Tuesday, February 12, 2019
2:00 p.m. – Regular Meeting
Bdrm WT-2C/2D – 2nd Floor – West Tower

Members:  Regional Councillor P. Fortini – Wards 7 and 8 (Chair)
          Regional Councillor M. Medeiros – Wards 3 and 4
          Regional Councillor P. Vicente – Wards 1 and 5
          Regional Councillor G. Dhillon – Wards 9 and 10
          City Councillor C. Williams – Wards 7 and 8

For inquiries about this agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact:
   Terri Brenton, Legislative Coordinator, Telephone 905.874.2106, TTY 905.874.2130
cityclerksoffice@brampton.ca

Note:  Meeting information is also available in alternate formats upon request.
Agenda
Governance and Council Operations Committee

Note: Please ensure all cell phones, mobile and other electronic devices are turned off or placed on non-audible mode during the meeting. Council Members are prohibited from sending text messages, e-mails and other electronic messaging during the meeting.

1. Approval of Agenda

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

3. Consent

* The following items listed with an asterisk (*) are considered to be routine and non-controversial by the Committee and will be approved at this time. There will be no separate discussion of any of these items unless a Committee Member requests it, in which case the item will not be consented to and will be considered in the normal sequence of the agenda.

(nil)

4. Announcements (2 minutes maximum)

5. Delegations (5 minutes maximum)

6. Staff Presentations

6.1. Presentation by P. Fay, City Clerk, Office of the Chief Administrative Officer, re: Committee Terms of Reference and Orientation

Note: Committee Terms of Reference attached

6.2. Presentation by P. Fay, City Clerk, Office of the Chief Administrative Officer, re: Council Office Support Model – Implementation Work

Note: To be distributed prior to the meeting
7. **Reports**


Note: To be distributed prior to the meeting

7.2. Report from P. Fay, City Clerk, Office of the Chief Administrative Officer, re: Secure Access to Closed Session Material

Note: To be distributed prior to the meeting

8. **Other Business/New Business**

8.1. Discussion Item re: Secure Access to Mayor and Council Offices – 6th Floor

8.2. Discussion Item re: Printing and Mailing Costs for Members of Council

8.3. Discussion Item re: Accountability and Governance Matters – Update

8.4. Discussion Item re: Procedure By-law and Meeting Rules

8.5. Tour of Renovated Council Chambers and Adjacent Spaces

*If time permits*

9. **Deferred/Referred Matters**

10. **Notice of Motion**

11. **Correspondence**

12. **Councillors’ Question Period**
13. **Public Question Period**  
15 Minute Limit (regarding any decision made at this meeting)

14. **Closed Session**

15. **Adjournment**  
Next Meetings: To be determined
Governance and Operations Committee
(formerly Member Services Committee)

Composition: Minimum of four Members of Council, except the Mayor who shall be an ex-officio Member of such committee

Term of Office: Concurrent with the term of Council, ending November 14, 2022, or until successors are appointed

Established by: Council Resolution C327-2104, Clause 5

Meetings: Quarterly or as required by the Chair

Reports to: City Council

Supported by: City Clerk's Office

Committee Structure/Responsibilities:

To consider initiatives that have a direct impact on Members of Council to increase awareness and compliance with Corporate policy and procedures, including:

- the accountability and transparency provisions of the Municipal Act (e.g., Code of Conduct, Integrity Commissioner),
- Council Governance, Structure and Composition
- Council Procedure By-law and meeting procedures
- Mayor’s Office and Council Office administrative matters
- Member expense policy matters.
The following items, listed on the agenda for distribution prior to the meeting, are attached:

6.2.  Presentation by P. Fay, City Clerk, Office of the Chief Administrative Officer, re: Council Office Support Model – Implementation Work


7.2.  Report from P. Fay, City Clerk, Office of the Chief Administrative Officer, re: Secure Access to Closed Session Material
Council Office Support Model Implementation Work

Governance and Council Operations Committee
February 12, 2019
Outline

- Council Decision Re-cap
- Work Plan
- Staffing Considerations
- Accommodation Considerations
- Financials
- Next Steps
Council Decisions

CW022-2019

1. That the **Council Office Support Model be changed to a political support model**, effective April 15, 2019, based on one (1) Executive Assistant for each Councillor (each on a fixed-term employment contract with full non-union benefits), and additional staff at the discretion of the Councillor, within the assigned ‘Councillor staffing’ budget threshold (estimated at approximately $200,000 per Councillor offset by existing Council Office budget);

2. That the **draft job descriptions for the Executive Assistant and Administrative Assistant**, as generally set out in Appendix 2 to this report, be used as the basis for finalizing the positions for recruitment and hiring;

3. That the draft Human Resources **Management and Ethical Framework for Council Members’ Staff**, as generally set out in Appendix 3 to this report, be reviewed and finalized as the basis for the staffing framework for the staff positions supporting the Councillors;

4. That the **Governance and Council Operations Committee**, in consultation with staff, be requested to review and guide the finalization of the **draft job descriptions and framework** attached to this report as the basis for implementation of Council’s decisions on a new support model;

5. That staff be directed to make necessary **amendments to the Council Expense Policy and Council Handbook**, and other City policies and procedures, to implement Council’s decisions;

6. That Council approve **Option 1** (i.e., remove existing 10 workstations and replace with 2 smaller touch-down workstations; no additional construction), as described in this report, for Councillor staff accommodations, with funding sourced from existing facility capital budgets;

7. That the new **Council Office support model be reviewed annually**, through the Governance and Council Operations Committee, to review and recommend improvements to the political support model, as appropriate;

8. That **during the 2019 budget approval process, further consideration of possible financial offsets**, including service delivery reductions or adjustments, be identified in order to offset implementing the new Council Office support model, as decided by Council, such that there is a zero-tax impact to the taxpayer;

