



Minutes

Procedure By-law Review Sub-committee

The Corporation of the City of Brampton

Friday, May 21, 2021

Members Present: Regional Councillor M. Palleschi, Chair
City Councillor J. Bowman, Vice-Chair
Regional Councillor R. Santos
Regional Councillor P. Vicente

Members Absent: City Councillor D. Whillans (personal)

Staff Present: 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 10:41 a.m.

1. Call to Order

Peter Fay, City Clerk, called the roll for attendance at the meeting, as follows:

Members present: Regional Councillor Santos, Regional Councillor Vicente, City Councillor Bowman, and Regional Councillor Palleschi (Chair)

Members absent: City Councillor Whillans

2. Approval of Agenda

The following motion was considered.

PBR006-2021

Moved by City Councillor J. Bowman, Vice- Chair

That the agenda for the Procedure By-law Review Sub-committee Meeting of May 21, 2021 be approved as published and circulated.

Carried

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

Nil

4. Delegations (5 minutes maximum)

Nil

5. Staff Presentations

Nil

6. Reports

Nil

7. Other/New Business

7.1 Review of Existing By-law and Discussion re: Review Issues and Opportunities

Peter Fay, City Clerk, noted the purpose of this item to get additional feedback and input on ideas and opportunities.

Mr. Fay provided a re-cap of Committee's discussion on April 26, 2021, which included consideration of the following topics: gender neutrality in the Procedure By-law, public access for comments, ensuring the by-law is more interactive with links, potential how-to's and a summary version of the by-law on-line for the public, clarity on the roles of Chairs of Committees and Council, addition of new business items at meetings and how urgency is defined in this regard, and Points of Order and Privilege.

Mr. Fay suggested the following items for consideration at this meeting: Consent motion, moving and seconding of motions, delegations – timing and process, and next steps for the Sub-committee.

In response to questions from the Chair, Mr. Fay indicated that the trial period for the temporary consent process has concluded, and that this could be an item for consideration at the next sub-committee meeting, and provided input from the perspective of the City Clerk's Office on the temporary consent process.

Sub-committee consideration included:

Consent motion:

- general agreement that the current temporary process is working well and has contributed to the efficiency of meetings
- responsibility of Members to be aware of items on the agenda and make informed decisions on items that could be put into consent and those that should be left for discussion
- information from the City Clerk with respect to items that are and are not relevant for consideration under consent

Moving/Seconding of Motions:

- information from the City Clerk regarding the provisions of the Procedure By-law as they relate to this topic, specifically that motions at Council are to be in writing and require a mover and seconder, and at Committee motions just require a mover

- confirmation from the City Clerk that there are no provisions in the by-law for multiple seconders, that the intent of having a mover and seconder is to get something on the floor for debate, and that a recorded vote would be the mechanism for a Member to indicate support for a motion
- advisory from the City Clerk that the meeting technology does not currently provide for recording multiple seconders
- varying opinions from Members about multiple seconders and the use of recorded votes to show support for a motion
- circumstances where it might be appropriate to have all Members of Council second a motion

Delegations:

Mr. Fay noted that:

- sometimes delegations are not heard until after the lunch break, as a result of the placement of delegations on the agenda, i.e. after announcements (which are sometimes lengthy) and the report on Government Relations matters (GRM); for Committee of Council, announcements, the GRM and the Mayor's update on COVID-19 are considered before delegations
- each delegation can result in time spent hearing from the delegation, asking questions of clarification, and sometimes followed by questions to staff and then deliberation on the delegation's presentation/request or related agenda item
- the Sub-committee may wish to explore adding a bit more vigor to the delegation process, when Council returns to Chambers, to distinguish between a request to question or a request to speak
- in response to a question, Mr. Fay noted that there is no limit in the number of times a delegate can address various matters at the same meeting

Sub-Committee Members noted:

- concern about repetitive delegations, first at Committee and then at Council, where the same information is presented
- varying opinions about limiting the number of times a delegation can be heard at Committee and Council meetings

- suggestion that, for virtual meetings, Members could add their questions for the delegations or staff to the “chat box”, to be read during the meeting by the City Clerk, in an effort to reduce the time spent on delegations
- role of the meeting Chair in ensuring there are no debates during delegations and that the meeting stays on course
- potential limitation in the number of times a Member could pose questions to delegations
- indication from the City Clerk that he would undertake some research about the potential for limiting the number of questions and debate during delegations

Closed Session:

At the request of the Chair, Mr. Fay:

- outlined the provisions of the Procedure By-law as they relate to those matters that could be considered in Closed Session, and Rules #3 and #4 of Council’s Code of Conduct relating to confidential information and disclosure of such
- noted that only Council as a whole can waive its confidential privilege and make a decision to release information or pass a motion in public session
- any breaches of the Code by Members of Council relating to confidential information would be addressed through a complaint to the Integrity Commissioner
- public complaints about matters considered in Closed Session would be submitted to the Closed Session Investigator

Sub-committee Members expressed concerns about recent breaches of matters considered in Closed Session and offered suggestions for ways to address potential breaches, including not allowing use of electronic devices and/or requiring Members to activate their videos while in Closed Session.

Mr. Fay noted that during virtual meetings it may be difficult to enforce non-use of electronic devices, given that they are used for connection to the meeting, that some Members may not be able to activate their videos as they are connected by phone, and the quality of the meeting connection could be diminished with numerous videos activated

Sub-committee Members voiced concerns about recorded votes in Closed Session, and wondered about their purpose since information on how someone voted is not supposed to be disclosed in public

Mr. Fay indicated that pursuant to the Municipal Act, votes are authorized in Closed for specific reasons: procedural matters or for giving direction or instructions to officers; the Act does not state votes in closed cannot be recorded, and the importance of determining what is direction and what is a substantial motion, and indicated he is confident that Council's Closed process is consistent with the Procedure By-law and the Act

Members expressed their views about matters listed for Closed Session consideration rather than consideration in Open Session

Next Steps:

Mr. Fay outlined the Four Phases from the Sub-committee's Terms of Reference, and provided a reminder to Members to send their comments, input and questions from the City Clerk for consideration at future meetings.

8. Councillor Question Period

Nil

9. 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.

10. Closed Session

Nil

11. Adjournment

The following motion was considered.

PBR007-2021

Moved by Regional Councillor Vicente

That the Procedure By-law Review Sub-committee do now adjourn to meet again on Friday, June 11, 2021 at 1:00 p.m. or at the call of the Chair.

P. Palleschi, Chair