

**Date:** 2022-11-09

**Subject:** **2023 Council and Committee Meeting Schedule and Process for Appointment of Additional Regional Councillors and Alternate Regional Councillor**

**Contact:** Charlotte Gravlev, Deputy City Clerk, Legislative

**Report Number:** Legislative Services-2022-975

**Recommendations:**

1. That the report titled 2023 Council and Committee Meeting Schedule and Process for Appointment of Additional Regional Councillors and Alternate Regional Councillor, to the Special Council Meeting of November 16, 2022, be received;
2. That the 2023 Brampton Council and Committee Meeting Schedule, as outlined in Appendix 1 to this report, Option 1 (Workshop Accommodating), be approved;
3. That the 2023 Council and Committee meetings be convened primarily with in-person attendance of Members and key City staff (with the option of hybrid meetings at the discretion of the City Clerk, in consultation with Meeting Chair and CAO, in circumstances such as inclement weather, emergency, practicality, urgency, or by specific committee-mandate-led necessity) and that the Procedure By-law be amended accordingly;
4. That closed session be authorized, as required, for the November 21 and December 5, 2022 Council Workshops, in accordance with Section 239 (3.1) of the *Municipal Act, 2001*, for the purpose of education and training of Council Members in regard to the following subjects:
  - a. November 21 Council Workshop – Integrity Commissioner and Code of Conduct and Planning and Development Processes, and
  - b. December 5 Council Workshop – Governance Matters and Employment Law;
5. That the existing process, as set out in the Procedure By-law, for the appointment of Brampton City Councillor to Region of Peel Council, as outlined in Appendix 2 to this report, be implemented for the selection of the additional three (3) Member positions available for the 2022 – 2026 term of Council; and

6. That Council select one of the following options to address periodic absences of Brampton Regional Councillors from a Region of Peel Council meeting:
- a. Option 1 - the absent Regional Councillor appoint another Regional Councillor as the proxyholder for voting purposes at the Regional Council meeting, in accordance with the prevailing provisions set out in the Region of Peel Council Procedure By-law;
  - b. Option 2 – appoint a Brampton City Councillor as an Alternate Member to attend a Regional Council meeting in the absence of a Regional Councillor, in accordance with Section 268 of the *Municipal Act, 2001*, and based on the selection and notification process set out in Section 2.16 of the Procedure By-law, as outlined in Appendix 2 to this report;
  - c. Option 3 – proceed with a combination of Options 1 and 2 by appointing a City Councillor as an Alternate Member, in accordance with the Procedure by-law, and making use of the proxyholder provisions as set out in the Region of Peel Council Procedure By-law.

**Overview:**

- **Procedure By-law 160-2004, as amended, outlines requirements for the annual meeting schedule for Council and its committees.**
- **Draft 2023 calendar schedules have been prepared for meetings of City Council, Committee of Council, Planning and Development Committee, as well as the adjudicative bodies in order to provide for their ongoing decision-making. Scheduling of other Council committees, including any citizen based advisory committees, will be incorporated as Council makes decisions regarding its governance and committee structure.**
- **Two (2) scheduling options are provided for consideration. One option integrates scheduled Council workshop days on periodic Wednesdays. A second open reflects the traditional calendar of Council and Committee of Council regular meetings generally every two weeks.**
- **The proposed meeting schedule takes into consideration statutory holidays, significant observances and events such as annual municipal conferences.**
- **This report also confirms for general understanding the process to be implemented in the selection of the three Brampton City Councillors to be appointed to Regional Council for the 2022 - 2026 term of Council.**
- **This report also provides options available to Council in regard to periodic absences of Regional Councillors from a Region of Peel Council meeting, including proxyholder voting provisions enabled by the Region of Peel Council and/or appointing a City Councillor as an Alternate**

**Member, to ensure effective City representation at Regional Council meetings.**

- **This report achieves the previous Term of Council Direction/Priorities of a Well-run City through the approval and publication of an annual legislative meeting schedule to facilitate Council decision-making, and enabling effective City representation at the Region of Peel Council.**

## **Background:**

Procedure By-law 160-2004, as amended, states that the Council/Committee meeting schedule is to be established on an annual basis, and approved in September of the previous year. The cancellation of meetings in late September 2022 prevented the 2023 meeting schedule from being presented to Council. In addition, given the election year, it is more appropriate to present the meeting calendar to the new term of Council to coincide with Council governance structure decisions. This report recommends a legislative meeting schedule for 2023.

