

**Date:** 2023-10-01

**Subject:** **Amendments to Procedure By-law 160-2004 and Council Staff Relations Policy (GOV-140) – Implementing New Mayoral Duties and Authorities and Housekeeping Updates**

**Contact:** Peter Fay, City Clerk, Legislative Services Department,  
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**Report Number:** Legislative Services-2023-636

**Recommendations:**

1. That the report from Peter Fay, City Clerk, Legislative Services Department, dated October 1, 2023, to the Committee of Council meeting of October 25, 2023, re **Amendments to Procedure By-law 160-2004 and Council Staff Relations Policy (GOV-140) – Implementing New Mayoral Duties and Authorities and Housekeeping Updates**, be received;
2. That a by-law, substantially in a form as set out in Appendix 1 to this report, be enacted to amend Procedure By-law 160-2004, as amended; and
3. That amendments be made to the Council Staff Relations Policy (GOV-140), substantially in a form as set out in Appendix 3 to this report, to recognize and integrate the new Mayoral duties and authorities.

**Overview:**

- **In accordance with recent amendments to the *Municipal Act, 2001*, wherein additional duties and authorities are assigned to the head of council (the “Mayor”), proposed amendments are made to Procedure By-law 160-2004 and the Council Staff Relations Policy to integrate these duties and authorities.**
- **Public notice for proposed amendments to the Procedure By-law has been given in regard to this matter.**

**Background:**

In 2022, the Province amended the *Municipal Act, 2001*, and established associated regulations, to establish new duties and authorities for the Head of Council (the “Mayor”), to facilitate prescribed provincial priorities to build more housing in Ontario. Initially, these new powers applied to Toronto and Ottawa. As of July 1, 2023, they were extended to other municipalities, including Brampton.

A [Council Workshop was held on July 19, 2023](#) to explain the new mayoral duties and authorities. A new webpage has been created by the City to explain and document [mayoral decisions and directions](#) exercised under these new powers.

As the new authorities of the Mayor allow for the introduction of certain business to a meeting of City Council, in spite of Council’s procedural meeting rules, as well as enable the Mayor to take certain actions regarding Council decisions, this report proposes administrative updates to the Procedure By-law to account for these new mayoral authorities. This report also proposes some other pertinent housekeeping amendments to the by-law.

Housekeeping amendments are also proposed to the Council Staff Relations Policy (GOV-140) to recognize and integrate the new Mayoral duties and authorities.

### **Current Situation:**

#### Procedure By-law Amendments:

The following amendments are proposed to the Procedure By-law to incorporate the new Mayoral duties and authorities:

- Recognition the Mayor can establish the committee structure for City Council, including appointment of Chairs and Vice-chairs, for committees comprised entirely of Members of Council.
- Recognition the Mayor may propose by written notice a proposed matter or a by-law if, in the opinion of the Mayor, the proposed matter or by-law furthers a prescribed provincial priority, for consideration by Council at any time before or during a meeting.
- Clarification on voting in regard to the new Mayoral duties and authorities, including:
  - voting on a Mayoral proposed by-law shall be deemed carried with one-third of all Members of the Council voting in favour;
  - voting on a Mayoral by-law override by the Council shall be deemed carried with a two-thirds vote of all Members of the Council voting in favour; and
  - voting on a Mayoral budget resolution veto override by the Council shall be deemed carried with a two-thirds vote of all Members of the Council voting in favour.
- Clarification that a proposed Mayoral by-law introduced at a Council meeting cannot be amended by the Council, and shall only be put to a vote pursuant to

the *Municipal Act, 2001*, or withdrawn by the Mayor, potentially for subsequent submission of a new mayoral by-law at a future meeting.

Other housekeeping amendments to the Procedure By-law are proposed including:

- Adjusting the inaugural meeting to be held after the start of the new Council term instead of in December, given legislative changes to start the term on November 15, after the municipal election.
- Recognition meeting agendas are published digitally instead of hard copy, and that appropriate notification is provided to Members regarding any subsequent revisions or updates to an agenda.
- Recognition the meeting schedule may vary in December each calendar year.
- Recognition that closed session agenda distribution may be as directed by Council resolution.
- Recognition of the Consent Motion practice followed during meetings.
- Updating the meeting agenda sections to reflect current agenda sections.
- Clarifying that delegation requests and written correspondence, submitted for business already listed on the meeting agenda, must be received no later than two (2) hours prior to the meeting start time.
- Inclusion of gender neutral language.
- Simplified language to clarify current practices.

Appendix 1 sets out the recommended amendments to Procedure By-law 160-2004, as amended. Appendix 2 sets out a red-line version of the procedure by-law with the proposed amendments identified.

If Council wishes to pursue other possible substantive or housekeeping amendments to its meeting procedures, such as the process or pre-conditions for adding new business to a meeting agenda, it could consider requesting the Governance and Council Operations Committee to consider possible amendments for Council's consideration.

#### Council Staff Relations Policy Amendments:

Housekeeping amendments are also proposed for the Council Staff Relations Policy to reflect the new Mayoral duties and authorities, particularly in regard to the Mayor's authority to provide written direction to staff to:

- (a) undertake research and provide advice to the Mayor and the municipality on policies and programs of the municipality or of the Mayor as they relate to the powers and duties under Part VI.1 of the Act; and
- (b) carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the Mayor under Part VI.1 of the Act.

Additionally, minor housekeeping changes are proposed for the policy.

Appendix 3 sets out the recommended amendments to the Council Staff Relations Policy.

**Corporate Implications:**

Financial Implications:

There are no direct financial implications from this report and recommendations.

Other Implications: nil

**Strategic Focus Area:**

This report achieves the Strategic Focus Area of Government and Leadership by facilitating a governance structure and procedural rules to enable effective governance and decision-making to enhance Council process transparency.

**Conclusion:**

Proposed amendments are recommended to both Procedure By-law 160-2004 and the Council Staff Relations Policy to reflect the recent amendments to the Municipal Act to expand the duties and authorities of the head of council (the “Mayor”). Other housekeeping amendments are also proposed to these legislatively-mandated City documents.

Authored by:

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Peter Fay,  
City Clerk

Approved by:

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Paul Morrison,  
Acting Commissioner  
Legislative Services

Submitted by:

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Marlon Kallideen,  
Chief Administrative Officer

**Attachments:**

- Appendix 1 – Draft By-law to Amend Procedure By-law 160-2004, as amended
- Appendix 2 – Red-line version of Proposed Procedure By-law Amendments
- Appendix 3 – Proposed Amendments to Council Staff Relations Policy (GOV-140)