



# **City Council Handbook: Volume 2**

## **Governance**



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## **1. ROLE OF COUNCIL**

Members of Council each have an equal voice at the Council table and Council only has power as a deliberative body; no individual Councillor or informal group of Councillors can make a decision on behalf of Council, unless authorized by Council or statute. Every Council Member has one vote and a majority is required to make most Council decisions.

As decisions of Council are made by the majority and become the decisions of the City, after discussion or debate has concluded within a Council meeting and a decision has been approved, all Members of Council are expected to respect and honour those decisions regardless of personal opinion. A Member may state that they did not support a decision or voted against the decision but must do so in a respectful manner and should refrain from making disparaging comments about the decision, the decision-making process and/or other Members.

In the City of Brampton, the Head of Council is referred to as the Mayor. Although the Mayor is a prominent and highly public figure of the Council, generally the Mayor does not have any more power than any other Member to make decisions on behalf of the City.

### **1.1 ROLE OF A COUNCILLOR**

Councillors play three main roles in the City:

- **Representative Role:** Councillors represent their ward residents. They provide a bridge between the community and the Council by being an advocate for the local residents, keeping them informed about issues that matter to them and directing them to the appropriate City department to assist with their requests.
- **Policy-Making Role:** Council is responsible to establish general principles to assist in guiding future actions. Councillors, as a collective group, are



the primary policy-making body of the City while administration carries out Council's policy decisions.

- Stewardship Role: Council's objective is to ensure that administrative policies, practices and procedures are in place to safeguard the City's resources and to maintain financial integrity through an open, accountable and transparent process.

## **2. ROLE OF STAFF**

The role of staff is to manage people and resources to achieve Council's vision.

### **2.1 ROLE OF CAO/ADMINISTRATION**

The CAO is the Chief Administrative Officer of the City. The CAO is responsible for:

- Ensuring that the City's policies and programs are implemented;
- Providing management of the day-to-day operations;
- Making certain that appropriate staffing is in place; and
- Advising and informing Council on the operations of the City.

### **2.2 ROLE OF STAFF**

*The Municipal Act, 2001* defines the role of staff.

Section 227: It is the role of the officers and employees of the municipality to:

- a) Implement Council's decisions and establish administrative practices and procedures to carry out Council's decision;
- b) Undertake research and provide advice to Council on the policies and programs of the municipality; and
- c) Carry out other duties required under this or any other Act and other duties assigned to the municipality.



## 2.3 THE ROLE OF INTERGOVERNMENTAL RELATIONS

The Mayor and Members of Council represent the City of Brampton in developing and strengthening positive relationships with the Regional, Provincial, and Federal governments, local Members of Parliament (MP) and Members of Provincial Parliament (MPP), as well as agencies, boards and commissions, through regular collaboration and engagement to advance public policies supporting positions of the City.

The Mayor acts as the Head of Council, thereby, the lead on the City's intergovernmental relations and issues with other government levels. This authority is derived from the *Municipal Act, 2001* specifically:

Role of head of council: 225. It is the role of the head of council,

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
  - (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under this or any other Act.

Head of council as chief executive officer: 226.1 As chief executive officer of a municipality, the head of council shall,

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;



- c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

Council's intergovernmental relations activities are supported by Government Relations staff who work to advance Council-endorsed positions. In collaboration with all City departments, Government Relations staff coordinates analysis, research and ongoing monitoring and updates on all relevant issues, to all Members of Council and senior management. They support the drafting of public policy positions and the development of advocacy positions for Council's consideration and adoption.

Members of Council participating in various municipal sector associations, such as the Association of Municipalities of Ontario, Federation of Canadian Municipalities, Big City Mayors Caucus and Large Urban Mayors of Ontario, are provided with relevant materials and analysis to assist in any events and/or activities that involve lobbying other levels of government, including MPPs and MPs.

## 2.4 FEDERATION OF CANADIAN MUNICIPALITIES, ASSOCIATION OF MUNICIPALITIES OF ONTARIO AND MAYORS' CAUCUS

The [Federation of Canadian Municipalities \(FCM\)](#) and the [Association of Municipalities of Ontario \(AMO\)](#) are two organizations that provide advocacy and support for municipalities. Elected Officials are encouraged to attend and become actively involved with both, as it provides great networking and lobbying opportunities.