[Region of Peel By-law 83-2020](#) changed the composition of the Region of Peel Council to establish nine (9) Regional Councillors from the City of Brampton. The nine Regional Councillors include the following:

- The Mayor
- Five (5) elected Regional Councillors
- Three (3) elected City Councillors appointed by Brampton City Council as Regional Councillors

This entitlement will take effect as of commencement of the 2022 - 2026 term of Council.

## **Current Situation:**

### 2023 Brampton Council and Committee Meeting Schedule

The Procedure By-law sets out the method for scheduling meetings for City Council and its standing committees: the Committee of Council and the Planning and Development Committee. This draft proposed 2023 meeting calendar also includes the adjudicative bodies of the City (the Brampton Appeal Tribunal, Property Standards Committee and the Committee of Adjustment), in order to provide for the ongoing decision-making of these bodies, and to provide scheduling certainty for 2023.

No other committees (functional, ad hoc, standing or citizen-based advisory) are scheduled at this time, pending decisions to be made early in the new term as to how Council determines to establish its committee governance structure.

The proposed 2023 meeting schedule takes into account statutory holidays, significant observances and events such as annual municipal conferences.

The meeting schedule also includes monthly Council Workshop dates for ongoing Council orientation and continuous learning. Two (2) scheduling options are provided for consideration. One option integrates scheduled Council workshop days on periodic Wednesdays. A second open reflects the traditional calendar of Council and Committee of Council regular meetings generally every two weeks.

Given the heightened importance of Council Workshops, due to resolutions passed calling for specific learning requirements and opportunities for Brampton Councillors, and with the desire for fulsome orientation activities in the first period of a new Term of Council, it is proposed that the Council Workshops for 2023 be scheduled on Wednesdays, within a three-week cycle with Council and Committee of Council meetings (see Appendix 1, Option 1). This is anticipated to provide greater access and ability for Members to participate, and facilitate the use of the Council Chamber for recording and/or public video-streaming of sessions where necessary or desirable.

This proposed calendar also continues to reserve Thursdays for Peel Regional Council meetings. Of note, the proposed 2023 Regional Council schedule of meetings indicates its first meeting of Regional Council of the year will occur on Thursday, January 12, 2023, and correspondingly the first meeting of Brampton Committee of Council is proposed for the following week on Wednesday, January 18, 2023.

Having regard for Remembrance Day, the Brampton meeting schedule has over the past term adopted a similar practice as the Provincial Legislature and Federal Parliament by not scheduling a meeting of Council in the week leading up to November 11<sup>th</sup>. Similarly, the proposed calendar does not schedule meetings on the Wednesday prior to the statutory holidays of Thanksgiving Monday and Family Day Monday.

Other adjudicative bodies, such as the Brampton Appeal Tribunal, Property Standards Committee and Committee of Adjustment are scheduled to facilitate those distinct decision-making processes.

Having regard for the easing of restrictions in relation to COVID-19, it is recommended that meetings of the 2023 Council and Committee Meeting Schedule and beyond be convened primarily with in-person attendance of Members and key City staff. It is suggested that hybrid participation options remain available for implementation as may be necessary, practical and prudent, at the discretion of the City Clerk, in consultation with the applicable meeting Chair and the CAO, particularly in circumstances such as inclement weather, emergency, practicality, urgency, or by specific committee-mandated necessity. If so resolved by Council, the necessary amendment to the Procedure By-law will be prepared and presented for adoption.