9. That all **Council staff positions be hired at salary levels to be determined by the individual Councillor**;

10. That the position of **Council Receptionist be retained** as a corporate position;

11. That the current **budget funding for Councillor newsletters and calendars be maintained**.
## Work plan

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Implementation Steps</th>
</tr>
</thead>
</table>
| **Staffing**                         | • Finalize and evaluate job descriptions  
• Salary bands and total rewards compensation  
• Benefits plan  
• Councillor discretion for staff compensation  
• Council Office Assistant job update (6th floor reception) |
| **Council Office Management and Ethical Framework** | • Define “Manager” responsibilities  
• Training opportunities |
| **Governance and Council Operations Committee** | • Steering Committee for implementation |
| **Policy and Documentation Updates** | • Mayor and Councillor Expense Policy  
• Council Handbook |
| **Accommodations**                   | • Installation of touchdown stations |
| **Financials**                       | • Individual Councillor Cost Centres  
• Offsets considered through Budget Committee (2019 budget process) |
| **Communications**                  | • Continue newsletters and calendar to continue  
• Define new role for Councillor’s staff in communications |
| **Other**                            | • Councillor Discretionary Business account  
• One-time technology set-up for staff |
Staffing Considerations

• Positions and Duties
• Compensation
• Benefits
## Staffing Considerations – Positions and Duties

<table>
<thead>
<tr>
<th>Position</th>
<th>Duties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City Councillor</strong></td>
<td>• <em>Working together as Council..., representative, stewardship, policy-making</em></td>
</tr>
</tbody>
</table>
| **Executive Assistant** | • constituency assistance  
                       | • advisory and consultative assistance  
                       | • communication and public relations support, incl. social media platforms  
                       | • representative role on behalf of Councillor  
                       | • research, analysis and drafting  
                       | • collaborate and liaise with elected officials, departments and gov’ts |
| **Administrative Assistant** | • administrative support  
                       | • scheduling and calendar support  
                       | • constituency assistance and contact management  
                       | • contact/inquiry intake and distribution (in-person, email, social media, telephone, mail)  
                       | • communication materials preparation (web, digital, hard copy)  
                       | • general office duties |
| **Councillor Aide** | • answer phones and general inquiries  
                       | • general administrative and clerical functions  
                       | • filing and maintenance of office supplies within the office  
                       | • photocopying and distribution of materials to the community  
                       | • assist with community events  
                       | • research support |
## Staffing Considerations – Compensation

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>City Councillor</td>
<td>$88,723</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Councillor Support</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive Assistant</td>
<td>$68,928</td>
<td>$77,544*</td>
<td>$86,160</td>
</tr>
<tr>
<td>Grade 4</td>
<td></td>
<td>• 15 days vacation per year</td>
<td>• Vacation Pay 4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 35 hr. lieu bank</td>
<td>• May work up to 24hrs/wk</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>$60,556</td>
<td>$68,126*</td>
<td>$75,695</td>
</tr>
<tr>
<td>Grade 3</td>
<td></td>
<td>• 15 days vacation per year</td>
<td>• Vacation Pay 4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 35 hr. lieu bank</td>
<td>• May work up to 24hrs/wk</td>
</tr>
<tr>
<td>Councillor Aide</td>
<td>$52,286</td>
<td>$58,822*</td>
<td>$65,357</td>
</tr>
<tr>
<td>Grade 2</td>
<td></td>
<td>• 15 days vacation per year</td>
<td>• Vacation Pay 4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 35 hr. lieu bank</td>
<td>• May work up to 24hrs/wk</td>
</tr>
</tbody>
</table>

*maximum starting salary IAW Corporate Salary Admin Policy 4.1.0

**eligible for lieu time IAW Corporate Policy 4.3.0; applies to hrs. worked in excess of 44/wk.
# Staffing Considerations – Benefits

<table>
<thead>
<tr>
<th>Full-time Contract</th>
<th>Part-time Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>• OMERS eligibility after 2 yrs. of service, unless transferring from OMERS employer*</td>
<td>• OMERS eligibility after 2 yrs. of service, unless transferring from an OMERS employer*</td>
</tr>
<tr>
<td>• 8 Personal Emergency Leave days (ESA)</td>
<td>• 8 Personal Emergency Leave days (ESA)</td>
</tr>
<tr>
<td>• Public holidays and additional days observed by the Corporation IAW Corporate Policy 8.1.0 and ESA</td>
<td>• Public holidays (ESA)</td>
</tr>
<tr>
<td>• Participation in performance management program and eligible for merit increases**</td>
<td>• Learning + Development opportunities</td>
</tr>
<tr>
<td>• Learning + Development opportunities</td>
<td>• Mileage</td>
</tr>
<tr>
<td>• Mileage</td>
<td></td>
</tr>
<tr>
<td>• Health, Dental, Vision (cost-sharing model):</td>
<td></td>
</tr>
<tr>
<td>Staff Costs (25%): $35 Single/$98 Family (per month)</td>
<td></td>
</tr>
<tr>
<td>Councillor Costs (75%): $104 Single/$293 Family (per month)</td>
<td></td>
</tr>
</tbody>
</table>

*min. Eligibility criteria of working at least 700hrs in both the previous two calendar years with any OMERS participating employer or earned at least 35% of YMPE

**eligibility for merit increase subject to budget approval and IAW Corporate Salary Admin Policy 4.1.0
Council Office Management and Ethical Framework

• Draft included in January 2019 staff report
• Framework for Councillor-employee work relationship and expectations
  • Unique sub-group of City of Brampton non-union contract employees
• Framework will form part of the employment contract
• Councillor role as employee “manager”
Council Office Management and Ethical Framework

- Application of specific Corporate Human Resource policies
- Roles and Responsibilities
  - Member of Council
  - Member’s staff
  - City Clerk’s Office
  - City administration
- Member Role
  - Recruitment and Hiring
  - Salary and Total Rewards
  - Terms and Conditions of Employment
  - Termination
  - Duties and Limitations
- Member’s staff Role
  - Council Code of Conduct
  - Lobbying
  - Conflicts of Interest
  - Political Activity
  - Disclosure of Wrongdoing and Reprisal Protection
  - Information Management
Councillor “Manager” Responsibilities

- Recruitment and Hiring
- Health + Safety (compliance, training)
- Training + Development
- Tracking hours of work, vacation, lieu and overtime (time sheets)
- Office supplies (paper, pens, coffee, water)
- Financial management
- Expense and mileage approvals
- Performance management
- Legislative compliance
- Termination of employment

*Training opportunities for “Manager” responsibilities to be scheduled*
Accommodation Considerations

• Council decision – Option 1
  • Replace existing Constituency Assistant workstations with 2 touchdown workstations
  • No new construction
  • Implementation tentatively scheduled for weekend before April 15
Accommodation Considerations
## Financials