The Region of Peel, with a population of over 1 million residents, has an automatic seat on FCM's Board of Directors. At one of the first meetings at





Regional Council, any Regional Councillor has the opportunity to put their name forward to become the Region's representative on the Board.

The Strategic Development Division, within the CAO's Office provides logistical and policy support for the Mayor and Councillor's involvement with FCM and AMO, such as for any Committee, Board of Directors, and Annual General Meetings and Conferences. Meeting dates, locations and agendas are set by the organizations and registering and bookings (hotels, flights, etc.) can be done through the Member's office. To find out more information related to these organizations please visit their website: [FCM website](#); [AMO website](#)

The City of Brampton is also a member of the [Big City Mayors' Caucus \(BCMC\)](#), and the Large Urban Mayor's Caucus of Ontario (LUMCO). BCMC is a national body that represents the 22 largest cities in Canada. BCMC provides a forum for the mayors of Canada's largest cities to conduct national advocacy on common issues of importance. BCMC's four main priorities include partnership, housing, public transit and climate change. LUMCO represents 27 Big Cities with populations over 100,000 residents in Ontario. LUMCO's main objective is to support and enhance strong and effective large urban governments to advance standards of municipal government through public policy development, advocacy and discussion.

### **3. YOUR ROLE IN THE LEGISLATIVE PROCESS**

Members of Council play a variety of roles while holding office. One of the most important roles is taking part in the deliberations of the City Council, its Committees, agencies and corporations.

#### **3.1 STATUTORY ROLE OF CITY COUNCIL**

Section 224 of the *Municipal Act, 2001* sets out the role of City Council as follows:



- To represent the public and to consider the well-being and interests of the Municipality
- To develop and evaluate the policies and programs of the Municipality
- To determine which services the Municipality provides
- To ensure that administrative and controllership policies, practices and procedures are in place to implement the decisions of Council
- To ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality
- To maintain the financial integrity of the Municipality; and
- To carry out the duties of Council under this or any other Act

### 3.2 COUNCIL AND COMMITTEE WORKLOAD

Each Member of City Council serves on a variety of bodies:

- All members serve on City Council
- Committee of Council – consists of all Members of Council
- Planning and Development Committee – consists of all Members of Council
- Advisory Committees – Members may service on additional citizen-based advisory committees, as established by Council
- Special Committees – Members may serve on additional committees and advisory bodies established by City Council
- City Agencies and Corporations – Members may also serve on one or more agency or board
- Boards by virtue of office – In many wards, the Member is appointed to certain boards by virtue of being the ward Councillor – e.g., Business Improvement Area board
- External Boards – Members may also choose to serve on one or more boards of external organizations to which the City appoints Members.



These are the formal bodies to which City Council appoints Members. They are in addition to any local committees or working groups with which a Member may choose to get involved.

### 3.3 MEMBERS' RESPONSIBILITIES

The Procedure By-Law sets out the responsibilities of Members, such as:

- Attending scheduled meetings
- Order of Business at meetings
- Rules of Debate
- Voting on Motions put to a vote
- Respecting the rules of the procedure by-law
- Speaking respectfully at all times
- Listening attentively, participating in a meeting, and not interrupting the proceedings
- Remaining silent in their seats while Council or a Committee votes and until the Chair announces the result of the vote
- Refraining from using any offensive, disrespectful or unparliamentary language about any member, any City officials or other City employee, or the Council as a whole
- Respecting and following Council's decisions
- Speaking only on the matter under debate or related motions during debate
- Not wearing political or biased slogans on clothing or buttons during a meeting
- Respecting the confidentiality of matters discussed in closed meetings and not disclosing the subject or substance of these discussions, unless authorized to do so
- Obeying the Chair's rulings and Council's decisions
- Obeying the Councillor's Code of Conduct



### 3.4 ROLE OF THE CHAIR

The role of the Chair in Council or Committee is to direct the meeting by ensuring quorum, clarifying roles, ensuring the meeting proceeds in an orderly and efficient manner, enforcing the rules and decorum of Members and participating as one of the members. The Chair summarizes key decisions and recommendations made during the meeting while ensuring members remain accountable. The Chair ensures the meeting commences on time and adjourns the meeting when the business concludes.

Section 6 of the City's [Procedure By-law](#) outlines the specific duties of the Chair.

The Chair's role also includes preparation in advance of the meeting by reviewing the agenda thoroughly to understand the topics, delegations, presentations and key matters being dealt with. Pre-meeting discussions may be required with applicable operational staff in advance of the meeting. The City Clerk's division may provide specific training related to the function of the Chair.

