

**Date:** 2020-12-14

**Subject:** **Consent Motion Approval Methodology at Council and Committee Meetings**

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**Report Number:** Legislative Services-2020-390

**Recommendations:**

That the report titled: **Consent Motion Approval Methodology at Council and Committee Meetings**, to the Committee of Council meeting of January 20, 2021, be received.

**Overview:**

- Council requested staff report back on an alternative method for determining the Consent Motion for adoption of routine and non-controversial agenda business at a meeting.
- Staff reviewed similar Consent Motion processes in place in Caledon, Mississauga, the Region and Peel and Toronto.
- If Council wishes to change its Consent Motion methodology, it could do so on a trial basis to determine its efficacy for meetings, after which a permanent amendment to Procedure By-law 160-2004, as amended, could be considered.

**Background:**

At the October 28, 2020 City Council meeting, Resolution C408-2020 was adopted as follows:

That the City Clerk be requested to report on options with regard to methodology for Consent Motion during City Council and Committee meetings.

Council requested information regarding possible alternatives to Council's process for determining its Consent Motion, based on examples followed in other municipalities such as Mississauga, Caledon, the Region of Peel and City of Toronto.

This report provides information to Council on alternative methodologies for Council's consideration

## **Current Situation:**

### City of Brampton Process:

Procedure By-law 160-2004, as amended, defines the Consent Motion as follows:

“consent motion” means a single motion to approve the recommendations arising out of a number of items of business on the agenda of a meeting which items are considered to be routine and non-controversial.

Further, Section 4.2 of the Procedure By-law prescribes the Consent Motion process as follows:

#### 4.2 Consent Motion

- (1) The agenda for a meeting shall identify by asterisk (\*) those items which are considered to be routine and non-controversial and may be approved by a single motion.
- (2) Any member, before the consent motion is voted on, may remove any number of items of business from the consent motion and each such item shall be dealt with separately and pursuant to section 9 in the order in which the item appears on the agenda.
- (3) Any member, before the consent motion is voted on, may add to the consent motion, any number of items of business from the agenda.
- (4) In the event that a member declares a conflict of interest on an item that is included in the consent motion, that item shall be removed from the consent motion and dealt with separately and pursuant to section 9 in the order in which the item appears on the agenda.
- (5) No matter which requires binding funding commitments for which there is no previously approved funding, unless Council retains its discretion to consider the funding at a future date, shall be included on a consent motion.

In practice, the Consent Motion is generally only included for City Council, its Standing Committees, and other committees primarily comprised of Members of Council. It is not used for citizen-based advisory committees or administrative tribunals.

The process of identifying agenda items for inclusion with the Consent Motion starts with City staff identifying certain staff reports deemed routine and non-controversial for

listing on a meeting agenda for Consent Motion approval. At the meeting, Members of Council or the applicable committee may propose to add to or remove items from the Consent Motion for approval as part of one single motion.

The Consent Motion is a useful procedural tool, which contributes to an efficient meeting and allows Council or committee to focus on other substantive matters during a meeting after routine and non-controversial business has been approved.

#### Use of Consent Motion in Other Jurisdictions:

##### City of Mississauga:

The City of Mississauga defines the Consent Motion in a similar manner to Brampton. The process involves the following:

- The Mayor or Chair of General Committee reads out each agenda item to be included in the Consent Agenda.
- If a Member identifies that they wish to speak to a matter, it shall not be included in the Consent Agenda and shall be dealt with separately in the order in which the item appears on the agenda.
- In the event that a Member declares a conflict of interest on an item, that item shall not be included in the Consent Agenda and shall be dealt with separately in the order in which the item appears on the agenda.
- All items listed under the Consent Agenda shall be voted on through one Consent Motion and that motion shall be neither debatable nor amendable.
- The Consent Motion is voted by way of a recorded vote.

##### Town of Caledon:

The Town of Caledon defines the Consent Motion in a similar manner to Brampton. The process involves the following:

- Items of business listed on the Committee agenda which are, generally routine in nature and would not require debate, shall be listed as consent items and may be approved collectively by a single motion.
- The Meeting Chair reads out each agenda item to be included in the Consent Motion.
- A Member may make brief comments to a consent item prior to the consideration of the adoption of the matters listed, however, if a member wishes to debate or amend the recommendation of an item; the item shall be removed from the consent list and dealt with as a separate item.
- Minutes of the previous meetings of Council and Committee shall be listed as Consent items for consideration and approval.

##### Regional Municipality of Peel:

The Region of Peel defines the Consent Motion in a similar manner to Brampton. The process involves the following:

- The Chair reads out each agenda item to be included in the Consent Agenda.
- If a Member identifies that they wish to speak to a matter, it shall not be included in the Consent Agenda and shall be dealt with separately in the order in which the item appears on the agenda.
- In the event that a Member declares a conflict of interest on an item, that item shall not be included in the Consent Agenda and shall be dealt with separately in the order in which the item appears on the agenda.
- All items listed under the Consent Agenda shall be voted on through one Consent Motion.
- The Consent Motion is voted by way of a recorded vote.

