



Report
Staff Report
Governance and Council Operations
Committee
The Corporation of the City of Brampton
2020-11-23

Date: 2020-09-29

Subject: **Councillor Usage of Consultants – Follow up**

Contact: Mark Medeiros, Acting Director of Finance / Treasurer,
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Report Number: Corporate Support Services-2020-409

Recommendations:

That the report titled: **Councillor Usage of Consultants – Follow up (GC013-2020)**, to the Governance and Council Operations Committee Meeting of November 23, 2020, be received.

Overview:

- At its meeting on September 21, 2020, the Governance and Council Operations Committee (“GCOC”) requested staff to further review and report on the details of the contract for Consulting Services agreed to by Councillor Williams, and any requirement to pay a penalty in relation thereto, and the chronology of events and decisions regarding the use of consultants by Members of Council, to a future meeting of the GCOC.
- This report provides the details as requested by the September 21, 2020 GCOC meeting.

Background:

The GCOC, at its September 21, 2020 meeting, requested staff to further review and report on the details of the contract for Consulting Services agreed to by Councillor Williams, and any requirement to pay a penalty in relation thereto, and the chronology of events and decisions regarding the use of consultants by Members of Council, to a future meeting of the GCOC.

Current Situation:

The following are key details of the contract for Consulting Services agreed to by Councillor Williams. A copy of the covering memorandum and contract, as provided to Finance staff on March 30, 2020, has also been included as an appendix to this report.

- Date of contract – September 10, 2019
- Scope of consulting work included (but not exclusive to):
 - o Strategic Counsel
 - o Policy Review
 - o Policy Development
 - o Staff Coaching
 - o Media Training
 - o Media Relations
 - o Correspondence
- Fees to be \$25,000 plus HST for five month period starting from September 15, 2019 to February 14, 2020 or \$5,000 per month plus HST
- Contract may be terminated by written notice prior to end of term with payment of difference between \$25,000 plus HST and any amount remitted up until that point
- Balance owing due on net 30 day terms at 2% per month (24% per annum)

The following is a chronology of key events and decisions regarding the use of consultants by Members of Council:

1. September 16, 2019 - Governance and Council Operations Committee Meeting:

[Link to Committee Minutes](#)

Committee Recommendations

Recommendation GC039-2019

Whereas Councillors are expected to comply with the Code of Conduct, that the Code extends to all Council staff and external service providers/contractors hired by Councillors; and

That staff be requested to report back on consultants being used by Councillors; how the type of services provided could be reported for transparency; and the relationship

between consultants and staff, to the November 4, 2019 meeting of the Governance and Council Operations Committee.

Motion GC040-2019 (lost)

That until such time as the report is considered, that no further Lost commitment for additional services be made by Councillors, and payment not to be provided for any such consulting invoices received for new services rendered from this point forward.

2. September 23, 2019 – Finance staff follow up:

As a follow up to the resolution passed on September 16, 2019, Finance staff sent an email to all Councillors requesting confirmation if they:

- a) Have hired or engaged any Consultants during the current term of Council?
- b) If yes, the nature and duration of the work for which the Consultant was hired or engaged to perform and their associated fees.
- c) Alternatively, if Finance can be provided with a copy of any contract entered into between the Councillor and the Consultant.

Responses were received by Finance staff from the following Councillors:

- i. Councillor Bowman,
- ii. Councillor Singh,
- iii. Councillor Palleschi,
- iv. Councillor Santos,
- v. Councillor Fortini,
- vi. Councillor Dhillon,
- vii. Councillor Vicente,
- viii. Councillor Medeiros and
- ix. Councillor Whillans.

3. September 25, 2019 – City Council Meeting:

[Link to Council Minutes](#)

Council Resolutions

Resolution C354-2019

1. That the Minutes of the Governance and Council Operations Committee Meeting of September 16, 2019, to the Council Meeting of September 25, 2019, be received; and,
2. That Recommendations GC034-2019 to GC041-2019 be approved, as outlined in the subject minutes.

4. November 4, 2019 – Governance and Council Operations Committee Meeting:

[Link to Committee Minutes](#)

Committee Recommendations

Note: The Governance and Council Operations Committee also considered this matter in closed session. Information regarding the closed session is provided to the Committee under the separate closed session agenda.

Recommendation GC043-2019

That Committee proceed into Closed Session to consider matters pertaining to the following:

- 14.1. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Recommendation GC044-2019

1. That the City of Brampton Members of Council Expense Policy be revised to align with that of the City of Toronto with regard to the usage of consultants by Councillors, and to also potentially align with the standard City practices for retaining consultants, by way of a staff report;
2. That a freeze be placed on Councillor retention of consulting services, effective November 4, 2019, pending the staff report identified within the preceding clause;
3. That payment of any outstanding invoices for consulting services procured by a Councillor not be undertaken pending the review, and that such existing invoices be provided to the Committee and the public, upon request.

Recommendation GC045-2019

That the presentation by Zeeshan Majid, Senior Manager, Accounting Services, and Deputy Treasurer, Corporate Services, to the Governance and Council Operations Committee Meeting of November 4, 2019, re: [Update – Consultants in the Council Office \(RM 115/2019\)](#), be received.

5. November 20, 2019 – City Council Meeting:

[Link to Council Minutes](#)

Council Resolutions

Note: City Council also considered this matter in closed session. Information regarding the closed session is provided to the Committee under the separate closed session agenda.

