



BRAMPTON

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

Date: Monday, November 23, 2020

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.

As of September 16, 2020, limited public attendance at meetings will be permitted by preregistration only (subject to occupancy limits). It is strongly recommended that all persons continue to observe meetings online or participate remotely. To register to attend a meeting in person, please [complete this form](#).

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. Delegations

5. Consent

All items listed with an caret (^) are considered to be routine and non-controversial by Council and will be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it in which case the item will be removed from the consent resolution and considered in its normal sequence on the agenda.

(nil)

6. Announcements (2 minutes maximum)

7. Delegations (5 minutes maximum)

8. Staff Presentations

9. Reports

9.1. Staff Report re: Councillor Usage of Consultants – Follow up (RM 60/2020)

To be received

10. Other Business/New Business

11. Deferred/Referred Matters

12. Notice of Motion

13. Correspondence

14. Councillor Question Period

15. 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.

16. Closed Session

- 16.1. Minute Extracts - Closed Session - November 4, 2019 Governance and Council Operations Committee and November 20, 2020 City Council

Appendix 2 to open session staff report titled: Councillor Usage of Consultants - Follow-up.

- 16.2. 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.

17. Adjournment

Next Meeting: Monday, March 1, 2021 – 9:30 a.m.

Date: 2020-09-29

Subject: **Councillor Usage of Consultants – Follow up**

Contact: Mark Medeiros, Acting Director of Finance / Treasurer,
905.874.2520, Mark.Medeiros@brampton.ca

Report Number: Corporate Support Services-2020-409

Recommendations:

That the report titled: **Councillor Usage of Consultants – Follow up (GC013-2020)**, to the Governance and Council Operations Committee Meeting of November 23, 2020, be received.

Overview:

- At its meeting on September 21, 2020, the Governance and Council Operations Committee (“GCOC”) requested staff to further review and report on the details of the contract for Consulting Services agreed to by Councillor Williams, and any requirement to pay a penalty in relation thereto, and the chronology of events and decisions regarding the use of consultants by Members of Council, to a future meeting of the GCOC.
- This report provides the details as requested by the September 21, 2020 GCOC meeting.

Background:

The GCOC, at its September 21, 2020 meeting, requested staff to further review and report on the details of the contract for Consulting Services agreed to by Councillor Williams, and any requirement to pay a penalty in relation thereto, and the chronology of events and decisions regarding the use of consultants by Members of Council, to a future meeting of the GCOC.

Current Situation:

The following are key details of the contract for Consulting Services agreed to by Councillor Williams. A copy of the covering memorandum and contract, as provided to Finance staff on March 30, 2020, has also been included as an appendix to this report.

- Date of contract – September 10, 2019
- Scope of consulting work included (but not exclusive to):
 - o Strategic Counsel
 - o Policy Review
 - o Policy Development
 - o Staff Coaching
 - o Media Training
 - o Media Relations
 - o Correspondence
- Fees to be \$25,000 plus HST for five month period starting from September 15, 2019 to February 14, 2020 or \$5,000 per month plus HST
- Contract may be terminated by written notice prior to end of term with payment of difference between \$25,000 plus HST and any amount remitted up until that point
- Balance owing due on net 30 day terms at 2% per month (24% per annum)

The following is a chronology of key events and decisions regarding the use of consultants by Members of Council:

1. September 16, 2019 - Governance and Council Operations Committee Meeting:

[Link to Committee Minutes](#)

Committee Recommendations

Recommendation GC039-2019

Whereas Councillors are expected to comply with the Code of Conduct, that the Code extends to all Council staff and external service providers/contractors hired by Councillors; and

That staff be requested to report back on consultants being used by Councillors; how the type of services provided could be reported for transparency; and the relationship

between consultants and staff, to the November 4, 2019 meeting of the Governance and Council Operations Committee.

Motion GC040-2019 (lost)

That until such time as the report is considered, that no further Lost commitment for additional services be made by Councillors, and payment not to be provided for any such consulting invoices received for new services rendered from this point forward.