## 4. THE CITY CLERK AND DIVISION

### 4.1 ROLE OF THE CITY CLERK

The City Clerk plays an important function in the City's governance and understanding this role is critical. The City Clerk is appointed by City Council and reports to Council for statutory responsibilities and to the CAO for administrative purposes.

The Office of the City Clerk is responsible for a variety of corporate, administrative and legislative functions. Because of its cross-functional responsibilities, the City Clerk's Office is in continual contact with all municipal departments, elected officials, other levels of government and the general public. The mission of the City Clerk's Office is to build public trust and confidence in local government. The City Clerk's Office provides the foundation for municipal government in Brampton through various service areas: legislative services, elections, records and information management, business licensing,



accessibility, lobbyist and gift registry, integrity, accountability and transparency.

The City Clerk and the staff within the City Clerk's Division provide meeting management support to City Council, Committees and a number of City Boards by preparing and publishing agendas, giving notice, taking minutes of meetings, publishing decisions, managing the City's Procedure By-Law and managing Council Member and public appointments.

## 4.2 PROCEDURAL ADVICE

The City Clerk, or designate, provides procedural advice to Members of Council before, during or after a meeting.

In meetings, the City Clerk, or designate, provides procedural advice to the Chair, and at the invitation of the Chair, to the decision body as a whole.

For matters requiring a ruling, the Chair makes the ruling.

## 4.3 MOTION DRAFTING

The City Clerk, or designate, can assist Members in drafting motions so they are effective and in order. This service can be provided on a confidential basis. A Member's motion or intentions are not shared without the Member's consent.

City Clerk's staff will tell a Member if they think a motion is out of order, but will not interfere if the Member's intent is to place it anyway and have the Chair make a ruling.

# 5. THE COUNCIL DECISION-MAKING PROCESS

## 5.1 THE COUNCIL PROCEDURES

### 5.1.1 Why there are rules

The *Municipal Act, 2001* dictates that all municipalities in Ontario must adopt a procedure by-law to govern the proceedings of their Council. The City of



Brampton's Council Procedures are set out in [Procedure By-law 160-2004](#), as amended.

### 5.1.2 Procedures of Council

Procedures of Council are based on and interpreted in accordance with the following principles<sup>1</sup>:

- The majority of Members have the right to decide;
- The minority of Members have the right to be heard;
- All Members have the right to information to help make decisions, unless otherwise prevented by law;
- All Members have a right to an efficient meeting;
- All Members have the right to be treated with respect and courtesy; and
- All Members have equal rights, privileges and obligations.

Council's Procedures are intended to provide stability to the proceedings:

- Council may only amend its procedures on a two-thirds majority vote
- Council can waive some but not all of its rules on a two-thirds majority vote

### 5.1.3 Parliamentary Authorities

The Council Procedures are the main parliamentary authority governing the meetings of City Council and Committees.

### 5.1.4 Where to Find the Rules

The procedures guiding Members' role in the decision-making process can be found in the City's Procedure By-law. However, where rules conflict or no rules exist, the Chair or the City Clerk may consult the latest edition of *Bourignot's Rules of Order*.

You can find Brampton's [Procedure By-law](#) on Brampton.ca.

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<sup>1</sup> Toronto Municipal Code Procedures, 2006



## 5.2 THE COUNCIL/COMMITTEE SYSTEM

- All of the City's power is exercised by City Council unless Council decides otherwise (with some exceptions)
- The *Municipal Act, 2001* requires Council to act through by-laws
- The business of City Council is processed through its Committee and advisory committee system with some matters being brought forward directly to a Council meeting

Committees meet to consider matters within their mandate including:

- Reports from City officials
- Reports from Agencies and Advisory Committees
- Communications from Members of Council
- Matters referred to them by City Council

Council meets to consider:

- Reports from its Advisory committees, Standing Committees, special committees, and directly from staff
- Notices of Motion (new business submitted by Members of Council)
- The enactment of by-laws

Council is prohibited by law from delegating the following:

- The power to adopt or amend the budget of the City
- The power to appoint or remove from office an officer of the City whose appointment is required by provincial legislation
- The power to impose a tax or make tax rules
- The power to incorporate corporations
- The power to adopt an official plan or an amendment to an official plan under the Planning Act, R.S.O., 1990
- The power to pass a zoning by-law under the Planning Act
- The power to establish small business counselling services
- The power to provide financial assistance to municipal capital facilities