Upcoming Council Workshops:

City Council has some Workshops planned for November 21 and December 5, as part of the ongoing orientation for the new term of Council. In accordance with section 239 (3.1) of the *Municipal Act, 2001*, a meeting of Council can be held in closed session if the following conditions are met:

- The meeting is held for the purpose of educating or training the Members
- At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council

Before holding such an educational or training meeting in closed session, the Council shall state by resolution the fact of the holding of the closed meeting and the general nature of its subject-matter that is to be considered.

It is recommended that a closed session be authorized, as may be necessary, for the November 21 and December 5, 2022 Council Workshops, in accordance with Section 239 (3.1) of the *Municipal Act, 2001*, for the purpose of education and training of Council Members in regard to the following subjects:

- a. November 21 Council Workshop – Integrity Commissioner and Code of Conduct and Planning and Development Processes, and
- b. December 5 Council Workshop – Governance Matters and Employment Law.

#### Appointment of Three City Councillors as Regional Councillors for the 2022-2026 Term:

Region of Peel By-law 83-2020 changed the composition of the Region of Peel Council to establish nine (9) Regional Councillors from the City of Brampton. Council of the City of Brampton became entitled to make selections and appointment of three of its Members, duly elected as City Councillors, to also serve on behalf of the City on the Council of the Regional Municipality of Peel. This is an increase of two such positions on Regional Council from the previous allocation. The addition of these positions will take effect as of commencement of the 2022 - 2026 term of Council.

It is recommended that the existing process for the appointment of a Brampton City Councillor to serve on Regional Council, as outlined in the Procedure By-law and provided in Appendix 2 to this report, be implemented for the selection of the three member positions available for the 2022 - 2026 term of Council.

#### Addressing Periodic Absences by Brampton Regional Councillors from a Region of Peel Council Meeting – Appointing an Alternate Regional Councillor or Regional Council Enabled Proxy Voting:

Brampton Regional Councillors periodically may not be able to attend Region of Peel Council meetings, but full City representation remains important to ensure effective municipal representation at Regional Council.

Brampton City Council is entitled to appoint a City Councillor to serve as an Alternate Regional Councillor during a periodic absence of a Regional Councillor from Peel

Regional Council. The current selection and notification process for the Alternate Regional Councillor is set out in Appendix 2 to this report, in accordance with the City's Procedure By-law, and enabled by Section 268 of the *Municipal Act, 2001*, which sets out the following:

"268 (1) Subject to subsection (2), the council of a local municipality may appoint one of its members as an alternate member of the upper-tier council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason.

Limitation

- (2) Subsection (1) does not authorize,
- (a) the appointment of more than one alternate member during the term of council;
  - (b) the appointment of an alternate member to act in place of an alternate member appointed under subsection 267 (1) or (2); or
  - (c) the appointment of an alternate head of council of the upper-tier municipality.

Other temporary replacement

- (3) Despite clause (2)(a), if the seat of the member who has been appointed as an alternate member under subsection (1) becomes vacant, the council of a local municipality may appoint another of its members as an alternate member for the remainder of the council term."

Alternatively, or in tandem with the Alternate Regional Councillor provision, an enabling amendment to the Region of Peel Council Procedure By-law ([By-law 55-2020](#), facilitated by a relatively new provision of the *Municipal Act, 2001*) allows for a Member of Regional Council to appoint another Member of Council as a proxy to act in their place when they are absent, subject to certain rules.

The Region of Peel Council Procedure By-law includes a definition for a "proxyholder" as follows:

"'proxyholder' means a member of Regional Council who has been appointed by another member of council as a proxy to act in their place when they are absent subject to the rules set out in section 243 of the *Municipal Act, 2001*, as amended, and in accordance with the process attached as Appendix 7 to this by-law."

