



Minutes

City Council – Special Meeting

The Corporation of the City of Brampton

Tuesday, May 31, 2022

Members Present: Mayor P. Brown
Regional Councillor R. Santos
Regional Councillor P. Vicente
Regional Councillor M. Palleschi
Regional Councillor M. Medeiros
Regional Councillor P. Fortini
Regional Councillor G. Dhillon
City Councillor D. Whillans
City Councillor J. Bowman
City Councillor C. Williams
City Councillor H. Singh

Members Absent: Nil

Staff Present: P. Morrison, Interim Chief Administrative Officer
M. Kallideen, Commissioner, Community Services
D. Soos, Commissioner, Legislative Services
B. Boyes, Fire Chief, Fire and Emergency Services
S. Akhtar, City Solicitor
Peter Fay, City Clerk
Charlotte Gravlev, Deputy City Clerk
Terri Brenton, Legislative Coordinator

The meeting was called to order at 7:02 p.m. and recessed at 7:38 p.m. Council moved into Closed Session at 8:00 p.m. and recessed at 8:17 p.m. Council reconvened in Open Session at 8:30 p.m. and adjourned at 10:19 p.m.

1. Call to Order

The City Clerk called the roll for attendance, as follows.

Members present during roll call: Regional Councillor Santos, Regional Councillor Vicente, City Councillor Whillans, Regional Councillor Palleschi, City Councillor Bowman, Regional Councillor Medeiros, City Councillor Williams, Regional Councillor Fortini, City Councillor Singh, Regional Councillor Dhillon, and Mayor Brown

Members absent during roll call: nil

2. Approval of Agenda

Mayor Brown outlined the following specific purposes of the special meeting, which was called by petition of a majority of the Members of Council:

- Forensic Audit scope and update
- Potential Councillor replacement due to provincial election

Mayor Brown noted that, in accordance with meeting procedures, no other items could be added to the agenda.

The following motion was considered.

C161-2022

Moved by Regional Councillor Vicente

Seconded by City Councillor Whillans

That the agenda for the Special Council Meeting of May 31, 2022 be approved as amended to add:

7.1. Open Session meeting exception under Section 239 (2) (k) and (b) of the Municipal Act, 2001:

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or

local board; and, personal matters about an identifiable individual, including municipal or local board employees – re. Item 5.1.

Carried

Note: Later in the meeting during consideration of Item 5.1, it was determined that Closed Session consideration of this item was required, and Item 7.1 was added to the agenda.

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

Nil

4. Delegations/Correspondence

4.1 Delegation from Cody Vatcher, Brampton resident, re. Item 5.2 – Potential Councillor replacement due to provincial election

Cody Vatcher, Brampton resident, outlined his position on the potential Councillor replacement due to the Provincial election, and responded to questions of clarification from Council.

The following motion was considered.

C162-2022

Moved by Regional Councillor Medeiros

Seconded by Regional Councillor Fortini

That the delegation from Cody Vatcher, Brampton resident, re. **Item 5.2 – Potential Councillor replacement due to provincial election**, to the Special Council Meeting of May 31, 2022, be received.

Carried

4.2 Correspondence re. Item 5.2 – Potential Councillor replacement due to provincial election:

The following motion was considered.

C163-2022

Moved by City Councillor Whillans

Seconded by Regional Councillor Medeiros

That the following correspondence re. **Item 5.2 – Potential Councillor replacement due to provincial election**, to the Special Council Meeting of May 31, 2022, be received:

1. Bruce Marshall, Brampton resident, dated May 31, 2022
2. Wesley Jackson, Brampton resident, dated May 31, 2022;
3. Cindy-Ann Williams, Brampton resident, dated May 31, 2022.

Carried

5. Reports/Business Matters

5.1 Forensic Audit scope and update

City Councillor Bowman outlined the purpose of this agenda item.

Council discussion took place with respect to the potential need for Closed Session consideration of this matter.

Sameer Akhtar, City Solicitor, noted the Open Meeting exception for Closed Session consideration of this matter. Mr. Akhtar also provided his advice that there is a legal component to Item 5.2, and that Closed Session consideration should be given to this item as well.

Council agreed to Closed Session consideration of Item 5.1 only, and Item 7.1 was added for this purpose.

