



BRAMPTON

Governance & Council Operations Committee
The Corporation of the City of Brampton

Date: Monday, March 1, 2021

Time: 9:30 a.m.

Location: Council Chambers - 4th Floor, City Hall - Webex Electronic Meeting

Members:

Regional Councillor P. Fortini (Chair)	Wards 7 and 8
Regional Councillor M. Medeiros	Wards 3 and 4
Regional Councillor P. Vicente	Wards 1 and 5
Regional Councillor G. Dhillon	Wards 9 and 10
City Councillor C. Williams	Wards 7 and 8

NOTICE: In consideration of the current COVID-19 public health orders prohibiting large public gatherings and requiring physical distancing, in-person attendance at Council and Committee meetings will be limited to Members of Council and essential City staff. Public attendance at meetings is currently restricted. It is strongly recommended that all persons continue to observe meetings online or participate remotely.

For inquiries about this agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact: Terri Brenton, Legislative Coordinator, Telephone 905.874.2106, TTY 905.874.2130 or e-mail cityclerksoffice@brampton.ca

Note: Meeting information is also available in alternate formats upon request.

1. **Call to Order**

Note: The City Clerk will conduct a roll call at the start of the meeting.

2. **Approval of Agenda**

3. **Declarations of Interest under the Municipal Conflict of Interest Act**

4. **Consent**

In keeping with Council Resolution C019-2021, agenda items will no longer be pre-marked for Consent Motion approval. The Meeting Chair will review the relevant agenda items during this section of the meeting to allow Members to identify agenda items for debate and consideration, with the balance to be approved as part of the Consent Motion given the items are generally deemed to be routine and non-controversial.

5. **Announcements (2 minutes maximum)**

6. **Delegations (5 minutes maximum)**

7. **Staff Presentations**

7.1. Staff Presentation re: Procedure By-law 160-2004 – Context Information for Discussion

See Item 10.1

8. **Reports**

9. **Other Business/New Business**

9.1. Discussion Item at the Request of Councillor Santos re: Council Code of Conduct and Human Resource Policies

10. Deferred/Referred Matters

10.1. Council Meeting Procedures and Procedure By-law Review

See Item 7.1

City Council, at its February 17, 2021 meeting, referred the following matter to this Committee:

That the following motion be referred to the Governance and Operations Committee meeting of March 1, 2021, for consideration:

Whereas the 2018-2022 Term of Council Priorities include continuously improving the day-to-day operations of the City of Brampton;

Whereas the existing City of Brampton Procedural Bylaw dates back to 2004 and has since been amended thirty-three (33) times;

Whereas a clear and concise procedural bylaw and implementation of such, represents good governance and will provide Council and Committee members in addition to the general public greater clarity and transparency in the decision-making process;

THEREFORE BE IT RESOLVED

That a procedural by-law review committee be established to review the existing by-law with a focus on:

a) improving clarity to the public around the decision-making process;

b) identifying potential opportunities to streamline City Council and Committee decision making;

c) exploring best procedural practices used in other municipalities; and

That City Staff be requested to provide Council with a draft terms of reference that includes a public engagement component soliciting their feedback to be incorporated into the review at large

11. Notice of Motion

12. Correspondence

13. Councillor Question Period

14. Public Question Period

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

During the meeting, the public may submit questions regarding decisions made at the meeting via email to the City Clerk at cityclerksoffice@brampton.ca, to be introduced during the Public Question Period section of the meeting.

15. Closed Session

15.1. Open Meeting exception under Section 239 (2) (b) and (d) of the Municipal Act, 2001:

Personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations.

16. Adjournment

Next Meetings:

Monday, May 17, 2021 – 9:30 a.m.

Monday, September 20, 2021 – 9:30 a.m.

Date: 2021-02-25

Subject: **Procedure By-law 160-2004 – Context Information for Discussion**

Contact: **Peter Fay, City Clerk, Legislative Services Department**

Report Number: Legislative Services-2021-291

Recommendations:

That the presentation titled: Procedure By-law 160-2004 – Context Information for Discussion, to the Governance and Council Operations Committee meeting of March 1, 2021, be received.