The Regional Procedure By-law permits a Brampton Regional Councillor to appoint another Brampton Regional Councillor as a proxy to act in their place during a periodic absence subject to following rules and conditions:

- A proxyholder shall be counted as one member of Regional Council and shall not be counted as both the appointing member and the proxyholder
- An Alternate Regional Councillor (appointed by a local municipality in accordance with Section 268 of the *Municipal Act, 2001*) cannot appoint a proxy
- A proxyholder can only act for one absent member at any one time
- Where a recorded vote is taken during a meeting, the Regional Clerk shall record the name of each proxyholder, the name of the appointing member whom the proxyholder is voting and the vote cast on behalf of the appointing member
- An appointing member is considered absent from the meeting for the purpose of determining whether the office is vacant under section 259(1) of the *Municipal Act*,

2001 (e.g., absent from meetings for three successive months with authorization by a resolution of the council)

- An appointing member with a pecuniary interest in accordance with the *Municipal Conflict of Interest Act* shall not appoint a proxyholder
- Process to appoint a proxyholder:
  - The appointing member must notify, in writing, the City Clerk, Regional Clerk, proxyholder and Regional Chair of their absence and appointment prior to the scheduled start of the Regional Council meeting
  - The City Clerk must notify in writing all Brampton Regional Councillors of the designation of absent appointing member and proxyholder member
  - If the appointing member who was to be absent, and after notification has been provided, wishes to revoke the proxy, notice in writing must be given prior to the start of the Regional Council meeting to the City Clerk, Regional Clerk, proxyholder and Regional Chair

Brampton Regional Councillors may wish to make use of the proxyholder provisions when there is a periodic absence of a Regional Councillor from a Regional Council meeting, and can do so in tandem with or as an alternative to, the appointment of the Alternate Regional Councillor.

It is recommended that Council select one of the following options to address periodic absences of Brampton Regional Councillors from a Region of Peel Council meeting:

Option 1 - the absent Regional Councillor appoint another Regional Councillor as the proxyholder for voting purposes at the Regional Council meeting, in accordance with the prevailing provisions set out in the Region of Peel Council Procedure By-law;

Option 2 – appoint a Brampton City Councillor as an Alternate Member to attend a Regional Council meeting in the absence of a Regional Councillor, in accordance with Section 268 of the Municipal Act, 2001, and based on the selection and notification process set out in Section 2.16 of the Procedure By-law, as outlined in Appendix 2 to this report;

Option 3 – proceed with a combination of Options 1 and 2 by appointing a City Councillor as an Alternate Member, in accordance with the Procedure by-law, and making use of the proxyholder provisions as set out in the Region of Peel Council Procedure By-law.

### **Corporate Implications:**

#### Financial Implications:

Any resources and funding required for the facilitation of meetings of Council and its Committees, will be identified and considered as part of the 2023 Operating Budget submission, pending Council approval.

#### Other Implications:

## **Term of Council Priorities:**

This report achieves the previous Term of Council Direction/Priorities of a Well-run City through the approval and publication of an annual legislative meeting schedule to facilitate Council decision-making, and the development of general understanding of the appointment process to Regional Council.

## **Conclusion:**

The proposed meeting schedule reflects the requirements of the Procedure By-law, addresses specific considerations, and seeks to maximize the efficiency of the legislative Council/committee decision-making process. Once approved, the final schedule will be circulated to Members of Council and staff, appropriate Outlook invitations will be issued and the meetings will be posted on the City website. This schedule will be updated during the year as required pending decisions made by Council with respect thereto.

Further, the process outlined for appointment of City Councillors to serve on Regional Council will be implemented by the City Clerk at the appropriate time, following the 2022 municipal election, inauguration and constitution of the new Brampton City Council for the 2022 - 2026 term.

Authored by:

Reviewed by:

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Approved by:

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## **Attachments:**

Appendix 1 – Proposed 2023 Brampton City Council and Committee Meeting Schedule  
Option 1 (Recommended) – Workshop Accommodating  
Option 2 – Traditional

Appendix 2 – Appointment Process – City Councillors to Serve on Regional Council and  
a City Councillor to serve as an Alternate Member