



Minutes

Governance & Council Operations Committee

The Corporation of the City of Brampton

Monday, March 1, 2021

Members Present: Regional Councillor Fortini (Chair)
Regional Councillor Medeiros
Regional Councillor Vicente
Regional Councillor Dhillon
City Councillor Williams

Other Members Present: Regional Councillor Santos
Regional Councillor Palleschi
City Councillor Bowman

Staff Present: D. Barrick, Chief Administrative Officer
M. Davidson, Commissioner, Corporate Support Services
S. Aujla, Director, Human Resources, Corporate Support Services
S. Akhtar, City Solicitor, Legislative Services
P. Fay, City Clerk
C. Gravlev, Deputy City Clerk
T. Brenton, Legislative Coordinator

The meeting was called to order at 9:30 a.m. and adjourned at 11:25 a.m.

1. Call to Order

As this meeting of the Governance and Council Operations Committee was conducted with electronic participation by Members of Committee, the meeting started with the City Clerk calling the roll for attendance at the meeting, as follows:

Members present during roll call: Regional Councillor Dhillon, City Councillor Williams, Regional Councillor Medeiros, Regional Councillor Vicente, and Chair Fortini

Members absent during roll call: nil

2. Approval of Agenda

Committee discussion took place with respect to proposed amendments to the agenda.

The following motion was considered.

GC007-2021

Moved by Regional Councillor Medeiros

That the agenda for the Governance and Council Operations Committee Meeting of March 1, 2021 be approved as amended to add:

9.2 Discussion at the request of Councillor Medeiros re: Closed Session Procedures;

9.3 Discussion at the request of Councillor Vicente re: Process for Quarterly reports on Purchasing Activity; and,

9.4 Discussion at the request of Councillor Dhillon re: Revised Meeting Agenda.

Carried

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

Nil

4. Consent

In keeping with Council Resolution C019-2021, Chair Fortini noted that Closed Session Item 15.1 was the only relevant agenda item for consideration under consent.

The following motion was considered.

GC008-2021

Moved by Regional Councillor Vicente

That Closed Session Item 15.1 be approved under consent.

Carried

See Recommendation GC013-2020 below.

5. Announcements

Nil

6. Delegations

Nil

7. Staff Presentations

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

Item 10.1 was brought forward and dealt with at this time.

Peter Fay, City Clerk, provided a presentation titled: “Procedure By-law 160-2004 – Context Information for Discussion”.

Committee discussion on this matter included:

- importance of a review of the Procedure By-law
- areas of concerns within the by-law including, but not limited to:
 - new business additions at meetings
 - late staff reports and documents

- meetings, e-mails, and conversations outside of formal meetings which could be seen as advancing the business of the corporation
- separation of votes (splitting the motion)
- inclusion of topics on the published agenda to ensure transparency for residents so that they have the opportunity to provide their input on items of interest
- direction to staff outside of formal motions
- reopening motions by a Member who voted on the prevailing side of a matter
- sharing of motions or proposed additions with Council colleagues in advance of the meetings at which they are to be considered
- importance of public engagement in the review process
- contracting of a third party subject matter expert to assist with the review
- educational exercise post-review for Members of Council and the public

In response to questions from Committee, Mr. Fay provided information on the following:

- current provisions of the Procedure By-law relating to:
 - addition of new business items
 - potential amendment to the by-law to attach conditions for addition of new business item at meetings,
 - deadlines for items to be included in the published agenda, including Notices of Motion
 - proposed amendments to motions and/or recommendations in staff reports
- examples of provisions in procedural by-laws from other municipalities
- current review being undertaken by the City of Guelph, including a public engagement process, and agreement to provide information from Guelph for Committee's reference
- potential conditions that could be incorporated for addition of new business items, such as financial, time-sensitive, or statutory timeline matters
- proposed timelines for completion of the review

- public engagement opportunities before the review, during the review, and prior to Council making its decision
- subject matter expertise among Members of Council, City staff and participating residents
- application of the by-law for Council, standing committees and citizen-based advisory committees

The following motion was considered.

GC009-2021

Moved by Regional Councillor Vicente

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.

Carried

A motion, moved by Regional Councillor Medeiros, was introduced to establish a procedural by-law review committee, as a sub-committee of the Governance and Council Operations Committee (GCOC), of approximately five members not limited to current GCOC members.

Committee consideration of the motion included proposed amendments to incorporate a third party facilitator to assist the sub-committee and City staff with the review, and public engagement.

Councillor Medeiros, as mover, indicated his agreement with the proposed amendments, and outlined an additional amendment to provide that the third party facilitator would be approved by the sub-committee, based on a short list of potential candidates from the City Clerk.

A recorded vote was requested, and the motion was considered, as amended, as follows.

GC010-2021

Moved by Regional Councillor Medeiros

That a procedural by-law review committee be established, as a sub-committee of the Governance and Council Operations Committee (GCOC), of approximately five members not limited to current GCOC members, 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;

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;

That a third-party facilitator resource, to be selected by the review sub-committee from a short-list provided by the City Clerk, be utilized for the review, along with advice from the City Clerk, City Solicitor, and other appropriate City staff; and

That the review process be designed to be concluded by the end of 2021.