Procedure By-law 160-2004

Context Information for Discussion

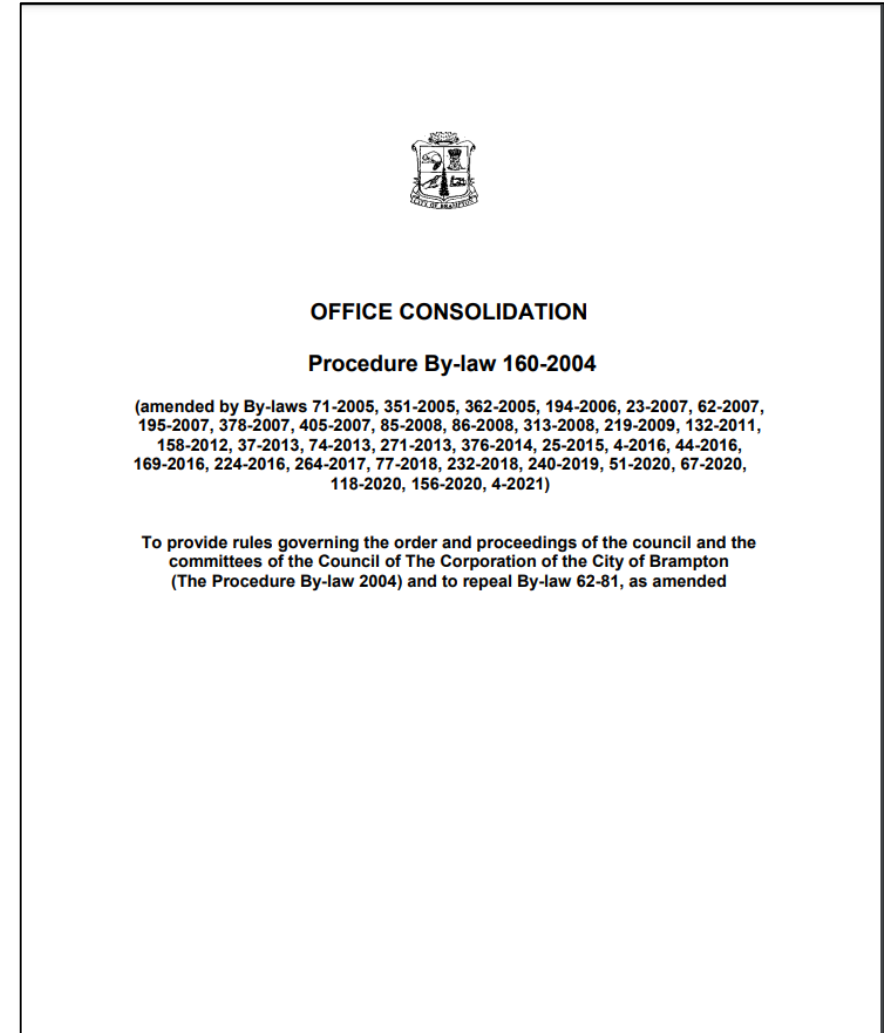
Governance and Council Operations Committee

March 1, 2021



Overview

- What is it?
- Why have one?
- City's By-law
- Issues and Opportunities
- Moving Forward



Procedure By-law 160-2004

- Mandatory by *Municipal Act, 2001 (sect. 238 (2))*
 - Shall pass a by-law for governing the calling, place and proceedings of meetings
 - Applies to Council and “committee”
 - “committee” which at least 50% of the Members are Members of Council
 - “Meeting” is any gathering of Council or Committee
 - where quorum is present, and
 - Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee
 - Shall provide for public notice of meetings
 - May provide for meetings to be held outside the municipality
 - May provide for electronic participation (open and closed session; counting for quorum)
 - May provide for a “presiding officer” (by secret ballot)
- Set of rules for meetings, making decisions and conduct
 - approved and amended by Council
- Current version enacted in 2004, with 33 amendments to date

