare and Unlicensed for Hire Operations**.

   Carried

2. **Declarations of Interest under the Municipal Conflict of Interest Act** – nil

3. **Previous Minutes** – nil

4. **Delegations/Presentations**

4.1. Presentation by Earl Evans, Deputy Clerk, Corporate Services, re: **Committee Orientation and Meeting Procedures**.

Following an introduction of Committee Members and staff, Earl Evans, Deputy City Clerk, Corporate Services, provided a presentation, which included information on the following:

- Orientation Binders
- Merits of Re-Establishing TAC (CS165-2015)
- TAC Member Appointments
- TAC Terms of Reference
- Advisory and Consultative Role of Committee
- City By-laws
- Provincial Legislation
- Quorum and Meeting Attendance
- Agendas and Minutes
Meeting Procedures
City of Brampton Departments
Role of Legislative Coordinator
Role of Committee Members

James Bisson, Manager, Licensing Enforcement, Corporate Services, presented statistical information regarding Brampton’s taxi industry (as of January 1, 2016).

Committee discussion took place with respect to the following:

- Clarification regarding declaration of conflicts of interest
- Advertisements for brokerages that are not licensed in Brampton and related enforcement challenges
- Concerns regarding the lack of taxi stands at Bramalea City Centre and Shopper’s World and information from staff that private properties are not required to designate space for taxis
- Concerns regarding the lack of taxi stands at bus terminals

The following motion was considered.

TC002-2016 That the presentation by the following staff, to the Taxicab Advisory Committee Meeting of March 29, 2016, re: Committee Orientation and Meeting Procedures / Taxicab Industry be received:
   1. Earl Evans, Deputy Clerk, Corporate Services
   2. James Bisson, Manager, Licensing Enforcement, Corporate Services.

Carried

5. Reports – nil

6. Other/New Business

6.1. Election of Chair and Vice Chair / Co-Chairs – Taxicab Advisory Committee

Earl Evans, Deputy City Clerk, Corporate Services, explained the election process for nominations of Chair and Vice-Chair or Co-Chairs.

There was Committee consensus to elect a Chair and Vice Chair for this Committee.

Mr. Evans called for nominations for the position of Chair.
City Councillor Dhillon was nominated for the position of Chair.

City Councillor Dhillon asked if any other Committee members were interested in this position, and stated his preference that a citizen member be appointed as Chair. No members expressed an interest in this position and City Councillor Dhillon accepted the nomination.

No further nominations were put forward and Mr. Evans called for a motion to close the nominations.

Mr. Evans then called for nominations for the position of Vice-Chair.

City Councillor Fortini and Daljit Gill were nominated for the position of Vice-Chair.

Both candidates accepted the nomination.

No further nominations were put forward and Mr. Evans called for a motion to close the nominations.

Mr. Evans outlined the process for voting where there is more than one candidate nominated for a position. A vote was taken by a show of hands and City Councillor Fortini was the successful candidate.

The following motion was considered:

TC003-2015 1. That City Councillor G. Dhillon be appointed Chair of the Taxicab Advisory Committee for the term ending November 30, 2018, or until a successor is appointed; and,

2. That City Councillor P. Fortini be appointed Vice-Chair of the Taxicab Advisory Committee for the term ending November 30, 2018, or until a successor is appointed.

Carried

Note: City Councillor Dhillon assumed the position of Chair for the remainder of the meeting.

6.2. Discussion at the request Avtar Grewal, Committee Member, re: Taxicab Cameras.

James Bisson, Manager, Licensing Enforcement, Corporate Services, provided the following information regarding the new in-car surveillance cameras:

- Details on the specifications of the new in-car surveillance cameras
Council decision to extend the deadline for compliance of in-car surveillance cameras from November 30, 2015 to March 1, 2016
Number of vehicles without the new cameras installed and confirmation that staff is working with the industry to achieve compliance
Requests from the industry to extend the deadline for compliance for the following reasons:
  o All 2007 vehicles must be replaced by May 31, 2016
  o Taxi owner licenses are due for renewal on May 31, 2016 and it is anticipated that some licenses will not be renewed.