2. September 23, 2019 – Finance staff follow up:

As a follow up to the resolution passed on September 16, 2019, Finance staff sent an email to all Councillors requesting confirmation if they:

- a) Have hired or engaged any Consultants during the current term of Council?
- b) If yes, the nature and duration of the work for which the Consultant was hired or engaged to perform and their associated fees.
- c) Alternatively, if Finance can be provided with a copy of any contract entered into between the Councillor and the Consultant.

Responses were received by Finance staff from the following Councillors:

- i. Councillor Bowman,
- ii. Councillor Singh,
- iii. Councillor Palleschi,
- iv. Councillor Santos,
- v. Councillor Fortini,
- vi. Councillor Dhillon,
- vii. Councillor Vicente,
- viii. Councillor Medeiros and
- ix. Councillor Whillans.

3. September 25, 2019 – City Council Meeting:

[Link to Council Minutes](#)

Council Resolutions

Resolution C354-2019

1. That the Minutes of the Governance and Council Operations Committee Meeting of September 16, 2019, to the Council Meeting of September 25, 2019, be received; and,
2. That Recommendations GC034-2019 to GC041-2019 be approved, as outlined in the subject minutes.

4. November 4, 2019 – Governance and Council Operations Committee Meeting:

[Link to Committee Minutes](#)

Committee Recommendations

Note: The Governance and Council Operations Committee also considered this matter in closed session. Information regarding the closed session is provided to the Committee under the separate closed session agenda.

Recommendation GC043-2019

That Committee proceed into Closed Session to consider matters pertaining to the following:

- 14.1. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Recommendation GC044-2019

1. That the City of Brampton Members of Council Expense Policy be revised to align with that of the City of Toronto with regard to the usage of consultants by Councillors, and to also potentially align with the standard City practices for retaining consultants, by way of a staff report;
2. That a freeze be placed on Councillor retention of consulting services, effective November 4, 2019, pending the staff report identified within the preceding clause;
3. That payment of any outstanding invoices for consulting services procured by a Councillor not be undertaken pending the review, and that such existing invoices be provided to the Committee and the public, upon request.

Recommendation GC045-2019

That the presentation by Zeeshan Majid, Senior Manager, Accounting Services, and Deputy Treasurer, Corporate Services, to the Governance and Council Operations Committee Meeting of November 4, 2019, re: [Update – Consultants in the Council Office \(RM 115/2019\)](#), be received.

5. November 20, 2019 – City Council Meeting:

[Link to Council Minutes](#)

Council Resolutions

Note: City Council also considered this matter in closed session. Information regarding the closed session is provided to the Committee under the separate closed session agenda.

Resolution C413-2019

That the agenda for the Regular Council Meeting of November 20, 2019, be approved as amended, as follows:

To add:

- 21.6 Litigation or potential litigation, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communication necessary for that purpose;

Resolution C422-2019

1. That the Minutes of the Governance and Council Operations Committee Meeting of November 4, 2019, to the Council Meeting of November 20, 2019, be received;
2. That Recommendations GC042-2019 to GB043-2019 and GC045-2019 to GC048-2019 be approved, as outlined in the subject minutes; and,
3. That Recommendation GC044-2019 be approved, as amended, to read as follows:

GC044-2019

1. That the City of Brampton Members of Council Expense Policy be revised to align with that of the City of Toronto with regard to the usage of consultants by Councillors, and to also potentially align with the standard City practices for retaining consultants, by way of a staff report;
2. That a freeze be placed on Councillor use of consulting services, effective November 20, 2019, pending the staff report identified within the preceding clause; and,
3. That payment of any outstanding invoices for consulting services submitted to the City of Brampton Accounts Payable by 2:20 p.m., November 20, 2019 be paid, procured by a Councillor, and any beyond this time not be undertaken pending the review, and that such existing invoices be provided to the Committee and the public, upon request.