The following motion was considered.

C164-2022

Moved by Regional Councillor Fortini

Seconded by Regional Councillor Medeiros

That Council proceed into closed session to discuss matters pertaining to the following:

7.1. Open Session meeting exception under Section 239 (2) (k) and (b) of the Municipal Act, 2001:

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; and, personal matters about an identifiable individual, including municipal or local board employees - re. Item 5.1.

Carried

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Note: In Open Session, Peter Fay, City Clerk, reported on the status of matters considered in Closed Session, as follows:

Item 7.1 – this item was considered in Closed Session, information was received, and no direction was given to staff

The following motion, moved by City Councillor Bowman and seconded by Regional Councillor Dhillon, was introduced.

1. That Council authorize all closed session meeting records including audio tapes specific to the Brampton U file to be made available to the Forensic Audit Team upon request;
2. That Council direct the Chief Administrative Officer to write an e-mail and directly communicate during the next scheduled Corporate Leadership Team (CLT) meeting, to all Commissioners and Directors advising them of the Forensic Audit and directing them and their reports to grant full and open access to any and all records in regards to Brampton U requested by the Forensic Audit Team; and
3. That participation in good faith by any employee or former employee of the City of Brampton in the investigation shall not be deemed to be a breach of any employment or post-employment agreement that applies to such person.

An amendment was proposed and accepted by the mover to add “or designate” to Clause 2 after “the Chief Administrative Officer”.

Council consideration of the motion included

- review of Council’s May 18, 2022 Resolution C152-2022 regarding a financial forensic audit of the BramptonU file
- questions about the process undertaken by the CAO and the Steering Committee subsequent to the May 18, 2022 Council meeting, and details from the CAO in response
- concerns that the involvement of Steering Committee Members in the process was not within the spirit of Council’s May 18th resolution

During Council’s consideration of the motion, a Point of Order was raised by City Councillor Bowman, for which the Deputy Mayor gave leave.

City Councillor Bowman provided his understanding of Clause 4 of Council Resolution C152-2022, outlined the steps taken by the CAO and the Steering

Committee Members, and questioned whether the resolution restricted such actions.

A procedural motion to Call the Question was introduced by Regional Councillor Dhillon.

A recorded vote was requested on the motion to Call the Question, with the results as follows:

Yea (6): City Councillor Whillans, City Councillor Bowman, Regional Councillor Medeiros, City Councillor Williams, Regional Councillor Fortini, and Regional Councillor Dhillon

Nay (5): Regional Councillor Santos, Regional Councillor Vicente, City Councillor Singh, Mayor Brown and Regional Councillor Palleschi

Absent (0)

The motion carried 6 to 5

Following the vote on the motion to Call the Question and in accordance with the Procedure By-law, Members who had not spoken on this matter were given the opportunity to do so.

Further Council consideration of the motion included a reiteration of concerns about the involvement of Steering Committee Members in the process, varying opinions on the spirit of Council Resolution C152-2022, and comments in support of and in opposition to Councillor Bowman's motion.

At the request of Council, the City Clerk provided his advice as it relates to the content of Council Resolution C152-2022.

During Council's consideration of this matter, a number of Points of Order were raised. Mayor Brown gave leave for some of the Points or Order and not for others.

Members who raised the Points of Order for which the Mayor gave leave, outlined comments and concerns relating to topics and opinions expressed during Council's consideration.

C165-2022

Moved by City Councillor Bowman

Seconded by Regional Councillor Dhillon

1. That Council authorize all closed session meeting records including audio tapes specific to the Brampton U file to be made available to the Forensic Audit Team upon request;

2. That Council direct the Chief Administrative Officer, or designate, to write an e-mail and directly communicate during the next scheduled Corporate Leadership Team (CLT) meeting, to all Commissioners and Directors advising them of the Forensic Audit and directing them and their reports to grant full and open access to any and all records in regards to Brampton U requested by the Forensic Audit Team; and

3. That participation in good faith by any employee or former employee of the City of Brampton in the investigation shall not be deemed to be a breach of any employment or post-employment agreement that applies to such person.

A recorded vote was taken on Councillor Bowman's motion, as amended, with the results as follows.