Committee discussion took place with respect to the requirement for new in-car surveillance cameras and included the following:
  • Status of Council’s direction to staff to work with the taxicab industry to explore affordable alternative models of in-car cameras to the ones currently approved
  • Concerns regarding the affordability of the new cameras
  • Indication that the majority of vehicles have the new cameras and are in compliance
  • Justification for replacing the old cameras and the enhanced reliability and quality of the new cameras
  • Suggestion that a further extension for compliance with the new standards for in-car surveillance cameras be granted until June 15, 2016

The following motion was considered.

TC004-2016 Whereas on December 9, 2015 City Council approved a recommendation which extended the deadline for compliance with in-car surveillance cameras from November 30, 2015 to March 1, 2016; and,

Whereas registered taxicabs with a 2007 model year must be replaced by May 31, 2016 with a vehicle that meets the model year requirements of the Mobile Licensing By-law, including requirements for new in-car surveillance cameras; and,

Whereas another model of camera may be available to fulfill the City’s by-law requirements; and,

Whereas all taxi owner licences must be renewed by May 31, 2016;
Therefore Be It Resolved that it is the position of the Taxicab Advisory Committee that the remaining taxicabs which have not complied with the new standard for in-car surveillance cameras be granted a final extension of time for compliance by June 15, 2016.

Carried


Committee discussion took place with respect to the frequency of meetings for this Committee and included:

- a suggestion to meet on a monthly basis
  - Staff cautioned that due to report approval timelines, staff may not be able to report on issues on a monthly basis
- request that a discussion item regarding UBER be listed as an item on the next meeting agenda
- consideration of various dates for the next meeting
- Committee consensus that future meetings be scheduled to commence at 2:30 p.m.

The following motion was considered.

TC005-2016 That the next Taxicab Advisory Committee meeting be scheduled to take place on Tuesday, April 19, 2016 at 2:30 p.m.

Carried

6.4. Discussion at the request of Makhan Dhother, Committee Member, re: Deferring Training for New Taxicab Drivers.

Committee discussion took place with respect to the training program for new taxicab drivers, as follows:

- Concerns were raised regarding the length of time to complete the training program and obtain a taxicab driver license
  - It was noted that the process to join UBER is quicker
- Requirements in the Mobile Licensing By-law relating to the driver training program
- Possibility of issuing a conditional taxicab driver license, subject to completion of the driver training program within a prescribed period of time
- Issues relating to the frequency of driver training classes and the minimum class size requirement
- Importance of the training program to the taxi industry, as it demonstrates the drivers’ qualifications and experience in serving the public
- Request that consideration be given to a graduated licensing system which requires “on the job” training
- Challenges in hiring new taxicab drivers due to the lengthy licensing process and high cost

James Bisson, Manager, Licensing Enforcement, Corporate Services, advised that he would provide an update regarding this matter at the next meeting.

7. **Correspondence**

7.1. Correspondence from Baljit Pandori, on behalf of the Board of Directors, Peel Taxi Association, dated September 18, 2015, re: Municipal Rideshare and Unlicensed for Hire Operations.

The following motion was considered.

TC006-2016 That the correspondence from Baljit Pandori, on behalf of the Board of Directors, Peel Taxi Association, dated September 18, 2016, to the Taxicab Advisory Committee Meeting of March 29, 2016, re: Municipal Rideshare and Unlicensed for Hire Operations be received. Carried

8. **Information Items**

8.1. Council Resolution C035-2016 re: Transportation Network Companies (“TNC”), such as UBER.

Note: Resolution C035-2016 was passed by Council on February 24, 2016 and was provided for information only.

James Bisson, Manager, Licensing Enforcement, Corporate Services, advised that staff will proceed with the review of the Mobile Licensing By-law in light of TNC Apps and operations such as UBER, as directed by Council Resolution C035-2016 (passed on February 24, 2016). Mr. Bisson added that staff will seek input from this Committee and the industry regarding this matter.
City Councillor Dhillon, Chair, requested that Committee members provide suggestions/ideas at the next meeting with respect to this matter.

9. **Question Period** – nil

10. **Public Question Period** – nil

11. **Adjournment**

   The following motion was considered.

   TC007-2016 That the Taxicab Advisory Committee do now adjourn to meet again on Tuesday, April 19, 2016 or at the call of the Chair.