<table>
<thead>
<tr>
<th>2019-2021 BUDGET</th>
<th>Councillor</th>
<th>Councillor Staff</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>$ 88,723</td>
<td>$ 161,855</td>
<td>$ 250,578</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>$ 23,853</td>
<td>$ 36,191</td>
<td>$ 60,044</td>
</tr>
<tr>
<td>Car Allowance</td>
<td>$ 16,210</td>
<td>$ -</td>
<td>$ 16,210</td>
</tr>
<tr>
<td>Res 03-Workers Compensation</td>
<td>$ 568</td>
<td>$ 1,036</td>
<td>$ 1,604</td>
</tr>
<tr>
<td><strong>Total Labour</strong></td>
<td>$ 129,354</td>
<td>$ 199,082</td>
<td>$ 328,436</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>$ 6,250</td>
<td>$ -</td>
<td>$ 6,250</td>
</tr>
<tr>
<td>Staff Development</td>
<td>$ -</td>
<td>$ 2,000</td>
<td>$ 2,000</td>
</tr>
<tr>
<td>Mileage</td>
<td>$ -</td>
<td>$ 500</td>
<td>$ 500</td>
</tr>
<tr>
<td>Office Expenses</td>
<td>$ -</td>
<td>$ 300</td>
<td>$ 300</td>
</tr>
<tr>
<td>Smartphone</td>
<td>$ -</td>
<td>$ 1,000</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Printer Lease</td>
<td>$ -</td>
<td>$ 500</td>
<td>$ 500</td>
</tr>
<tr>
<td><strong>Total Other</strong></td>
<td>$ 6,250</td>
<td>$ 4,300</td>
<td>$ 10,550</td>
</tr>
<tr>
<td><strong>Net Operating</strong></td>
<td>$ 135,604</td>
<td>$ 203,382</td>
<td>$ 338,986</td>
</tr>
</tbody>
</table>
Next Steps

• Future GCOC meetings to guide implementation towards April 15 effective date
  • Finalize job descriptions, compensation and benefits
  • Transitional matters
  • Policy and document updates
  • Other implementation matters
Date: 2019-02-06

Subject: New Policies in Compliance with Bill 68, Modernizing Ontario’s Municipal Legislation Act, 2017

Contact: Peter Fay, City Clerk, Office of the Chief Administrative Officer, 905-874-2172, peter.fay@brampton.ca

Recommendations:

1. THAT the report from Peter Fay, City Clerk, Office of the CAO, dated January 26, 2019, to the Governance and Council Operations Committee Meeting on February 12, 2019, re: New Policies in Compliance with Bill 68, Modernizing Ontario’s Municipal Legislation Act, 2017 be received;

2. THAT Council approve the new Council-Staff Relations Policy appended to this report (Appendix A);

3. THAT Council approve the new Pregnancy/Parental Leave Policy for Members of Council appended to this report (Appendix B);

4. THAT the Council Code of Code apply to local boards, with exceptions, modifications, and adaptations as may be necessary, until such time as specific Codes are developed and approved for these local boards; and further

5. THAT the Clerk be requested to forward a copy of this report and Council’s resolution to the City’s local boards, including the Downtown Brampton Business Improvement Area (BIA) Board of Directors and Brampton Public Library Board.

Overview:


- The Bill imposes new obligations on municipalities including the following
Background:

On May 30, 2017, Bill 68, the Modernizing Ontario’s Municipal Legislation Act, 2017, passed third reading and received Royal Assent. Bill 68 amends several Acts including the Municipal Act, 2001, the Municipal Conflict of Interest Act, and the Municipal Elections Act, 1996. The Bill imposes new obligations on municipalities which come into effect at different times including the following requirements to be enacted by March 1, 2019:

a) A Council-Staff Relations Policy;

b) A Policy for Pregnancy/Parental Leave for Members of Council; and,

c) A Code of Conduct for Local Boards.

Current Situation:

Council-Staff Relations Policy (s.270(1)(8))

Municipalities are now required to adopt and maintain policies with respect to the relationship between Members of Council and the Officers and employees of the municipality. While the legislation provides flexibility to draft the policy in a way that responds to a municipality’s own unique circumstances, the Ministry of Municipal Affairs and Housing in its 2018 Municipal Handbook has provided guidance on content that may be considered: clarity on roles and reporting relationships; appropriate processes for directing inquiries; ethical standards; a complaint mechanism; and guidelines for respectful working relationships.

The proposed Policy (attached as Appendix A) is drafted as a broader framework of policies that have already been endorsed by Council. These policies include the:

a) Accountability and Transparency Policy;

b) Code of Conduct for Members of Council;

c) Conflict of Interest Policy;

d) Lobbyist Registry By-law;

e) Employee Code of the Conduct;

f) Respectful Workplace Policy;
g) Workplace Violence Policy;
h) Use of Corporate Resources Policy;
i) Corporate Fraud Prevention Policy; and
j) Procedure By-law.

The new Council- Staff Relations Policy promotes productive and respectful interactions and relationships between Members of Council and staff and provides a mechanism to address workplace matters between the parties.

Policy for Pregnancy / Parental Leave for Member’s of Council (s.270)

Municipalities are now required to have a policy for pregnancy and parental leaves for Members of Council. The proposed Policy (Attached as Appendix B) protects a Member’s seat from becoming vacant during an absence related to pregnancy, birth or adoption of a Member’s child for up to twenty (20) consecutive weeks and not to exceed the term of Council.

Codes of Conduct for Local Boards (s.223.2(1))

There has been a general trend at the municipal level to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behaviour and conduct.

The purpose of the Code of Conduct for Members of Council is to establish rules that guide Members in performing their diverse roles in representing their constituents, and recognizing Members’ accountability for managing City resources allocated to them.

All municipalities are now required to have a Code of Conduct for local boards. The trend among area municipalities and the recommended approach in this report is to expand the current scope of the Code of Conduct for Members of Council to include local boards until such time as the City, in conjunction with the new Integrity Commissioner, develops suitable Code of Conduct provisions for these bodies.

In the Brampton context, a local board would include the Downtown Brampton BIA and Brampton Library Board.

The Code of Conduct for Members of Council is scheduled for review in 2019 as part of the regular 3 year policy review schedule. This review will also address feedback from the Integrity Commissioner on sections of the Code which could be strengthened.

