

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



OFFICE CONSOLIDATION

Procedure By-law 160-2004

(amended by By-laws 71-2005, 351-2005, 362-2005, 194-2006, 23-2007, 62-2007, 195-2007, 378-2007, 405-2007, 85-2008, 86-2008, 313-2008, 219-2009, 132-2011, 158-2012, 37-2013, 74-2013, 271-2013, 376-2014, 25-2015, 4-2016, 44-2016, 169-2016, 224-2016, 264-2017, 77-2018, 232-2018, 240-2019, 51-2020, 67-2020, 118-2020, 156-2020, 4-2021)

To provide rules governing the order and proceedings of the council and the committees of the Council of The Corporation of the City of Brampton (The Procedure By-law 2004) and to repeal By-law 62-81, as amended

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

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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

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

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!