   Carried
Date: April 19, 2016
To: Chair and Members of Corporate Services Committee
From: Peter Simmons, Chief Corporate Services Officer
Subject: Regional Governance: Options for Election of the Regional Chair

Chair and Members of Corporate Services Committee,

Further to discussions at the Council meeting of April 13, 2016 regarding Regional Governance, as requested we are providing you with background information relating to the options for the election of the Regional Chair.

Attached to this report, is a report to Regional Council Meeting of July 4, 2013 titled “Election of the Regional Chair”. This information report advised Council of the process for moving to a system of electing a Chair of Council by general election, and provided information on the status of other Regions in the 905 areas.

To provide Committee with most recent information, we have also reached out to the Regional Municipalities of York, Durham, Halton, Waterloo and Niagara and requested information on their current process for selecting a regional chair. The outcome of this research is attached.

We trust this information is helpful and note that it is provided for information purposes and to assist in informing discussions on this matter at City Council and Committee meetings, as well as informing Regional Councillors as part of the ongoing work of the Regional Governance Task Force.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Peter Simmons
Chief Corporate Services Officer

Enclosures

Cc. Madam Mayor Jeffrey
DATE: June 28, 2013

REPORT TITLE: ELECTION OF THE REGIONAL CHAIR

FROM: Norma Trim, Chief Financial Officer and Commissioner of Corporate Services

OBJECTIVE

To advise members of Council of the process for moving to a system of electing a Chair of Council of the Region of Peel by general election.

REPORT HIGHLIGHTS

- At the June 27, 2013 Regional Council meeting a resolution was passed requesting a report on the process to be followed in electing a Chair of the Council of the Region of Peel.
- Currently the Regional Chair is appointed by Members of Council at the inaugural meeting by means of a secret ballot.

DISCUSSION

1. Background

At the June 27, 2013 the following motion was passed:

"That staff prepare a report for the next Regional Council meeting based on the following:

1. Outline the present position on electing a Chair;
2. Outline the process to be followed as indicated in any legislation in electing a Chair of the Region across the Region of Peel;
3. Status of the present action by other Regions in the 905 area and status of the provincial approval to-date."

The Municipal Act, 2001 states in section 218 (1)2 that "the head of council shall be elected by general vote, in accordance the Municipal Elections Act, 1996 or shall be appointed by the members of council".

The Regional Municipality of Peel Act, 2005, Section 1 (2) states that the composition of Regional Council is to include a Regional Chair who is to be appointed by the members of the Regional Council. However, that Act also expressly contemplates that the change to the composition of Regional Council may be made using the process described below.
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2. Findings

The status of other Regions in the 905 area with respect to the election of the Regional Chair is as follows:

a) Halton Region

The Regional Municipality of Halton has been electing the Regional Chair by general vote since 2000.

b) Durham Region

At the December 22, 2010 Regional Council meeting, a resolution was passed to request the Minister of Municipal Affairs and Housing (MMAH) to enact a regulation authorizing Durham Regional Council to initiate the legislated local processes to change the method of selecting the Regional Chair. As a result, Ontario Regulation 3/12 under the Municipal Act, 2001 came into force on January 10, 2012, and it authorized Durham Regional Council to initiate such processes. The Council of The Regional Municipality of Durham passed By-law No. 19-2012 on April 4, 2012, to change the method of selecting the Regional Chair to that of election by general vote, in accordance with the Municipal Elections Act, 1996. All processes were finalized and the Regional Chair will be elected by general vote at the next regularly scheduled municipal election to be held in October 2014.

c) York Region

A York Region MPP, Reza Moridi, tabled a private member’s bill in April 2012, to have the Region of York’s Regional Chair elected by general vote; however, it was not enacted. Regional Council then passed a motion that dealt with the size of Council and it was confirmed that the Regional Chair would continue to be appointed.

Currently, another private members bill has been introduced, which has had its 2nd reading. Bill 16, introduced by Dr. Helena Jaczak in February 2013, is to amend the Municipal Act, 2001 to provide that the head of Council of The Regional Municipality of York must be elected.

Bill 16 has been ordered referred to the Standing Committee of the Legislative Assembly.

In the case of York Region, Bill 16, if enacted, would bypass the process set out below, which is the existing local process for obtaining a legal change to the manner of electing the Chair.