Corporate Implications:
**Financial Implications:** nil

**Other Implications:** nil

**Strategic Plan:**

This report supports the Strategic Plan’s strong foundation of Good Government and the principles of accountability, transparency, and respectful workplace.

**Conclusion:**

To ensure compliance with the new municipal obligations under Bill 68, it is recommended that Council approve:

a) The new Council-Staff Relations Policy appended to this report (Appendix A);

b) The new Pregnancy/ Parental Leave Policy for Members of Council appended to this report (Appendix B); and;

c) The broadening of the scope of the Code of Conduct for Members of Council to include local boards.

Approved by: ____________________________

Peter Fay
City Clerk
Office of the CAO

Approved by: ____________________________

Joe Pittari
Acting Chief Administrative Officer

**Attachments:**

Appendix A - Council-Staff Relations Policy
Appendix B - Pregnancy/ Parental Leave Policy for Members of Council

Report authored by: Natalie Early, Manager of Corporate Policy and Performance, Office of the CAO, 905-874-2174
1. Background

The Municipal Act, 2001 S.O. 2001, c.25, s.270(1) requires that all municipalities adopt and maintain a policy regarding the relationship between Members of Council and staff.

The Act also sets out the core responsibilities of the Mayor in s.225 and s.226, Members of Council in s.224, and staff in s.227.

This Policy is part of a broader framework of policies that support productive working relationships between Members of Council and staff. These policies include the:

- Accountability and Transparency Policy;
- Code of Conduct for Members of Council;
- Conflict of Interest Policy;
- Lobbyist Registry By-law;
- Employee Code of the Conduct;
- Respectful Workplace Policy;
- Workplace Violence Policy;
- Use of Corporate Resources Policy;
- Corporate Fraud Prevention Policy; and
- Procedure By-law.

2. Purpose

The purpose of this Policy is to promote productive and respectful interactions and relationships between Members of Council and staff and to provide a mechanism to address workplace matters between the parties.

3. Application and Scope

3.1 This Policy applies to all Members of Council and all staff of the City of Brampton.
3.2 This Policy is to be applied wherever and whenever interactions occur - onsite at City facilities or external to City facilities, during or outside of regular hours of work.

4. Outcomes

4.1 A framework for information flow and interactions between Members of Council and staff that leads to productive working relationships.

5. Principles

5.1 **All Members of Council are Equal** – Only Council as a whole has the authority to direct staff to carry out specific tasks or functions. The City administration under the direction of the Chief Administrative Officer serves the Council as a whole and the combined interests of all Members of Council as expressed through the resolutions of Council. An individual Member of Council should refrain from requesting staff to undertake work, to prepare reports, or seek preferred outcomes other than pursuant to a Council approved direction.

5.2 **Mutual Respect** – Council as a whole exercises fiduciary and representative responsibilities concerning the operations of the City in partnership with an administration that is neutral, objective, and professional. City staff acknowledges the representative, direction-setting and policy-making role of Council while maintaining responsibility for management of daily operations. No Member of Council or staff member shall make comments that disparage or harm the reputation of the City, Council or co-workers.

5.3 **Open and Clear Communication** – Open lines of communication are essential. Members of Council and staff should feel comfortable speaking to one another about their work both formally and informally. However, formal communication channels exist to raise and manage operational and administrative issues and should be respected.

5.4 **Respectful Workplace** - The City is committed to a positive, healthy, and safe workplace in which every person is treated with respect and dignity. Incivility, harassment and discrimination is not tolerated, condoned or ignored.

6. Policy Statements

6.1 The flow of information between staff and Members of Council should promote the principles of transparency, accountability and when appropriate, confidentiality.

6.2 Members of Council have the same rights of access to information as members of the community.

6.3 It is expected that Members of Council will:

a) Request Senior Leadership input prior to making policy decisions;
b) Discuss issues with Senior Leadership and advise them of questions prior to Committee and Council meetings, whenever possible, for better informed debate and evidence based decision making;

c) Understand their discussions with staff may be communicated to others within the organization and that a Member of Council cannot compel City staff to confidentiality;

d) Request advice from the City Clerk about the appropriate wording of motions, amendments, and formal directions to staff in accordance with the Procedure By-law; and,

e) Consult with the appropriate member of management staff prior to responding to constituents concerns or requests to ensure accurate information regarding city policies, service levels, budgets and work plans.

6.4 Members of Council should refrain from:

a) Directing, instructing, or influencing staff other than by giving appropriate direction by way of a Council or committee resolution;

b) Contacting staff below the level of manager on Council related business prior to consulting with Senior Leadership of that department;

c) Expecting or requesting a waiver of standard process in their dealings with staff;

d) Attending technical meetings between staff and consultants, applicants, contractors or legal advisors; or

e) Issuing instructions to the same parties as noted above.

6.5 It is expected that staff will:

a) Ensure that Council is apprised of known issues that may impact upon their decision-making process in a timely manner;

b) Provide advice based on political neutrality and objectivity utilizing their professional expertise;

c) Notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;

d) Provide Committee and/or Council with the implications of recommendations which may impact on services or corporate wide work plans and related capacity issues;
e) Give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them;

f) Provide all Members of Council with the briefing materials, reports and information requested by individual Members of Council; and,

g) Provide a written response to inquiries from Members of Council in one working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

6. Roles and Responsibilities

7.1 Members of Council and staff are required to adhere to this Policy and its governing provisions.

7.2 The City Clerk and Chief Administrative Officer are responsible for receiving complaints and/or concerns related to this Policy and initiating processes and remedies according to section 8 of this Policy – “Monitoring and Compliance”.

8. Monitoring and Compliance

8.1 Upon receipt of a complaint, the City Clerk or Chief Administrative Officer shall determine which policy, code, by-law, or protocol is alleged to have been breached and follow the respective process, standard operating procedures and remedies defined in those instruments.

9. Definitions

9.1 ‘Act’ refers to the Municipal Act, 2001 S.O. 2001, which for the purposes of this Policy, outlines the roles and responsibilities of Members of Council and officers and outlines the requirement for such a Policy.

9.2 ‘City Administration’ means employees of the City of Brampton, led by the CAO and supported by the Corporate Leadership Team.