- The power to adopt a community improvement plan under section 28 of the Planning Act in certain circumstances

## **6. AGENDAS**

### **6.1 ELECTRONIC DISTRIBUTION**

Electronic distribution via the City website is the primary method for providing agendas and meeting notices to the public and will be published online on the [City's website](#). The City Clerk will issue an email message the week preceding the meeting, titled 'Clerk's Notice', to Members of Council and their Constituency Assistants containing:

- The date, time and location of the meeting
- A direct link to the agenda on the website
- Council, Committee of Council and Advisory Committee agendas are generally published on the Friday preceding the meeting
- Planning and Development Committee agendas are distributed on the Friday one and a half weeks prior to the meeting date
- Additional items added that related to a matter on the published agenda will be distributed prior to the commencement of the meeting on that meeting date

Should a Member wish to have a paper copy of the agenda, the Member's staff will be responsible for downloading the copy.

### **6.2 CLOSED SESSION AGENDA MATERIALS**

Closed Session agenda materials are not published online, because of their confidential nature. Instead, they are provided electronically to the Members and Senior Leadership team only. Agendas are individually watermarked and password protected for access and to prevent printing or editing of the documents.

Each Member is responsible for establishing and maintaining office routines that protect the confidentiality of these materials. The Member is ultimately





responsible for the stewardship of the confidential information delivered to them.

Confidential information is provided in confidence to Members of Council solely for the purpose of their review and decision-making. These documents must not be shared in any manner. Members are required to maintain the confidentiality of these materials and of matters discussed in closed meetings. Members may not disclose this information unless authorized by Council to do so.

If Members have questions about confidentiality, they are encouraged to seek guidance from the City Clerk, City Legal Counsel or from the Office of the Integrity Commissioner.

### **6.3 GOING PAPERLESS!**

It is possible, and strongly encouraged except where not available, to go paperless when attending Committee and Council meetings:

- All agenda materials (with two exceptions noted below) are posted on [www.brampton.ca](http://www.brampton.ca)
- Supplementary and late materials are generally posted after the meeting (once it has been received by Council)
- There is a network connection at every Member's desk in the Council Chamber and the Committee rooms so a notebook computer can be used
- There is public and corporate Wi-Fi in the Council Chamber and every Committee room

The following are not posted online and are available as noted:

- Closed Session documents (electronic distribution to individual Members)
- Correspondence from people writing in a personal capacity. However with the permission of members of the public, redacted copies of correspondence are included with the printed/published agenda or distributed at the meeting (available in paper only)



City Clerk’s staff is available to help Members develop an online routine:

- Legislative Services staff can assist Members and their staff with orientations to the online agendas including tips and tricks for finding and making notes on agenda items
- Training can be arranged for Members’ staff on how to access a wireless device or notebook computer to use agenda materials

## 6.4 HOW MEMBERS ADD ITEMS TO THE AGENDA

### 6.4.1 Adding an Item to the Agenda

Members of Council have several ways to add items on to an agenda.

The easiest way to add an item to the agenda is to contact the City Clerk’s office.

Under Council’s Procedures, Committees can also add new business at the meeting by a two-thirds majority vote. New business can only be introduced by a Committee Member.

Members of Council are strongly encouraged to submit items by the agenda deadline so they can be published with the agenda. This ensures that the public will have ample notice of the matters to be considered by the Committee.

Note: Some matters require public notice under legislation or City by-law. It may not be possible for the Clerk to place a matter on the agenda if the notice requirements have not been met.

### 6.4.2 How to Look up Agenda Deadlines

Go to [www.brampton.ca](http://www.brampton.ca), select the schedule (calendar) and click on the date of the meeting to reveal additional information including agenda deadline closings.

### 6.4.3 Notice of Motion (before the main agenda deadline)

A Member can submit a Notice of Motion on new business to be considered at a meeting of City Council. The Notice of Motion must be provided to the Clerk no



later than 4:30 p.m. on the Tuesday of the week preceding the meeting at which the motion is to be introduced, be in writing, signed by the mover and seconder and be complete and correct.

#### 6.4.4 Motion without Notice

(between the main agenda closing and start of the meeting)

Because these Motions ask Council to consider matters without notice to the public (i.e., they did not appear on the published agenda), they should be urgent.