6. February 3, 2020 – Governance and Council Operations Committee Meeting:

[Link to Committee Minutes](#)

Committee Recommendations

Motion GC003-2020 (lost)

1. *That the report titled: Revisions to Councillors' Expense Policy – Consulting Services (RM 132/2019), to the Governance and Council Operations Committee Meeting of February 3, 2020, be received; and*
2. *That the updated Councillors' Expense Policy attached to the subject report, be approved.*

Recommendation GC004-2020

That the proposed revisions to the [Councillors' Expense Policy – Consulting Services \(RM 132/2019\)](#) be referred to staff for clarification on permissible expenses with regard to external service providers, for a report to the next meeting of the Governance and Council Operations Committee;

That the report back include the prohibition on the use of consultants; and

That the freeze on the use of consultants (Resolution C422-2019) be maintained until Council makes a further decision on the matter.

7. February 5, 2020 – City Council Meeting:

[Link to Council Minutes](#)

Council Resolutions

Resolution C041-2020

1. That the Minutes of the Governance and Council Operations Committee Meeting of February 3, 2020, to the Council Meeting of January 22, 2020, be received; and,
2. That Recommendations GCW001-2020 to GC005-2020 be approved, as outlined in the subject minutes.

8. March 23, 2020 – Agreement cancellation invoice received:

Email received by Finance staff from Councillor Williams' office with cancellation of agreement invoice (\$15,000+HST= \$16,950 – invoice did not include any late payment charges).

9. March 30, 2020 – Copy of contract received:

Email received by Finance from Councillor Williams' office providing a copy of contract with consultant (Appendix 1).

10. April 15, 2020 – Agreement cancellation invoice with late payment charges:

Follow up email from Councillor Williams' office to Finance with new invoice including late payment charges – (\$15,000 + HST + \$300 late payment charges [@ 2% per month]).

11. April 27, 2020 – Processing of agreement cancellation invoice:

As per the Councillor Expense Policy, the Treasurer approved the invoice (\$15,000 + HST + \$300 late payment charges) and invoice payment was processed after consultation with Legal, Clerks and Office of CAO. The invoice payment was compliant with Resolution C422-2019, the Purchasing By-law and was eligible under the existing Councillor Expense Policy.

12. September 21, 2020 – Governance and Council Operations Committee Meeting:

[Link to Committee Minutes](#)

Committee Recommendations

Recommendation GC012-2020

1. That the report titled: [Update to Councillors' Expense Policy \(RM 12/2020\)](#), to the Governance and Council Operations Committee Meeting of September 14, 2020, be received; and
2. That the updated Councillors' Expense Policy and Annual Statement of Remuneration and Expenses ("SOR") format attached to the subject report be approved.

Recommendation GC013-2020

That staff be requested to further review and report on the details of the contract for Consulting Services agreed to by Councillor Williams, and any requirement to pay penalty in relation thereto, and the chronology of events and decisions regarding the use of consultants by Members of Council, to a future meeting of the Governance and Council Operations Committee.

13. September 30, 2020 – City Council Meeting:

[Link to Council Minutes](#)

Council Resolutions

Resolution C358-2020

1. That the Minutes of the Governance and Council Operations Committee Meeting of September 21, 2020, to the Council Meeting of September 30, 2020, be received; and,
2. That Recommendations GC011-2020 to GC016-2020 be approved as outlined in the subject minutes.

Corporate Implications:

Financial Implications:

There are no direct financial implications related to this report.

Other Implications:

There are no other implications resulting from this report.

Strategic Plan:

This report supports our Strategic Plan's strong foundation of Good Government and the principles of accountability and transparency.

Term of Council Priorities:

This report fulfils the Council Priority of a Well-run City through effective stewardship of municipal assets.

Conclusion:

This report provides the GCOC with the requested details of the contract for Consulting Services agreed to by Councillor Williams and the chronology of events and decisions regarding the use of consultants by Members of Council.