3. Process

The process to be followed should Council decide to pursue the election of the Chair by general vote, provided for under Sections 218 and 219 of the Municipal Act, 2001 is as follows:

1. Regional Council passes a resolution requesting the authorization of the MMAH to initiate the prescribed process to change the method of selecting the Regional Chair.

2. Upon the coming into force of the regulation authorizing the change (the “Enabling Regulation”), Regional Council proposes a by-law to change the method of selecting
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a Regional Chair to election by general vote, in accordance with the Municipal Election Act, 1996.

3. The Clerk gives notice of Regional Council’s intention to pass a by-law under the Municipal Act, 2001 and holds at least one public meeting to consider the matter.

4. The by-law must pass by a “triple majority”. This is achieved when:

i) the by-law receives a majority of all votes by Regional Council;
ii) the majority of councils of the lower tier municipalities pass resolutions consenting to the by-law, and
iii) the total of the electors at the lower tier municipalities that have passed resolutions consenting to the by-law form a majority of all the electors in the region.

5. The by-law will come into force on the day the council is organized following the first regular election after the by-law is passed, provided that the by-law is not passed in the year of a regular election.

6. The first regular election after the passing of the by-law will be conducted as if the by-law was already in force.

7. Upon enactment of the by-law the Regional Clerk shall amend the Procedure By-law accordingly.

The effect of this process is that provided that the Enabling Regulation is requested by Regional Council and comes into force, notice is given, a public meeting is held and the by-law is enacted by Regional Council during the calendar year of 2013; and further provided that two area municipalities (one of which must be the City of Mississauga) adopt resolutions of consent, the general election of the Chair could proceed at the time of the 2014 general election.

Alternatively, the Legislature could bypass those requirements by enacting legislation for the Region of Peel in the same terms as those set out in Bill 16 regarding York Region.
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CONCLUSION

This report responds to direction given by Regional Council to report on the process to be followed should Council decide in favour of a change to the method by which the Regional Chair is elected.

Norma Trim
Chief Financial Officer
and Commissioner of Corporate Services

Approved for Submission:

D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Kathryn Lockyer at extension 4325 or via email at kathryn.lockyer@peelregion.ca

Authored By: Ava Macintyre

P. O'Connor, Regional Solicitor
APPENDIX 1
BY-LAW 100-2012

APPOINTMENT OF THE REGIONAL CHAIR

1. DEFINITIONS

(a) "Inaugural Meeting" means the first meeting of Regional Council following a regular election at which Regional Council is obligated to appoint a Chair, and at which a sufficient number of Members are present to form a quorum;

(b) "Majority Vote" means, for the purpose of the appointment of the Chair at the Inaugural Meeting, more than half the votes cast by all the Members present at the Inaugural Meeting.

(c) "Member" means, for the purpose of the appointment of the Chair at the inaugural Meeting, a person who is described in paragraphs 2, 3 and 4 of subsection (1) of the Regional Municipality of Peel Act, 2005 S.O. 2005 c. 20 and who has taken the declaration of office required to take a seat on Regional Council;

(d) "Nominee" is a person named in a motion at the Inaugural Meeting that he or she be appointed to the position of Regional Chair and who has consented in writing to take office as Regional Chair if appointed, and who is:

   (i) eighteen years of age or older;
   (ii) a Canadian citizen;
   (iii) a resident of The Regional Municipality of Peel or is the owner or tenant of land in the Regional Area or is the spouse of such owner or tenant; and
   (iv) not otherwise legally disqualified from holding such office.

(e) "Scrutineer" is a person appointed under the procedures set out in this Appendix for the purpose of confirming the results determined by the Regional Clerk of all votes by secret ballot for the appointment of the Chair at the Inaugural Meeting.

2. MOTIONS FOR THE APPOINTMENT OF THE CHAIR

(a) Following the organization of the new Regional Council at the Inaugural Meeting, the Regional Clerk shall call for motions to appoint the Chair. Each motion must be in writing, moved and seconded by a Member present;

(b) Each Nominee named in a motion for appointment of the Chair must consent in writing to take office as Regional Chair if appointed;

(c) The Regional Clerk shall take as many motions for the appointment of the Chair as may be made by Members present and after seeing no further motions shall call for a motion that no further motions for the appointment of the Chair be received which shall be voted on in open Council and shall be carried by a Majority Vote;