Resolution C413-2019

That the agenda for the Regular Council Meeting of November 20, 2019, be approved as amended, as follows:

To add:

- 21.6 Litigation or potential litigation, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communication necessary for that purpose;

Resolution C422-2019

1. That the Minutes of the Governance and Council Operations Committee Meeting of November 4, 2019, to the Council Meeting of November 20, 2019, be received;
2. That Recommendations GC042-2019 to GB043-2019 and GC045-2019 to GC048-2019 be approved, as outlined in the subject minutes; and,
3. That Recommendation GC044-2019 be approved, as amended, to read as follows:

GC044-2019

1. That the City of Brampton Members of Council Expense Policy be revised to align with that of the City of Toronto with regard to the usage of consultants by Councillors, and to also potentially align with the standard City practices for retaining consultants, by way of a staff report;
2. That a freeze be placed on Councillor use of consulting services, effective November 20, 2019, pending the staff report identified within the preceding clause; and,
3. That payment of any outstanding invoices for consulting services submitted to the City of Brampton Accounts Payable by 2:20 p.m., November 20, 2019 be paid, procured by a Councillor, and any beyond this time not be undertaken pending the review, and that such existing invoices be provided to the Committee and the public, upon request.

6. February 3, 2020 – Governance and Council Operations Committee Meeting:

[Link to Committee Minutes](#)

Committee Recommendations

Motion GC003-2020 (lost)

1. *That the report titled: Revisions to Councillors' Expense Policy – Consulting Services (RM 132/2019), to the Governance and Council Operations Committee Meeting of February 3, 2020, be received; and*
2. *That the updated Councillors' Expense Policy attached to the subject report, be approved.*

Recommendation GC004-2020

That the proposed revisions to the [Councillors' Expense Policy – Consulting Services \(RM 132/2019\)](#) be referred to staff for clarification on permissible expenses with regard to external service providers, for a report to the next meeting of the Governance and Council Operations Committee;

That the report back include the prohibition on the use of consultants; and

That the freeze on the use of consultants (Resolution C422-2019) be maintained until Council makes a further decision on the matter.

7. February 5, 2020 – City Council Meeting:

[Link to Council Minutes](#)

Council Resolutions

Resolution C041-2020

1. That the Minutes of the Governance and Council Operations Committee Meeting of February 3, 2020, to the Council Meeting of January 22, 2020, be received; and,
2. That Recommendations GCW001-2020 to GC005-2020 be approved, as outlined in the subject minutes.

8. March 23, 2020 – Agreement cancellation invoice received:

Email received by Finance staff from Councillor Williams' office with cancellation of agreement invoice (\$15,000+HST= \$16,950 – invoice did not include any late payment charges).

9. March 30, 2020 – Copy of contract received:

Email received by Finance from Councillor Williams' office providing a copy of contract with consultant (Appendix 1).

10. April 15, 2020 – Agreement cancellation invoice with late payment charges:

Follow up email from Councillor Williams' office to Finance with new invoice including late payment charges – (\$15,000 + HST + \$300 late payment charges [@ 2% per month]).

11. April 27, 2020 – Processing of agreement cancellation invoice:

As per the Councillor Expense Policy, the Treasurer approved the invoice (\$15,000 + HST + \$300 late payment charges) and invoice payment was processed after consultation with Legal, Clerks and Office of CAO. The invoice payment was compliant with Resolution C422-2019, the Purchasing By-law and was eligible under the existing Councillor Expense Policy.

12. September 21, 2020 – Governance and Council Operations Committee Meeting:

[Link to Committee Minutes](#)

Committee Recommendations

Recommendation GC012-2020

1. That the report titled: [Update to Councillors' Expense Policy \(RM 12/2020\)](#), to the Governance and Council Operations Committee Meeting of September 14, 2020, be received; and
2. That the updated Councillors' Expense Policy and Annual Statement of Remuneration and Expenses ("SOR") format attached to the subject report be approved.

Recommendation GC013-2020

That staff be requested to further review and report on the details of the contract for Consulting Services agreed to by Councillor Williams, and any requirement to pay penalty in relation thereto, and the chronology of events and decisions regarding the use of consultants by Members of Council, to a future meeting of the Governance and Council Operations Committee.

13. September 30, 2020 – City Council Meeting:

[Link to Council Minutes](#)

Council Resolutions

Resolution C358-2020

1. That the Minutes of the Governance and Council Operations Committee Meeting of September 21, 2020, to the Council Meeting of September 30, 2020, be received; and,
2. That Recommendations GC011-2020 to GC016-2020 be approved as outlined in the subject minutes.

Corporate Implications:

Financial Implications:

There are no direct financial implications related to this report.

Other Implications:

There are no other implications resulting from this report.

Strategic Plan:

This report supports our Strategic Plan's strong foundation of Good Government and the principles of accountability and transparency.

Term of Council Priorities:

This report fulfils the Council Priority of a Well-run City through effective stewardship of municipal assets.

Conclusion:

This report provides the GCOC with the requested details of the contract for Consulting Services agreed to by Councillor Williams and the chronology of events and decisions regarding the use of consultants by Members of Council.

Authored by:

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Approved by:

Submitted by:

Michael Davidson, Commissioner,
Corporate Support Services

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Attachments:

Appendix 1 Contract for Consultant

Appendix 2 Closed Session - Minute extracts from the Nov-4 GCOC and Nov- 20
City Council meeting (provided only to Members of Council as part of the
closed session agenda)