Yea (6): City Councillor Whillans, City Councillor Bowman, Regional Councillor Medeiros, City Councillor Williams, Regional Councillor Fortini, and Regional Councillor Dhillon

Nay (5): Mayor Brown, Regional Councillor Santos, Regional Councillor Vicente, Regional Councillor Palleschi, and City Councillor Singh

Carried (6 to 5)

5.2 Potential Councillor replacement due to provincial election

The following motion, moved by Regional Councillor Fortini and seconded by City Councillor Bowman, was introduced:

Whereas Brampton taxpayers elect a city and a regional councillor in their Wards;

Whereas representative continuity is important and expected to ensure responsible oversight and stewardship from the beginning to the end of the elected term of office;

Whereas there exists the potential for a city councillor seat vacancy prior to the end of the 2018-2022 term of office for Wards 7&8;

Therefore be it resolved that, in the event the Wards 7&8 City Councillor position becomes vacant, that former City and Regional Councillor Elaine Moore be appointed to fill the position until the end of the term of office.

Councillor Fortini outlined amendments to the operative clause of the motion, such that the clause read as follows:

Therefore be it resolved that, in the event the Wards 7&8 City Councillor position becomes vacant, that former City and Regional Councillor Elaine Moore be appointed to fill the position until the end of the term of office, and that such appointment be effective upon the declaration of vacancy of the said seat.

Council consideration of the motion included concerns about potential violations of the Municipal Act and the Municipal Elections Act by appointing a Councillor in advance of a seat being declared vacant.

In response to questions from Council, Peter Fay, City Clerk outlined the provisions of the Municipal Act and Municipal Elections Act as they relate to filling a vacant seat on Council.

In response to a request from Council, Sameer Akhtar, City Solicitor, indicated his preference to provide advice on this matter in Closed Session, and noted that should Council choose to hear his advice in Open Session it could prejudice the privilege of the advice. Mr. Akhtar responded to questions from Council.

The following motion was introduced by City Councillor Singh. As the motion was procedural in nature, a seconder was not required.

C166-2022

Moved by City Councillor Singh

That Council proceed into Closed Session to receive under Section 239 (2) (f) of the Municipal Act advice that his subject to solicitor-client privilege, including communications necessary for that purpose in regard to Item 5.2

A recorded vote was requested and the motion lost as follows.

Yea (4): Regional Councillor Santos, Regional Councillor Vicente, Regional Councillor Palleschi, and City Councillor Singh

Nay (7): Mayor Patrick Brown, City Councillor Whillans, City Councillor Bowman, Regional Councillor Medeiros, City Councillor Williams, Regional Councillor Fortini, and Regional Councillor Dhillon

Lost (7 to 4)

A motion, moved by Councillor Singh, was introduced to refer Councillor Fortini's motion to staff for the acquisition of a third-party legal opinion, and a report back thereon to Council. As the motion was procedural in nature, a seconder was not required.

In response to a request for clarification from staff, Councillor Singh clarified that the staff referral would be to both the City Solicitor and City Clerk for acquisition of a third-party legal opinion. Staff requested that the referral be directed to just one party and Councillor Singh amended his motion to direct the referral to the City Clerk.

The motion, as amended, read as follows.

That the item be referred to staff for the acquisition of a third-party legal opinion, to be obtained by the Office of the City Clerk, and a report back thereon to Council.

C167-2022

Moved by City Councillor Singh

That the item be referred to staff for the acquisition of a third-party legal opinion, to be obtained by the Office of the City Clerk, and a report back thereon to Council.

*“Moved by Regional Councillor Fortini
Seconded by City Councillor Bowman*

Whereas Brampton taxpayers elect a city and a regional councillor in their Wards;

Whereas representative continuity is important and expected to ensure responsible oversight and stewardship from the beginning to the end of the elected term of office;

Whereas there exists the potential for a city councillor seat vacancy prior to the end of the 2018-2022 term of office for Wards 7&8;

Therefore be it resolved that, in the event the Wards 7&8 City Councillor position becomes vacant, that former City and Regional Councillor Elaine Moore be appointed to fill the position until the end of the term of office, and that such appointment be effective upon the declaration of vacancy of the said seat.”