Principles

Upholding fundamental Member rights for a meeting:

- The majority have the right to decide on a matter
- The minority have the right to be heard on a matter
- All Members have the right to information to help make decisions, unless prevented by law
- All Members have the right to an efficient meeting
- All Members have the right to be treated with respect and courtesy
- All Members have equal rights, privileges and obligations

Table of Contents

- Definitions
- Council and Committee Meetings – General
- Mayor not Present
- Order of Business at Meetings
- Calling a Meeting to Order and Quorum
- Duties of the Chair
- Rules of Debate in Council Meetings
- Notice of Motion
- Motions
- Points of Order and Privilege
- Conduct of Members at Meetings
- Direction to Staff by Council or Committee
- Reopening a Question
- Suspension of Rules in Procedure By-law
- Conflict with legislation
- Conflict with legislation
- Matters not provided for in Procedure By-law
- Short Title – The Procedure By-law 2004
- Process to Appoint Additional Regional Councillor Pursuant to By-law 320-2005
- City Council Workshops
- Public Notice Provisions
- Electronic Meetings During a Declared Emergency
- Electronic Meetings During a Non-Emergency Period

Issues and Opportunities

- Council vs. Committee
- ceremonial/public awareness business vs. business meeting
- electronic vs. in-person meetings
- written vs. oral
- new business vs. published business
- late additions vs. agenda timelines
- discussion item vs. notice of motion
- notice vs. no notice of business
- friendly vs. not-so-friendly amendments
- deferral vs. referral
- open session vs. closed session
- direction vs. motions
- proxy voting
- requested vs. as-of-right delegations
- referred matters list
- within or ultra vires jurisdiction
- meeting length vs. breaks
- movers vs seconders
- public question period
- majority vs. two-thirds vs. unanimous votes

Moving Forward – Referred Motion

Whereas the 2018-2022 Term of Council Priorities include continuously improving the day-to-day operations of the City of Brampton;

Whereas the existing City of Brampton Procedural Bylaw dates back to 2004 and has since been amended thirty-three (33) times;

Whereas a clear and concise procedural bylaw and implementation of such, represents good governance and will provide Council and Committee members in addition to the general public greater clarity and transparency in the decision-making process;

THEREFORE BE IT RESOLVED

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- a) improving clarity to the public around the decision-making process;
- b) identifying potential opportunities to streamline City Council and Committee decision making;
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That City Staff be requested to provide Council with a draft terms of reference that includes a public engagement component soliciting their feedback to be incorporated into the review at large

Review Approach

Options for Leading the Review:

1. Governance and Council Operations Committee
 - Has current mandate
2. New Council Committee
 - Requires Council approval of terms of reference and composition

Section 2.6 - Other Committees

- 1) The Council may at any time establish and appoint a committee from time to time for such purpose as deemed appropriate, based on terms of reference considered by Council and approved by resolution or by-law.
- 2) The members required to serve on such a committee shall be appointed by resolution.
- 3) The Mayor is an ex-officio member of any committee established by this subsection.
- 4) Any committee established by this subsection that includes members, who are not exclusively members of Council, shall also comply with the City's citizen-based advisory committee guideline and appointment procedure, as approved and amended by Council.
- 5) Each committee shall appoint from among its members a chair and vice-chair, or co-chairs, for approval by resolution.
- 6) Committees established by this subsection shall report to a standing committee or the Council, as set out by resolution.

Considerations / Work Plan

- Review objectives
- Benchmarking
 - recent and ongoing by-law reviews in other municipalities
- Public engagement
 - broad engagement
 - focused engagement
- Member engagement
- Staff engagement
- Timelines
- Staff support and review facilitation

Next Steps

- Governance and Council Operations Committee:
 - consideration of referred motion
 - instructions to staff to proceed and approach

Thank you!