Authored by:

Reviewed by:

Zeeshan Majid,
Senior Manager, Accounting Services
and Deputy Treasurer, Corporate
Support Services Author/Principal Writer

Mark Medeiros, Acting Director of Finance /
Treasurer, Corporate Support Services

Approved by:

Submitted by:

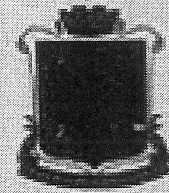
Michael Davidson, Commissioner,
Corporate Support Services

David Barrick, Chief Administrative Officer

Attachments:

Appendix 1 Contract for Consultant

Appendix 2 Closed Session - Minute extracts from the Nov-4 GCOC and Nov- 20
City Council meeting (provided only to Members of Council as part of the
closed session agenda)



MEMORANDUM

November 25, 2019

Memo to: Rob Davis, Rob Davis and Associates Inc
Memo From: City councillor Charmaine Williams

RE: Termination of letter of agreement dated September 10, 2019

Please be advised that subject to a decision made by Brampton City Council at it's meeting of November 20, 2019, I am invoking my right to terminate our agreement for the provision of consulting services to my office and the City of Brampton. Please provide me with your final invoice for payment.

Regards,

Charmaine Williams
City Councillor

Rob Davis & Associates Inc.

September 10, 2019

Councillor Charmaine Williams
City of Brampton
2 Wellington street West
Brampton, Ontario
M1V 4E9

Councillor Williams:

RE: Provision of Consulting Services to Councillor Charmaine Williams and the City of Brampton

It has been a great pleasure providing you with ad hoc consulting services over the past five months in your role as Brampton City Councillor for ward 7 & 8. The following is my understanding of your needs and an outline of an agreement to provide services to you and your office over the next five months.

The Client

The client, Charmaine Williams, is a first-term City Councillor. The client currently chairs the Community Safety Advisor Committee and sits on a number of community based boards and committees as appointed by Brampton City council. The client has long-time community roots and has lived in the community for many years.

Councillor Williams is interested in turning as many community based solutions into official public policy through advocacy at the provincial, and federal levels, and direct policy changes at the City level and in Regional government.

Statement of work

The consultant will from time to time advise the councillor and her office staff on developing a legislative plan in co-operation with the appropriate city staff, creating a budget, managing issues as they occur, assisting in the design of communications strategy for special projects that engage the community, media and fellow political leaders and utilizing advocacy tactics which are proven.

The scope of work will include but not be exclusive to the following:

- Strategic Counsel
- Policy review
- Policy development
- Staff coaching
- Media training
- Media relations
- Correspondence

Cont'd ...p/2

Fees
Rob Davis and Associates Inc. will bill Councillor Charmaine Williams and the City of Brampton \$25,000 plus HST for the five month period starting from September 15, 2019 to February 14, 2020 or \$5,000 per month plus HST.

Expenses
Any and all expenses will be approved by Councillor Charmaine Williams or her designate in advance. All expenses incurred by Rob Davis and Associates Inc. will be paid by the client within 15 days of the expense being submitted for reimbursement.

Renewal
The term of this agreement will end on February 14, 2020. The client may renew the terms of this agreement for one period of five months by written notice served at the consultant's address at least 60 days prior to the end of the this agreement.


Termination
The client may terminate this agreement immediately by serving the consultant and or his agent with written notice. By terminating this agreement prior to the end of the term, the client, Councillor Charmaine Williams and the City of Brampton, agrees to pay the difference between \$25,000 plus HST and any amount remitted up until that point. The balance owing will be due on net 30 day terms at 2 per cent per month (24% per annum). The consultant will provide an invoice for the balance owing at the time of termination.

I look forward to working with you on this exciting project. By signing this letter of agreement below you agree to the terms as set out above.

Regards,


Rob Davis
For Rob Davis & Associates Inc.

Sept 11/2019
Date


Councillor Charmaine Williams
For the City of Brampton

Sept 11/2019
Date

I hereby acknowledge receipt of a signed copy of this agreement.


Councillor Charmaine Williams

Date Sept 11/2019