A recorded vote was requested on the referral motion, with the results as follows.

Yea (5): Mayor Patrick Brown, Regional Councillor Santos, Regional Councillor Vicente, Regional Councillor Palleschi, and City Councillor Singh

Nay (6): City Councillor Whillans, City Councillor Bowman, Regional Councillor Medeiros, City Councillor Williams, Regional Councillor Fortini, and Regional Councillor Dhillon

Lost (6 to 5)

Members of Council outlined comments in support of and in opposition to Councillor Fortini's motion.

In response to questions from Council, the City Clerk indicated that he conferred with a number of Municipal Clerks across the Province and no example was found where a Council took action before a seat had been declared vacant.

At the request of Mayor Brown, the City Clerk provided advice on and outlined the provisions of the Procedure By-law as they relate introducing a motion to defer after speaking to the main motion.

A motion to Call the Question was introduced by Regional Councillor Dhillon. As there were no objections, the motion was deemed to have carried. In accordance with the Procedure By-law, Members who had not spoken on this matter were given the opportunity to do so.

During Council's consideration of this matter, a number of Points of Order and Points of Personal Privilege were raised. Mayor Brown gave leave for some of the Points of Order and Points of Personal Privilege, and not for others.

Members who raised the Points of Order and Points of Personal Privilege for which the Mayor gave leave, outlined comments and concerns relating to topics and opinions expressed during Council's consideration.

An amendment was introduced by City Councillor Bowman and accepted by the mover to add "subject to her declaration of consent being provided to the City Clerk" to the operative clause after "position becomes vacant".

The main motion, as amended, was considered as follows.

C168-2022

Moved by Regional Councillor Fortini
Seconded by City Councillor Bowman

Whereas Brampton taxpayers elect a city and a regional councillor in their Wards;

Whereas representative continuity is important and expected to ensure responsible oversight and stewardship from the beginning to the end of the elected term of office;

Whereas there exists the potential for a city councillor seat vacancy prior to the end of the 2018-2022 term of office for Wards 7&8;

Therefore be it resolved that, in the event the Wards 7&8 City Councillor position becomes vacant, that former City and Regional Councillor Elaine Moore, subject to her declaration of consent being provided to the City Clerk, be appointed to fill the position until the end of the term of office, and that such appointment be effective upon the declaration of vacancy of the said seat.

A recorded vote was requested and the motion carried as follows.

Yea (6): City Councillor Whillans, City Councillor Bowman, Regional Councillor Medeiros, City Councillor Williams, Regional Councillor Fortini, and Regional Councillor Dhillon

Nay (5): Mayor Patrick Brown, Regional Councillor Santos, Regional Councillor Vicente, Regional Councillor Palleschi, and City Councillor Singh

Note: Councillor Palleschi refused to vote on the motion, and therefore the Councillor's vote was recorded in the negative.

Carried (6 to 5)

6. Public Question Period

The public was given the opportunity to submit questions via e-mail to the City Clerk's Office regarding any decisions made during the meeting. Peter Fay, City Clerk, confirmed that no questions were submitted.

7. Closed Session

7.1 Open Session meeting exception under Section 239 (2) (k) and (b) of the Municipal Act, 2001:

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; and, personal matters about an identifiable individual, including municipal or local board employees.

See Item 5.1 – Resolution C164-2022

8. Confirming By-law

- 8.1 By-law 129A-2022 – To confirm the proceedings of Council at its Special Meeting held on May 31, 2022

The following motion was considered.

C169-2022

Moved by Regional Councillor Medeiros

Seconded by City Councillor Whillans

That the following by-law before Council at its Special Meeting of May 31, 2022, be given the required number of readings, taken as read, and signed by the Mayor and the City Clerk, and the Corporate Seal affixed thereto:

By-law 129A-2022 – To confirm the proceedings of Council at its Special Meeting held on May 31, 2022

Carried

9. Adjournment

The following motion was considered.

C170-2022

Moved by Regional Councillor Dhillon

Seconded by City Councillor Bowman

That Council do now adjourn to meet again for a Regular Meeting of Council on Wednesday, May 31, 2022 at 9:30 a.m. or at the call of the Mayor.

Carried

P. Brown, Mayor

P. Fay, City Clerk