During the meeting – Motion Without Notice:

A Member can also submit Motions without Notice during the meeting itself. Since there is no public notice and no opportunity for public comment, these types of new business matters are generally not encouraged.

City Council must agree to add the Motion without Notice, with at least a two-thirds majority vote.

Instructions on how to prepare Notices of Motions can be directed to the City Clerk.

#### 6.4.5 Delegation

To request permission to speak at a meeting, individuals must submit a [delegation request form](#) to [the City Clerk's Office](#). The individual(s) will be contacted about scheduling.

The general process is as follows:

- The City Clerk will arrange for the individual to speak at the appropriate Committee meeting. At these meetings, the Committee hears from the public, asks questions, receives advice from staff and experts, discusses issues, and develops recommendations for approval at a regular Council meeting.



At regular Council meetings, recommendations from the Committees will be received, discussed and approved.

To speak about a topic that is not on a future meeting's agenda:

- Written notice is accepted until Tuesday, at 4:30 p.m., the week prior to a meeting. Please use the [delegation request form](#) to provide the required information to the Clerk's Office
- The Clerk's Office will contact the requestor confirm your item and relevance to the Council or Committee mandate
- Requests to speak about a topic at a Council meeting, that is not on the meeting agenda, are normally directed to the appropriate committee meeting

To speak about an item that appears on a published agenda, Please [contact the City Clerk's Office](#), preferably in writing, with your request to speak.

City Clerk's Office staff maintains a list of requests (in the order of receipt) and provides the list to the Mayor or Chair prior to or at the start of the meeting (if received after the publication of the meeting agenda).

## **7. MEETINGS**

### **7.1 SCHEDULE OF MEETINGS**

The regular meetings of Council and Committee are established on an annual basis by the City Clerk and approved annually prior to the end of the calendar year.

Council meetings are generally held on the second and fourth Wednesday of each month.

Committee of Council meetings are generally held the first and third Wednesday of each month.



Planning Committee meetings are generally held on the first and third Mondays of the month.

## 7.2 SPECIAL MEETINGS

The Mayor may call a special meeting at any time on 24 hours' notice to the Members of Council, which notice shall be given through the City Clerk, setting out the items to be considered at the meeting. Only the business included on the special meeting notice can be considered at the meeting.

A majority of the Members can petition the City Clerk to call a special meeting:

- Petitions must set out the purpose, date and time of the meeting
- Petitions must be submitted to the City Clerk which allows the City Clerk to provide a minimum of 24 hours notice before the time of the meeting.

## 7.3 MEETING TIMES

### *City Council Meetings*

- Start time: 9:30 am

### *Committee of Council Meetings*

- Start time: 9:30 am

### *Planning Meetings*

- Start time: The first meeting of the month is held at 7:00 p.m. (to allow members of the public to attend for the consideration of the statutory public meeting items as required by the *Planning Act*). The second meeting is held at 1:00 p.m.

\*City Council can vote to extend a session to complete an item, or the remaining items on the agenda.



## 7.4 COMMITTEE MEETINGS

### 7.4.1 Meeting Room Features

City Hall has Council Chambers and two Committee rooms that are also used for closed session meetings. One is located on the 4<sup>th</sup> floor (CH-4A) and one is on the 6<sup>th</sup> floor (CH-6A).

### 7.4.2 Members' Seating

Seating in the Committee rooms is up to the Members' discretion with the Chair at the center. There is a network connection for a laptop. City Clerk's Office and IT staff are available to help Members who have any technical difficulties. A seating assignment may be set by Council decision.

### 7.4.3 Public Participation

The public are welcome to attend all meetings of Council and Committees. The public can also participate in the decision-making process by writing to Council or Committee, or by making a public presentation (often referred to as a delegation). Section 4.5 of the [Procedure By-law](#) outlines the criteria to request the opportunity to delegate.

Public presentations are generally heard at Committee. They are only allowed at City Council if the subject of their delegation relates to business already on the Council agenda.

Presentations are limited to five minutes, unless the committee decides to extend the time, if requested.

Committee members can ask questions of presenters. Members of Council who are not Members of the Committee may also ask questions of presenters.

Public presentations or delegations at a Committee meeting on a subject for which there is no associated staff report already on the meeting agenda, may only be received (i.e., information received with no further action taken) or referred to staff for a staff report back on the subject of the presentation or request.