(d) Following the passing of a motion that no further motions for the appointment of the Chair be received, the Regional Clerk shall call upon the mover, seconder and Nominee of each motion to appoint the Chair, in the order that the motions were received, to speak to that motion, once, for no longer than five minutes each;

(e) If there is only one Nominee for appointment as Chair the motion for appointment shall be voted on in open council and shall be carried by a Majority Vote;

(f) If there is more than one Nominee for appointment as Chair, the motions to appoint the Chair shall be voted on all together by secret ballot as set out below;

(g) A Nominee may withdraw his or her name at any time up until a motion to appoint the Nominee as Chair has been passed and the Nominee has taken the required declaration of office as Chair.

3. SCRUTINEER
(a) Before any vote by secret ballot is taken for the appointment of the Chair, the Regional Clerk shall appoint a Scrutineer who shall be a qualified person designated by the firm that is the external auditor of the Regional Corporation at the time of the Inaugural Meeting.

(b) A person is qualified to be appointed as Scrutineer only if the person is:

(i) eighteen years of age or older;
(ii) not a member of the Council of, or an employee of, the Regional Municipality of Peel or any of its lower-tier municipalities or its or their local boards or municipal corporations, or the spouse, parent, child or sibling of such a member of council or employee; and
(iii) prepared to take the oath or affirmation of office as prescribed in this Appendix.

(c) If any Member objects to the appointment of the Scrutineer made by the Regional Clerk, the appointment must be made by a majority vote on a motion to appoint the Scrutineer in open council.

(d) No qualified person who has been appointed Scrutineer shall take office unless and until that person makes an oath or affirmation in the following form:

"I [insert name] hereby solemnly swear [or affirm] that I know of no reason that would disqualify me from acting as Scrutineer and that I will truly, faithfully and impartially carry out the duties of Scrutineer and that I will not now or hereafter disclose to anyone any information obtained during the conduct of my duties as Scrutineer that would indicate how any Member of Regional Council voted for the appointment of the Chair."

(e) The Scrutineer is authorized to:

(i) inspect the ballot box and the ballots and all other papers, forms and documents relating to any vote by secret ballot (but not so as to delay the timely conduct of the vote);
(ii) place his or her own seal on the ballot box, immediately before the calling of any vote, so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal;
(iii) examine each ballot as the votes are being counted by the Regional Clerk on any vote, but not to touch the ballot; and
(iv) object to a ballot or to the counting of votes.

(f) If the Scrutineer makes no objection to a ballot or the counting of votes, the Scrutineer shall:

(i) sign the statement of the results of the election prepared by the Regional Clerk; and
(ii) be present at the time of destruction of the ballots after the vote.

(g) The Scrutineer shall hold office only for the purpose of the appointment of the Chair and upon the appointment being made the Scrutineer is discharged from such office, and notwithstanding the appointment to such office, Council may at any time terminate the appointment of the Scrutineer, replace the Scrutineer or dispense with the requirement to appoint a Scrutineer by resolution passed by a majority vote in open Council without notice and without giving reasons and without providing any opportunity to be heard.

4. VOTING FOR THE APPOINTMENT OF THE CHAIR BY SECRET BALLOT

(a) The Regional Clerk shall prepare the ballots for each vote on the motions to appoint the Chair as follows:

(i) The Nominees' names shall appear on the ballots in alphabetical order, based on their surnames and if required, forenames;
(ii) The Nominees names shall appear as they are written on the consent to take office but with surname first followed by the forename;
(iii) No reference to a nominee's occupation, degree, title, honour, decoration, sex or marital status shall appear on the ballot;
(iv) A space for marking the ballot shall appear to the right of each nominee's name;
(v) The Regional Clerk shall initial each ballot on the back to identify it as a valid ballot;
(vi) The ballots shall not be numbered nor shall there be any indication on any ballot that identifies the Member to whom it is given or who has marked it.

(b) When the ballots have been prepared the Regional Clerk shall call upon each Member in alphabetical order of their surnames to receive their ballot and proceed to the voting place which the Regional Clerk shall provide to allow Members to mark their ballots in secret.
(c) When a Member has marked his or her ballot the Member shall fold the ballot to conceal its face and deposit the folded ballot in a ballot box provided by the Regional Clerk that has been sealed by the Regional Clerk so that it cannot be opened without breaking the seal.