9.3 ‘Member of Council’ means any member of the legislative body of the City, including the Mayor. For the purposes of this Policy, responsibilities under this Policy are also held by representatives from their Offices.

9.4 “Officers” means the CAO, Clerk and Treasurer of the municipality.

9.5 ‘Staff’ means people employed by the City of Brampton including the CAO, the officers of the municipality, the City Clerk and Treasurer as defined by the Act.

9.6 ‘Senior Leadership' means the CAO, Commissioners, Directors and General Managers or their designates.

9.7 ‘Integrity Commissioner’ means the independent key advisor to Council on a range of important issues, as defined in the Municipal Act, 2001. The Integrity
Commissioner is responsible for providing education and advice to Members of Council, and presiding over complaints investigations.

10. References and Resources

This Policy should be read and applied in conjunction with the following references and resources as updated from time to time:

**External references**
- Municipal Act, 2001
- Municipal Freedom of Information and Protection of Privacy Act

**References to related bylaws, Council policies, and administrative directives**
- Conflict of Interest Policy
- Corporate Fraud Prevention Policy
- Employee Code of Conduct
- Lobbyist Registry By-law 149-2015
- Members of Council Code of Conduct
- Procedure By-law, 160-2004
- Respectful Workplace Policy
- Use of Corporate Resources Policy
- Workplace Violence Policy

**References to related corporate-wide procedures, forms, and resources**
- City Council Handbook
- Code of Conduct Complaint Protocol

**Revision History**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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Council Policy

Category: Human Resources

Title: Pregnancy and Parental Leave for Members of Council

Policy Number: [Assigned by Manager, Corporate Policy]
Approved by: [Committee Recommendation #], [Council Resolution #]
Administered by: City Clerk’s Office, Office of the CAO
Effective: March 1, 2019

1. Background

The City of Brampton is committed to providing a clear and transparent process for Members of Council to take pregnancy and parental leave. The Municipal Act, 2001 requires the City to adopt a policy for such leaves in accordance with Section 270. It is recognized that a Member is elected to represent their constituents, and as such, a Member on pregnancy and/or parental leave will reserve the right to exercise their authority at any time during their leave.

2. Purpose

The purpose of this Policy is to provide guidance on how the City of Brampton addresses a Member’s pregnancy or parental leave in a manner that respects a Member’s statutory role as an elected representative.

3. Application and Scope

This Policy applies to current Members of Council.

4. Outcomes

4.1 Members of Council will understand the leave entitlement relating to taking time off for pregnancy, the birth of a Member’s child, or the adoption of a child by a Member.

4.2 Members of Council will understand their rights and authorities while on leave.

4.3 Ensure compliance with the Municipal Act, 2001, regarding the pregnancy and parental leaves of Members of Council.
5. **Principles**

The following guiding principles should be applied with respect to this policy:

5.1 Commitment: The City provides a supportive approach to pregnancy and parental leave, to support the well-being of Members of Council and their families.

5.2 Fairness: All Members of Council are treated fairly and consistently within the municipality.

6. **General Requirements**

6.1. City Council supports a Member of Council's right to pregnancy and/or parental leave as follows:

   a) In accordance with Section 259(1.1) of the *Municipal Act, 2001*, a Member of Council is eligible to twenty (20) consecutive weeks of pregnancy leave and parental leave, not to extend beyond a Member's term of office.

   b) A Member of Council's pregnancy and/or parental leave does not require Council approval, and in accordance with Section 259(1)(c) of the *Municipal Act, 2001*, Council will not declare the Member's seat vacant on account of the Member's absence(s) from Council meetings while on leave.

   c) Legislative and administrative matters requiring action during a Member of Council's pregnancy and/or parental leave should be addressed in a manner that is consistent with the Procedure By-law 160-2004.

   d) The leave may start up to ten (10) weeks before a Member of Council's expected date of delivery, or before the date when a child has come into the care, custody or control of a parent for the first time.

   e) A Member of Council should notify the City Clerk, in writing, of their intent to take leave, at their earliest convenience, but at least four (4) weeks before the start of the leave unless there is an extenuating circumstance.

   f) If a Member of Council wishes to seek a leave in excess of twenty (20) consecutive weeks, a resolution of Council is required. The Member will advise the City Clerk, in writing, of the request to extend their leave as soon as it is known with details on the nature of the requested extension.

   g) Council has the authority to waive certain sections of this policy due to special circumstances to ensure compliance with the *Municipal Act, 2001*. 

7.1-11
6.2. Salary and Benefits
   a) A Member of Council will continue to receive Council remuneration and all benefits afforded to them while on pregnancy or parental leave.

6.3. Management of a Member's Office during Leave
   a) Members of Council may wish to consult with the City Clerk regarding administrative oversight of their office while on leave.

6.4. City Council and Committee Meetings
   a) The Member of Council may attend, in person or by any other means permitted under the Municipal Act, 2001, any Council and/or Committee meetings and/or events for which they are entitled.
   b) The Member of Council may choose to cast any vote on any matter before Council and/or its Committees for which they are entitled.
   c) The Member of Council will advise the Clerk if they choose to attend Council and/or Committee Meetings during the leave.
   d) If agreed to by the Member of Council, the Member will continue to be included in Council and committee communications including, without limitation, notices of regular and special Council and committee meetings, and be provided with copies of all open agendas and minutes of meetings, in accordance with the Procedure By-law.
   e) For Council committees with exclusive membership, a Member of Council, in accordance with section 2.13 of the Procedure By-Law may designate another Member of Council to attend a committee meeting on their behalf.

6.5. Regional Council
   a) In the event the Member of Council on leave is also a Regional Councillor, then the temporary replacement Regional Councillor, as selected by the Brampton City Council Member, would fulfil the role of the absent Regional Councillor as a temporary replacement for a meeting of the Regional Council, as per Section 268 of the Municipal Act, 2001.
   b) Alternatively, for an absence of a Regional Councillor for a period greater than one (1) month, City Council can appoint one of its members as an alternate Regional Councillor until the absent Regional Councillor is able to resume the role of Regional Councillor, as per Section 267 of the Municipal Act, 2001.
6.6. External Boards and Committees

a) Council will appoint an interim Member of Council to external boards and committees to replace the Member of Council on leave, unless the Member on leave has first given notice to the City Clerk that they wish to continue to attend the meetings of the external boards and committees to which they were appointed by way of a resolution of Council.