## 7.5 CITY COUNCIL MEETINGS

### 7.5.1 Head of Council

The Mayor is the Head of Council. The City appoints an Acting Mayor consisting of a monthly rotational schedule of the Members of Council for the four year term, as set out in the Procedure By-law.

### 7.5.2 Members' Seating

Seating in the Council Chambers is assigned by Ward pairing.

Each seat includes voting and request-to-speak buttons and a network connection for a laptop. City Clerk's and IT staff can be available at the start of each meeting to help Councillors who have technical difficulties, upon request.

Each seat has a monitor where you will see presentation notes, speaker requests and motions.

The microphone at a Member's seat is controlled by the Chair and/or City Clerk. When speaking into the microphones, it is important to speak clearly and slowly. This helps other Members, staff and the public to hear the Member and ensures good quality recording of comments or questions.

### 7.5.3 The City Clerk's Role

During a meeting, the City Clerk and the legislative staff are located in proximity to the Members. The City Clerk provides meeting management support to the Council decision-making process and advises on meeting procedures to assist the Chair and Council.

The City Clerk records the proceedings and decisions of the meeting and prepare meeting minutes. The City Clerk and staff work with the Chair, assist Members with their motions and record votes.

### 7.5.4 The Audiovisual Booth

The Council Chamber is equipped with broadcast facilities. Audiovisual staff located on the upper level of the Council Chamber support the meetings and





broadcast the proceedings on the City's internal closed circuit television. Council meetings are also streamed live on [www.brampton.ca](http://www.brampton.ca).

### 7.5.5 The Members' Lounge

The Members' Lounge is for the use of Members' only and includes a small kitchenette. Depending on the type of meeting and time of day, refreshments and food are sometimes provided for Members of Council and senior staff only, who are actively participating in the meeting.

### 7.5.6 The Media Gallery

Media are located in the media gallery on the upper level of the Council Chamber. If you are conducting an interview with the media, please use the upper level or leave the Chamber. Interviews should not interfere with a meeting.

### 7.5.7 The Public Gallery

Members of the public are free to attend meetings of City Council. The gallery generally opens to the public 15-30 minutes before the scheduled start time for each Council session.

### 7.5.8 Security in the Chambers

Security is present at all times during Council meetings, and is present, as required, during Committee meetings.

If there is a threat or imminent threat to the health or safety of anyone in a meeting, Security will immediately notify the Chair and Clerk. The Chair will decide whether to recess the meeting and order everyone to leave immediately.

If the Chair makes an order to recess and clear the room, Security will immediately escort everyone, including Members, out of the meeting area.

### 7.5.9 Council's Order of Business

Format of Agenda:





For each regular meeting of the Council, the Clerk shall have prepared and published, an agenda with a list of all items to be considered in the following headings:

- A. Approval of Agenda
- B. Declarations of Interest
- C. Adoption of the Minutes
- D. Consent Motion
- E. Announcements
- F. Delegations
- G. Reports from the Head of Council
- H. Reports of Corporate Officials
- I. Reports of Accountability Officers
- J. Committee Reports
- K. Unfinished Business
- L. Correspondence
- M. Resolutions
- N. Notices of Motion
- O. Petitions
- P. Other Business/New Business
- Q. Procurement Matters
- R. Regional Council Business (Government Relations Matters)
- S. Public Question Period
- T. By-laws
- U. Closed Session
- V. Confirming By-law
- W. Adjournment

### 7.5.10 Voting

The manner of voting is determined by the Chair and may be by a show of hands, standing or electronically recorded.



Members must be seated and silent when votes are taken. All Members present, including the Chair, must vote unless they have declared a conflict of interest in the item. If Members can vote and they refuse, they will be recorded as voting in the negative.

Members can request a recorded vote to be taken on any motion as outlined in Section 7.12 of the [Procedure By-law](#).

Unless Council's procedures specify otherwise, a motion passes when a majority of Members present vote for it. A tie means a lost vote.

Order of Voting:

Unless determined otherwise by Council, and subject to amendments that change numbers as noted below, the Chair, in consultation with the City Clerk, puts all motions on a matter to a vote in the following order (see Procedure By-law for full order of precedence for motions):

- Motion to defer
- Motion to refer
- Motion to amend the main motion
- Main motion, or the main motion as amended, if any amendments have carried

## 7.6 POINTS OF ORDER AND PRIVILEGE

### 7.6.1 Point of Order

A point of order is when a Member highlights an error in procedure or a breach of the rules and ask that the rules be followed.