#### City of Toronto:

The City of Toronto defines its process for a Consent Motion as “Holding Matters” with rules suitable to a multi-day meeting with numerous agenda items. An overview of the process is listed below, based on Toronto’s procedure by-law rules, but is more complex than required for Brampton’s context:

- A Member may submit to the Clerk a written list of the matters on the Council meeting agenda that they wish to hold for debate or questions
  - The list must be received in the Clerk’s Office after the agenda has been distributed to Members and before 4:30 p.m. of the last business day before a Council meeting.
- The Clerk lists matters that Members request to hold on the Meeting order paper.
- Only the first Member to submit to the Clerk a request to hold a matter under is named on the order paper as holding the matter.
- At the meeting, during review of the order paper, the Chair asks if there are any other Member holds of agenda items, after which a motion is placed to adopt the order paper.
- When the Chair calls the matter for debate, the Member who held the matter, if present, will be the first speaker after the committee Chair or the Mayor.
- If the Member who held the matter is not present, Council will continue to debate and consider the matter.
- A Member may release a matter that the member held at any of the following times on the orders paper:
  - The start of the meeting day;
  - Immediately after the lunch recess;
  - Before the scheduled recess at the end of the meeting day; or
  - When the matter is called for debate and questioning;
  - After all other business has been completed.
- After a Member has released a matter that the Member had held, with the consent of Council another Member may request that the matter be held after stating a reason for requesting the hold.

#### Changing the Process for Identifying Agenda Items for the Consent Motion:

Compared to the current Brampton process (pre-meeting staff recommended consent items with Member additions and removals in the meeting), the Caledon, Mississauga and Region of Peel processes all use a different method (no pre-meeting identification and in-meeting item-by-item agenda review by Members) to achieve the same result – a single motion to approve routine or non-controversial business. Based on a review of a sampling of recent meetings from the comparator Peel municipalities, either process (Brampton vs. Caledon/Mississauga/Peel Region) generally takes about the same amount of time to consider and vote on the Consent Motion.

If Council wishes to pilot the Caledon/Mississauga/Peel Region methodology, it could pass a motion to pilot the Consent Motion process for a three (3) month period before deciding whether to permanently amend the Procedure By-law. A suggested motion and pilot process for Council's consideration includes the following:

Whereas Council feels it is appropriate to consider a new method for the Consent Motion on a trial basis for the consideration of routine and non-controversial agenda business during meetings;

Therefore Be It Resolved:

That the items to be included for the Consent Motion be determined by Members of Council at each applicable Council or committee meeting;

That the following temporary method to determine the Consent Motion be followed for a period of three (3) months for meetings employing the Consent Motion:

1. No staff reports or agenda items shall be listed for consent approval prior to the start of the meeting;
2. At the time of the agenda dealing with the Consent Motion, the Chair shall read out each agenda item to determine whether to include with the Consent Motion;
3. The Consent Motion shall not apply to the following agenda business included on respective meetings agendas:
  - a. Announcements
  - b. Presentations
  - c. Delegations
  - d. Member Questions Period
  - e. Public Question Period
4. If a Member identifies to the Chair that they wish to speak to an agenda item, it shall not be included in the Consent Motion and shall be dealt with separately in the order in which the item appears on the agenda;
5. In the event that a Member declares a conflict of interest on an item, that item shall not be included in the Consent Motion and shall be dealt with separately in the order in which the item appears on the agenda;
6. All items listed under the Consent Motion shall be voted on through one Consent Motion and that motion shall be neither debatable nor amendable;
7. The Consent Motion is voted by way of a recorded vote;

8. The Member identified to speak to an item held from inclusion in the Consent Motion shall be the first speaker on the item at time of consideration; and
9. If the Member is not present when the held agenda item is on the floor for consideration, Council or committee may hold the item until the Member returns to the meeting, refer or defer the item, or consider the item at that time.

That Section 4.2 of Procedure By-law 160-2004, as amended, be waived accordingly, until an amendment is brought forward for enactment to the By-law after the trial period is completed.

That this trial process for the Consent Motion shall apply only to City Council and other committees where the majority of the membership includes Members of Council; and

That Committee of Council shall consider this matter further at its April 28 meeting to determine whether an amendment to the Procedure By-law is warranted.

### **Corporate Implications:**

#### Financial Implications:

There are no financial implications resulting from this report.

#### Other Implications: - nil

### **Term of Council Priorities:**

This report achieves the Term of Council Priority of Brampton as a Well-run City by ensuring City Council and its committees hold effective and efficient decision-making meetings.

### **Conclusion:**

Council requested staff to report on possible methodologies for using the Consent Motion in Council and committee meetings. Staff have presented some alternative processes for Council's consideration. Council may decide to amend the Procedure By-law to change the Consent Motion process or introduce changes on a trial basis for three (3) months and then decide whether to amend its Procedure By-law or not.

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