6.7. Return from Pregnancy and/or Parental Leave

a) Upon return from leave, the Member of Council will resume all appointments to Council, Committees of Council, external boards and committees that they previously held before the leave, unless Council decides otherwise.

7. Roles and Responsibilities

Members of Council and City staff are responsible for adhering to the parameters of this Policy. Additionally:

7.1. Members of Council are responsible for providing timely information to the City Clerk regarding their leave.

7.2. The City Clerk is responsible for administrative oversight of this Policy.

7.3. Human Resources is responsible for providing general support and guidance on the application of this policy.

8. Monitoring and Compliance

8.1. The City Clerk shall be responsible for monitoring the application of this Policy and for receiving complaints and/or concerns related to this Policy.

8.2. The Integrity Commissioner may investigate complaints against members related to this Policy.

9. Definitions

9.1 ‘Leave’ means pregnancy or parental leave.

9.2 ‘Member of Council’ means the Mayor or a Councillor of The Corporation of the City of Brampton.

9.3 ‘Pregnancy leave’ means leave entitlement for a person giving birth to a child.

9.4 ‘Parental leave’ means leave entitlement for a parent.

9.5 ‘Parent” means:
7.1-14

a) A natural or adoptive parent;

b) A person who is in a relationship of some permanence with the natural or adoptive parent of the child and intends to treat the child as their own.

10. References and Resources

External references
- Municipal Act, 2001

References to related bylaws, Council policies, and administrative directives
- Procedure By-law 160-2004

Revision History

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Date: 2019-02-07

Subject: Secure Access to Closed Session Agenda Material

Contact: Peter Fay, City Clerk, Office of the Chief Administrative Officer

Recommendations:

1. That the report from Peter Fay, City Clerk, Office of the Chief Administrative Officer, dated February 7, 2019, to the Governance and Council Operations Committee meeting of February 12, 2019, re: Secure Access to Closed Session Material, be received;

2. That the City Clerk be requested to investigate and implement as expeditiously as possible a secure means of electronic provision of closed session material to Members of Council and appropriate staff; and

3. That the Closed Session Protocol be revised to accommodate the electronic provision of confidential closed session material, by means and at the discretion and satisfaction of the City Clerk and City Solicitor; and

4. That, until such time as an adequate electronic method of distributing closed session materials is instituted, the CAO, in consultation with the City Clerk and City Solicitor, be authorized to determine appropriate timing and method of distribution of specific hard-copy closed session agenda items depending on their deemed level of sensitivity and/or complexity.

Overview:

- This report has been prepared at the request of Council for expanded access to the materials related to Closed Sessions of Council and its Committees.

- The report provides rationale for the current protocol and options for expansion of access should Council feel it warranted.

- The paramount concern in this regard remains the safety and security of the City’s information contained within Closed Session materials and deliberations, and the maintenance of confidentiality throughout the closed session process. This is balanced, however, with consideration for informed decision-making by Council.
BACKGROUND

The holding of Closed Sessions of Council and its Committees, as required for the maintenance of confidentiality of information, is authorized within Section 239 of the Municipal Act, as amended. Beyond the boundaries of this section of legislation, all other deliberations and meeting materials of Council and its various committees are to be transparent and public.

The Council of the City of Brampton has for many years exercised the exceptions provided by the Act, to discuss appropriate material confidentially within Closed Session, with both the City Clerk and City Solicitor as gatekeepers to the principles of transparency though the development and application of the City’s Closed Session Protocol, and adherence to “Section 2.7 - Closed Meetings” within Brampton Procedure By-law 160-2004, as amended.

During the previous term, Council considered it important to protect the security of closed session information by revising the Protocol, specifically in relation to the timing of distribution and the environment in which closed session material could be accessed.

At its January 30, 2019 meeting, Committee of Council requested staff to report on options to enable Members to receive closed session materials prior to the meeting.

CW058-2019 That staff report back to a future Committee of Council meeting with options for enabling Members of Council to receive closed session materials prior to the meeting.

On February 6, 2019, City Council passed a Resolution to permit the Chief of Staff, Mayor’s Office, to attend closed session meetings.

CURRENT SITUATION

With the current process of distributing closed session agenda materials within the Closed Session and by collecting them at the conclusion thereof, opportunity for copy or transfer of the confidential information therein is averted. By corollary, however, this method, while enhancing securing to the information, also precludes Members of Council from reviewing it in detail prior to the session. The current procedure as detailed within the document titled, “City Clerk’s Office - Closed Session Meeting Protocol” is provided as Appendix A to this report. The protocol is used by the Clerk’s Office staff to guide management of closed session material.

In addition to time to review, Members have requested exploration of an electronic means of distribution, rather than the current hard copy closed agenda materials currently provided. Therefore, an electronic means which would both: allow the materials to be available in advance of the closed session for Members of Council to review; and
includes limits on the ability for copy or transference, will be sought in order to maintain the integrity of the protocol.

Existing corporate resources may provide capacity for this, but will require adequate development and testing. Staff will establish a secure location within the Corporate intranet document management system for agenda file access. It is intended that such a solution would ensure closed session material files are secured with: password protection, access logging, formatting which would prevent copy or downloading, and timed file retention. It should be noted, however, that electronic distribution may make information available to those with access to the account of a Member of Council. Even if closed information cannot be copied, should it be circulated it may have implications for privilege in the case of legal advice.

The City Clerk will be working with information technology and records management staff in the coming days on the expeditious development an electronic solution as described. In addition, the Region of Peel currently provides closed session materials electronically in a similar manner, and will be consulted within this development process to capture any synergies and alignment possible to provide ease-of-use and adoption for Members who may already be accustomed to the Region’s methodology.

In the meantime, until an adequate electronic method of distributing closed session material is instituted, the CAO, in consultation with the City Clerk and City Solicitor, be authorized to determine appropriate timing and method of distribution for specific hard-copy closed session agenda items depending on their deemed level of sensitivity and/or complexity. For example, the closed session agenda listing and closed session minutes from previous meetings could be distributed to Members prior to the meeting (e.g., Friday before or Monday the week of the scheduled meeting), whereas other sensitive confidential material may only be presented during the meeting. The attached protocol has been updated to reflect this interim distribution of closed session materials.