Examples include:

- "The motion is out of order"
- "This item is not within the jurisdiction of this committee"
- "We did not have the opportunity to ask questions of officials"
- "The order of voting on these motions is not correct"



### 7.6.2 Point of Privilege

A point of privilege is an immediate request of action on a matter affecting the rights and privileges of (a) Council or Committee as a whole, or (b) a committee or Council Member.

These privileges can include:

- comfort including heating, ventilation, sound, lighting, comfort and security
- the dignity and integrity of the assembly and its proceedings, or obstructions to it carrying out its functions
- requests for personal assistance
- objections to personal remarks or wrongful accusations made by another person at the meeting
- relief from any obstruction or interference with a Member performing his or her duties.

### 7.7 COUNCIL WORKSHOP

A Council Workshop may be coordinated through the City Clerk's Office. A Council workshop:

- May include open or closed session business;
- Is considered a public meeting;
- Notice of the time, date and location of the meeting will be made available to the public in advance;
- An agenda is created and posted online;
- Quorum of Council is not required for the workshop to continue;
- Members of the public may attend to observe during the public session
- General "minutes" are taken at the workshop and made public, upon request;
- No Council decision can be made at the workshop.



## 7.8 OPEN & CLOSED MEETINGS

### 7.8.1 Rules Regarding Meetings

Generally, the City and its local boards are required by law to give notice and hold all meetings in public.

The City takes a number of steps to ensure the highest degree of openness and transparency for meetings of Council and committees.

- Notice is given of all meetings of City Council and its committees
- Agendas and reports are posted online before meetings with exception of supplementary materials distributed during a meeting and decisions and minutes are posted as soon as possible after meetings
- Meetings are closed only when legally permitted or required to do so, in accordance with the *Municipal Act, 2001*, and in those sessions debate is confined to the confidential information contained in reports
- The amount of confidential information in reports and documents before Committee and Council is minimized. Where an item may contain confidential information, that information is provided electronically with a watermark and password protected or reproduced on salmon paper marked “confidential”
- All closed session agenda items require the approval of the City Solicitor
- All meetings begin and end in public

### 7.8.2 What Constitutes a Public Meeting

As of January 1, 2018, Section 238(1) of the *Municipal Act, 2001* defines a meeting as follows:

A “meeting” means any regular, special or other meeting of Council, of a local board or of a committee of either of them, where,

- a) A quorum of members is present, and



- b) Members discuss or otherwise deal with any matter in a way that materially advances the business decision-making of the council, local board or committee.

### 7.8.3 Closed Meetings

Although the *Municipal Act, 2001* permits Council and its Committees to close a meeting to the public to discuss certain matters, this power is permissive. If Council chooses to, it can consider these matters completely in open session.

Matters that may be considered at a meeting which is closed to the public:

- Security of the City's or a local board's property;
- Personal matters about an identifiable individual, including City or local board employees;
- A proposed or pending land acquisition or disposition for City or agency purposes;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
- Receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- A matter for which Council, a board, a committee or other body had authorized a meeting to be closed under another Act;
- Holding an education and training session for the Members. No business can be conducted or advanced in an education or training session
- 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;
- 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;

- 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
- 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.

Procedures to move Closed Session:

- Before meeting in Closed Session, Council or Committee must first pass a motion that states the nature of the matter to be considered and the reason for meeting in Closed Session.
- This description must be of sufficient detail to ensure that the public understands the general nature of the matter to be considered in Closed Session.

Council or committee in a closed meeting does not vote except for:

- A procedural matter; or
- To give directions or instructions to City officials or agents, agencies, or persons retained by, or under a contract with, the City or a local board

Consequences of improperly closed meetings:

- If a meeting is improperly closed there can be legal consequences, including a closed meeting investigation.

#### 7.8.4 Closed Meeting Investigations

If someone believes a meeting of City Council, an applicable local board, or a Committee has been improperly closed to the public, they may request the City to investigate the matter.

The City will arrange for an independent investigation by a qualified person appointed for that purpose, as the closed meeting investigator. Council has



appointed Local Authority Services (LAS) Ltd., a subsidiary of AMO, as the City's closed meeting investigator.

If the investigator finds that a meeting was improperly closed, they will report that publicly to City Council or the local board and make public recommendations as they see fit.