(d) Members may vote for only one Nominee on any ballot by marking a cross [X] in the space provided to the right of the Nominee's name on the ballot. Members may not make any other mark on the ballot or it shall be considered spoiled and shall not be counted. Any unmarked ballot shall be considered spoiled and shall not be counted. Any ballot that does not have the initials of the Regional Clerk on the back shall be considered spoiled and shall not be counted. Any ballot that is marked so that it is not reasonably apparent to the Regional Clerk as to which Nominee is being voted for shall be considered spoiled and shall not be counted.

(e) When all Members present have cast their ballots in the ballot box, the Regional Clerk shall recess the Inaugural Meeting and take the ballot box to a place for counting the ballots at which only the Clerk and the Scrutineer may be present.

(f) The Regional Clerk shall open the ballot box in the presence of the Scrutineer and proceed to count the ballots.

(g) When the ballots have been counted the Regional Clerk shall write the results on a statement of results that shall show only the names of the Nominees and the number of votes cast for each Nominee and the number of spoiled ballots, if any. The Regional Clerk shall sign the statement of results and ask the Scrutineer to sign the statement of results to show concurrence with the result.

(h) When the Regional Clerk and the Scrutineer have signed the statement of results, the Regional Clerk shall reconvene the Inaugural Meeting and announce the results in accordance with the statement of results.

(i) If the Scrutineer objects to the determination of the results of the vote made by the Regional Clerk and refuses to sign the statement of results, the Regional Clerk shall reconvene the Inaugural Meeting, announce that there is no confirmation of the result and the vote shall be taken again in accordance with this Appendix.

(j) Immediately following the announcement of the result of any vote by secret ballot or if there is no confirmation of the result, the Regional Clerk shall cause all ballots cast in the vote to be destroyed.

(k) A vote cast by any Member by secret ballot for any Nominee shall be a vote in favour of the motion to appoint that Nominee Chair.

(l) On any vote by secret ballot a Majority Vote is required to carry the motion for appointment of the Chair and once a Majority Vote has been achieved in respect of any Nominee, the Regional Clerk shall announce that the motion to appoint that Nominee carries and shall record it as a resolution of Regional Council in the proceedings of the Inaugural Meeting. The Regional Clerk shall then invite the appointed Nominee to take the required declaration of office, following which the appointed Chair shall commence presiding at the Inaugural Meeting.

(m) If on any vote by secret ballot a Majority Vote is not achieved then the Regional Clerk shall announce that a further vote must be taken and such further vote shall be taken in the manner provided for in this Appendix, except that, subject to clause (n) below, the motion to appoint the Nominee in respect of which the least number of votes were cast on the previous vote shall be deemed to have failed and that Nominee's name shall not be included on the ballot for any subsequent vote.

(n) If on any vote by secret ballot a Majority Vote is not achieved and there was an equality of votes in respect of any Nominees, and there were no Nominees in respect of which there were fewer votes cast than for those in respect of which there was an equality of votes, the Regional Clerk shall announce that a further vote must be taken and such further vote shall be taken in the manner provided for in this Appendix and the names of all Nominees in the previous vote shall be included on the ballot.

(o) After the announcement of the result of any vote by secret ballot in which a Majority Vote is not achieved, at the request of any member the Regional Clerk shall recess the Inaugural meeting for ten minutes or for such other time as the Regional Clerk considers appropriate.

(p) Except as otherwise provided in this Appendix, the Rules of Procedure in this By-law apply to the conduct of the Inaugural Meeting.
<table>
<thead>
<tr>
<th>Regional Municipality</th>
<th>Method of Selection of the Chair</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halton</td>
<td>General vote (directly elected)</td>
<td>Since 2000</td>
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</tbody>
</table>
| Durham                | General vote (directly elected)  | Since 2014  
Regional Council composition review just completed, submitted to the Minister. |
| York                  | Appointed by Regional Council    | Motion to elect Regional Chair lost in February. Adopted recommendations to take a broader look at Regional Governance |
| Waterloo              | General vote (directly elected)  | Since 1996  
Comprised of Chair, 7 area municipal mayors, and 8 directly elected Regional Councillors |
| Niagara               | Appointed by Regional Council by secret ballot | May only select a Chair from membership of Regional Council |