CORPORATE IMPLICATIONS

Establishment of appropriate processes to control both the transparency and security of City and Council information is paramount in importance. Behaviour of individuals within this system is additionally supported by Council and staff codes of conduct, which are required to be followed. An adequate protocol in relation to closed session agenda material will enable appropriate corporate reporting, focused investigation and consideration of sensitive matters by Council and its Committees.

Strategic Plan:

This report achieves the Strategic Plan priority of Good Government through its alignment with the intent of existing governing legislation and the principles of appropriate security and transparency of City and Council information and decision-making.
CONCLUSION

The City Clerk and City Solicitor have understood the desire from Council for an adjustment in the process followed for secure access to closed session agenda materials. Staff are currently working diligently to develop a means of electronic and timely provision of closed session material that will not significantly compromise the security of the information involved.

Should the recommendations of this report be approved, the associated revisions to the Closed Session Protocol will also be undertaken by the City Clerk and City Solicitor.

Approved by:

Peter Fay
City Clerk
Office of the Chief Administrative Officer

Appendices: Appendix A – City Clerk's Office - Closed Session Meeting Protocol
City Clerk’s Office
Closed Session Meeting Protocol

Introduction:

This protocol is established to guide preparation, publication and distribution of closed meeting materials, in accordance with the Municipal Act, 2001, Council’s procedure by-law 160-2004, as mended, and applicable City policy, directives and Council resolutions.

The agenda –

The Clerk will prepare, and have approved by the City Solicitor or designate, an agenda for the closed session which shall include a list of items to be considered and shall identify the subsection of the Municipal Act, 2001, or other applicable legislation, which authorizes each item to be considered at the closed session.

No item may be added to an agenda for a closed session without the prior approval of the City Solicitor or designate pursuant to Procedure By-law 160-2004, s. 2.9 (5).

The Clerk shall distribute the closed session agenda to all members of the Council and to such staff as directed by the Chief Administrative Officer. The closed session agenda will be printed on confidential paper (salmon colour) and individually watermarked for each recipient. Closed session agenda material will be distributed in sealed envelopes, as appropriate, to be opened only by Members of Council.

If deemed appropriate, given the nature of the closed session business, as determined by the CAO, in consultation with the City Solicitor and City Clerk, closed session information (i.e., reports, presentations, etc.) will be distributed by the Clerk within closed session only. Otherwise, closed session information (e.g., agenda, minutes, other business) will be distributed to Members and authorized staff prior to the closed session.

Rule 3 of The Councillor Code of Conduct includes the following provisions relating to Confidential Information:

1. No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

5. No Member shall permit any persons other than those who are entitled thereto to have access to information that is confidential.
No Accordingly, no member of the Council shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of a closed session agenda without the prior approval of the Council or committee.

The meeting –

Unless otherwise directed by Council/committee, in addition to the Members of Council/committee, closed session is limited only to the Members of Council/committee, CAO, City Solicitor, Department Heads, Clerk and/or their designates. Only elected officials are permitted in closed session, with the exception of the Mayor’s Chief of Staff (Council Resolution XXXX, February 6, 2019).

For certain closed session items, subject matter staff or external experts (e.g., external legal counsel) may be asked to attend by the CAO, City Solicitor or Department Head. Staff are to remain outside the closed session meeting area until called to speak to their specific agenda item. Staff will leave the meeting once the matter has been dealt with by Council/committee.

For closed session business regarding personal matters about an identifiable individual, the Chief Administrative Officer will designate which staff members may be present and the Chief Administrative Officer may, if appropriate, or such other person, serve as the designate of the Clerk for that portion of the closed session, subject to a public resolution of Council.

Before a meeting is closed, a motion shall be carried as to:

a) the fact of the holding the closed meeting; and
b) the subsection(s) of the Municipal Act, which authorizes each item to be considered at the closed session, and the general nature of business to be considered

Once in a closed session, no item may be added to the agenda for that closed session.

Closed session meetings will be audio recorded in accordance with Council’s policy.

A meeting shall not be closed to the public during the taking of a vote; however, during a closed session, a vote may be taken for a procedural matter or for giving directions or instructions to the Council or a committee, officers, employees or agents of the City or persons retained by or under contract with the City.

Minutes shall be kept of all closed sessions, identifying the members present and absent, and the senior staff present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared closed session agenda and shall identify any added items and shall note any direction given.

The Council or a committee, rather than moving into a closed session, may simply acknowledge the items, without full discussion, on a closed session agenda, and may
give direction in accordance with a recommendation included in a report on a closed session agenda, without moving into closed session. In this case, the minutes will include a “Note to File” that will indicate the steps taken.

The Clerk shall require that all closed session agendas and copies of any reports or documents circulated at a closed session regarding confidential matters be returned by Members and staff at the end of the closed session, and will be reconciled by the Clerk before securely shredded.

Any request from a person for an investigation, under the Municipal Act, 2001, of whether a Council or committee meeting or part of a meeting, that was closed to the public, has complied with the relevant provisions of the Act, shall be referred by the Clerk to the Closed Meeting Investigator appointed by Council for that purpose.

**Records storage and maintenance –**

Electronic copies of closed session agendas, audio recordings and minutes are securely stored in a City electronic records management system (BRIMS) folder accessible by the Clerk and his/her delegates only.

Hard copy documentation for all closed session meetings is stored in the Clerk’s office, for the current year and one previous Council term. Archived files/terms of Council are securely stored in the Records section of the West Tower. Both areas are accessible by the Clerk and his/her delegates only. If members or appropriate staff request to review closed session information from previous meetings, such requests will be accommodated by the Clerk, and if appropriate, Council.

Monthly file folders are created each year. Each file folder contains hard-copy documentation for each closed meeting that took place in that month. Documents are compiled and filed after the minutes of a closed meeting have been received and approved by Council. Each meeting section will include the original signed agenda, any reports or documents that were circulated at the meeting, any added items, and the minutes of the meeting.

Once the month is complete, a summary sheet documenting the closed meetings for that month is attached to the front of the file. Files are completed monthly and are available for audit review when required.

**Attachments:**

Extract from Procedure By-law 160-2004, as amended

Extract from Municipal Act, 2001
2.7 **Closed Sessions** *(By-law 195-2007)*

(1) A part of a meeting may be closed to the public if the subject being considered is so authorized to be considered in a closed session pursuant to the provisions of the *Municipal Act*, or any other applicable statute, and such meeting shall be called a “closed session” meeting.