Yea (5): Regional Councillor Fortini (Chair), Regional Councillor Medeiros, Regional Councillor Vicente, Regional Councillor Dhillon, and City Councillor Williams

Carried (5 to 0)

8. Reports

Nil

9. Other Business/New Business

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

In response to questions from Committee, staff provided information on the following:

- policies, procedures and processes for complaints against City staff, and those for complaints against Members of Council
- Integrity Commissioner (IC) procedures and processes relating to investigations of complaints against Members of Council
- role of the Human Resources (HR) Division as it relates to HR complaints against Members of Council
- application of HR policies to Members of Council
- provisions in the Council Code of Conduct and the *Municipal Act* as they relate to complaints against Members of Council

- current review of the Respectful Workplace Policy by staff, to be presented to Council for approval
- approximate costs for accountability and transparency services (Integrity Commissioner and Lobbyist Registrar) from 2019 to date

Staff noted that some of Committee's questions should be addressed to the Integrity Commissioner directly during her participation at an upcoming Council meeting.

Committee consideration included:

- potential gaps in processes for investigation of complaints against Members of Council, particularly in cases where the IC does not proceed past a preliminary investigation
- role of Members of Council as it relates to staffing matters
- need for a workshop with the IC for review of the Code, with a view to potential amendments
- potential third party review of HR policies and the Council Code of Conduct, relating to the conduct of Members of Council toward employees and investigation processes relating thereto
- request to staff to confirm which HR policies apply to and have been signed by Members of Council

A motion, moved by Regional Councillor Vicente, was introduced to provide for a third party review of HR policies and the Council Code of Conduct, relating to the conduct of Members of Council toward employees and investigation processes relating thereto.

Councillor Vicente outlined the purpose of the motion, responded to questions of clarification from Committee, and accepted an amendment to incorporate retroactivity in the motion.

A recorded vote was requested, and the motion was considered, as amended, as follows.

GC011-2021

Moved by Regional Councillor Vicente

That a review be undertaken, by a third party working with Council, of Human Resource policies and the Council Code of Conduct, relating to the conduct of Members of Council toward employees and investigation processes relating thereto, retroactively to the start of this term of Council.

Yea (5): Regional Councillor Fortini (Chair), Regional Councillor Medeiros, Regional Councillor Vicente, Regional Councillor Dhillon, and City Councillor Williams

Carried (5 to 0)

9.2 Discussion at the request of Councillor Medeiros re: Closed Session Procedures

Regional Councillor Medeiros outlined a review being undertaken by the Region of Peel around what constitutes a matter to be considered in Closed Session to be considered at an upcoming regional meeting.

Councillor Medeiros requested that staff circulate information from the Region on this matter to Brampton City Councillors, and encouraged City Councillors to watch the meeting and provide any comments or questions to their counterparts on Regional Council. He also proposed that Brampton's City Solicitor participate in or watch the meeting as well.

9.3 Discussion at the request of Councillor Vicente re: Process for Quarterly Reports on Purchasing Activity

Regional Councillor Vicente highlighted the need for additional information to be included in the quarterly Purchasing Activity Reports, given the number of questions Members have during consideration of these reports at Committee.

Councillor Vicente introduced a motion to provide for supplementary information to be provided for each item in the quarterly reports for the benefit of Council and members of the public.

A recorded vote was requested, and the motion was considered as follows.

GC012-2021

Moved by Regional Councillor Vicente

Whereas the City's Purchasing By-law 19-2018, prescribes reporting requirements with respect to the City's purchasing activities; and

Whereas the importance of providing information to the public that is fully transparent is a priority for this Term of Council; and

The Purchasing Activity Report presented to Council lists a number of items with limited information to describe an item;

Therefore be it resolved that

Staff provide the quarterly Purchasing Activity Report so that it includes supplementary information in the form of a brief executive summary for each item so as to allow Members of the Public and Council to have a brief description of each item listed within the report.

Yea (5): Regional Councillor Fortini (Chair), Regional Councillor Medeiros, Regional Councillor Vicente, Regional Councillor Dhillon, and City Councillor Williams

Carried (5 to 0)

9.4 Discussion at the request of Councillor Dhillon re: Revised Meeting Agenda

Regional Councillor Dhillon outlined the process that the Region of Peel uses for providing Members of Council with revised agendas following approval of the agenda, and inquired if such a process could be adopted for Brampton's Council and Committee meetings.

Peter Fay, City Clerk, proposed that the revised agenda be provided to Members after consideration of the consent motion so that these items would be highlighted as well.

Committee agreed that the revised agenda should be provided to Members after consideration of the consent motion, and Mr. Fay indicated that staff would determine the best way for providing the revised agenda to Members.

10. Deferred/Referred Matters

10.1 Council Meeting Procedures and Procedure By-law Review

Dealt with under Item 7.1 – Recommendation GC010-2021

See also Recommendation GC009-2021

11. Notices of Motion

Nil

12. Correspondence

Nil

13. Councillor Question Period

Nil

14. Public Question Period

Members of the public were given the opportunity to submit questions via e-mail to the City Clerk's Office regarding any decisions made at this meeting.

Peter Fay, City Clerk, confirmed that no questions were submitted regarding decisions made at this meeting.

15. Closed Session

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

Committee did not proceed into Closed Session, but approved Item 15.1 under Consent. The following motion was considered with respect to this item.

GC013-2021

Moved by Regional Councillor Medeiros

That Finance be directed to use the General Government Fund to pay the relevant statutory severance to the impacted Executive Assistants.

Carried

16. Adjournment

The following motion was considered.

GC014-2021

Moved by Regional Councillor Vicente

That Committee do now adjourn to meet again on Monday, May 17, 2021 at 9:30 a.m. or at the call of the Chair.

Carried

P. Fortini, Chair