(2) For any meeting at which there are items to be considered in a closed session, the agenda for that meeting shall identify the subsection(s) of the *Municipal Act*, or other applicable legislation, which authorizes each item to be considered at the closed session.

(3) The Clerk shall prepare, and have approved by the City Solicitor or designate, an agenda for the closed session which shall include a list of items to be considered and shall identify the subsection of the Municipal Act, or other applicable legislation, which authorizes each item to be considered at the closed session. *(By-law 132-2011)*

(1) The Clerk shall circulate the closed session agenda to all members of the Council and to such staff as directed by the Chief Administrative Officer. *(By-law 376-2014)*

(2) No item may be added to an agenda for a closed session without the prior approval of the City Solicitor or designate. *(By-law 132-2011)*

(3) Before a meeting is closed, a motion shall be carried as to:
   (a) the fact of the holding the closed meeting; and
   (b) the subsection(s) of the *Municipal Act*, which authorizes each item to be considered at the closed session.

(4) Once in a closed session, no item may be added to the agenda for that closed session.

(5) Subject to subsection (9) below, a meeting shall not be closed to the public during the taking of a vote.

(6) Despite subsection (8) above, during a closed session, a vote may be taken for a procedural matter or for giving directions or instructions to the council or a committee, officers, employees or agents of the City or persons retained by or under contract with the City.

(7) Minutes shall be kept of all closed sessions, identifying the members present and absent, and the senior staff present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared closed session agenda and shall identify any added items and shall note any direction given pursuant to subsection (9) above.

(8) No member of the council shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of
a closed session agenda without the prior approval of the council or committee.

(12) (a) The council or a committee, rather than moving into a closed session, may simply acknowledge the items, without full discussion, on a closed session agenda, and may give direction in accordance with a recommendation included in a report on a closed session agenda, without moving into closed session.

(b) When the option in subsection (a) above has been exercised, the record will include a “Note to File” that will indicate the steps taken.

(13) For discussion of items regarding confidential matters related to an individual employee during a closed session, the Chief Administrative Officer will designate which staff members may be present and the Chief Administrative Officer may, if appropriate, be the designate of the Clerk for that portion of the closed session.

(14) The Clerk may require that copies of any reports or documents circulated at a closed session regarding confidential matters related to an individual employee shall be collected by the Clerk and destroyed.

(15) The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of closed sessions.

(16) (a) Any request from a person for an investigation into whether a Council or Committee meeting or part of a meeting, was closed to the public contrary to the Municipal Act, 2001, shall be referred by the Clerk to the Investigator appointed by Council for that purpose;

(b) Should the Investigator report a meeting, or part thereof, has been, in their opinion, closed to the public contrary to the Municipal Act, 2001, the Council shall pass a resolution stating how the report shall be addressed.
Meetings open to public

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

(a) the security of the property of the municipality or local board;
(b) personal matters about an identifiable individual, including municipal or local board employees;
(c) a proposed or pending acquisition or disposition of land by the municipality or local board;
(d) labour relations or employee negotiations;
(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
(h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
(j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
(k) 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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

Other criteria
(3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

(a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

(b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

Educational or training sessions

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.

2. 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, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

(a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or

(b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sched. A, s. 103 (2).

Open meeting

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2001, c. 25, s. 239 (5).

Exception

(6) Despite section 244, a meeting may be closed to the public during a vote if,

(a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
(b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board. 2001, c. 25, s. 239 (6).

Record of meeting

(7) A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. 2006, c. 32, Sched. A, s. 103 (3).

Same

(8) The record required by subsection (7) shall be made by,

(a) the clerk, in the case of a meeting of council; or

(b) the appropriate officer, in the case of a meeting of a local board or committee. 2006, c. 32, Sched. A, s. 103 (3).

Record may be disclosed

(9) Clause 6 (1) (b) of the Municipal Freedom of Information and Protection of Privacy Act does not apply to a record of a meeting closed under subsection (3.1). 2006, c. 32, Sched. A, s. 103 (3).

Section Amendments with date in force (d/m/y)

Investigation

239.1 A person may request that an investigation of whether a municipality or local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

(a) by an investigator referred to in subsection 239.2 (1); or

(b) by the Ombudsman appointed under the Ombudsman Act, if the municipality has not appointed an investigator referred to in subsection 239.2 (1). 2006, c. 32, Sched. A, s. 104.

Section Amendments with date in force (d/m/y)

Investigator

239.2 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied with section 239 or a procedure by-law under
subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. 2006, c. 32, Sched. A, s. 104.

Powers and duties

(2) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 104.

Matters to which municipality is to have regard

(3) In appointing an investigator and in assigning powers and duties to him or her, the municipality shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. A, s. 104.

Same, investigator

(4) In carrying out his or her functions under subsection (1), the investigator shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. A, s. 104.

Same

(5) The matters referred to in subsections (3) and (4) are,

(a) the investigator’s independence and impartiality;

(b) confidentiality with respect to the investigator’s activities; and

(c) the credibility of the investigator’s investigative process. 2006, c. 32, Sched. A, s. 104.

Delegation

(6) An investigator may delegate in writing to any person, other than a member of council, any of the investigator’s powers and duties under this Part. 2006, c. 32, Sched. A, s. 104.

Same

(7) An investigator may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 104.

Status

(8) An investigator is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 104.
Application

(9) Subsection 223.13 (6) and sections 223.14 to 223.18 apply with necessary modifications with respect to the exercise of functions described in this section. 2006, c. 32, Sched. A, s. 104.

Report and recommendations

(10) If, after making an investigation, the investigator is of the opinion that the meeting or part of the meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the investigator shall report his or her opinion and the reasons for it to the municipality or local board, as the case may be, and may make such recommendations as he or she thinks fit. 2006, c. 32, Sched. A, s. 104.

Publication of reports

(11) The municipality or local board shall ensure that reports received under subsection (10) by the municipality or local board, as the case may be, are made available to the public. 2006, c. 32, Sched. A, s. 104.

Requirement to pass resolution re report

(12) If a municipality or a local board receives a report from a person referred to in clause 239.1 (a) or (b) reporting his or her opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report. 2017, c. 10, Sched. 1, s. 27.