A negative finding from an investigator could cause embarrassment or reputational damage. It might also form the basis for further legal action.

Application to a court:

As an alternative to filing a complaint with the City, a complainant may also file an application to the court to overturn or quash a decision or by-law on the grounds a meeting was improperly closed.

### 7.8.5 Conduct during Closed Meetings

Members are required to keep information about closed sessions confidential, unless otherwise authorized by City Council.

Members shall not post to social media or communicate with media outlets or any other non-member about the proceedings during Closed Session.

## 7.9 DECLARING INTERESTS

Members of Council are bound by the provisions of the *Municipal Conflict of Interest Act*. An interest is defined as a positive or negative pecuniary (i.e., financial) interest affect the Member or the Member's spouse, child or parent.

City officials cannot give Members advice on their interests. Members may independently seek their own advice to determine if they have an interest for the purposes of the Act, or may (as of March 1, 2019) seek the advice of the Integrity Commissioner regarding a possible conflict of interest.



Members must declare interests at each meeting related to applicable matters that appear on an agenda. Members should not rely on City officials, including the City Clerk, to remind them of interests previously declared.

### 7.9.1 How to Declare an Interest

Meeting Chairs will ask for declarations of interest at the start of meetings. Members should declare known interests at that time. As of March 1, 2019, in addition to verbally declaring an interest, a Member must also make the declaration in writing and provide it to the City Clerk to make the declaration publicly available. The City Clerk publishes the written declarations of conflict on the City's website.

If a Member discovers an interest later in the meeting or at a subsequent meeting, a Member should obtain the floor on a point of privilege and declare the interest as soon as possible.

A Member must identify the matter and state the nature of the interest.

Once an interest is declared, the Member shall not participate in consideration of the declared agenda item, not influence consideration of the agenda item and not vote in regard to the item.

## 7.10 YOUR VOTING AND ATTENDANCE RECORDS

The City Clerk records Members' attendance on a sessional basis.

A session starts when a meeting is called to order and ends when a meeting is temporarily recessed or adjourned when completed. A meeting may be composed of two or more sessions, e.g., morning and afternoon.

The City Clerk records a Member as being present if they are present for any part of a session. There is no minimum duration required to be marked present. If the Member is not present for any portion of a session, the City Clerk marks the Member absent from that session.





The City Clerk's Office records the times that a Member arrives (if late and the reason for being late – personal, illness, vacation or other municipal business) and departs the meeting before it adjourns. A Member is required to advise the City Clerk when leaving before the adjournment and the reason for the early departure.

The *Municipal Act, 2001* provides that the office of a Member of City Council becomes vacant if the Member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council.

### **7.10.1 Attendance and Voting Records**

The City Clerk records each Member's attendance and recorded votes in the minutes of meetings. The City Clerk also makes [attendance](#) and [voting records](#) available online.

## **7.11 MINUTES AND DECISIONS**

Minutes of meetings contain decisions, motions, votes, rulings and other information about the proceedings.

The minutes will form part of the next agenda package to be reviewed and approved by Council.

The City Clerk's office posts minutes [online](#) as part of the agenda for the subsequent meeting and after approval of the minutes.

## **8. APPOINTMENTS**

### **8.1 MEMBER APPOINTMENTS**

City Council appoints Members of Council to committees and boards from time to time for such purposes as deemed appropriate, based on term of reference considered by Council and approved by resolution or by-law.

Members required to serve on such a committee shall be appointed by resolution. The Mayor is an ex-officio Member of any committee established by City Council. This process is set out in Section 2.6 of the [Procedure By-law](#).



## 8.2 PUBLIC APPOINTMENTS

The City relies on the contributions of members of the public who serve on the City's boards and committees. These appointments are an important way of engaging citizens and obtaining desired skills and local expertise.

### 8.2.1 Eligibility Requirements

An appointee must be:

- 18 years of age or older; and
- A resident of Brampton; or
- A non-resident Brampton-based organizational or business representative

For some boards, such as the Library Board, provincial law requires appointees to be Canadian citizens.

Relatives of Members of Council are not eligible for appointment. This includes spouses, partners, children and parents.

### 8.2.2 Term of appointment

A public member is appointed to a board for the term of Council (four years) unless appointed at a point during the four-year term at which point the term will be until the end of the current Council term of office.

### 8.2.3 Board Information

Information about each board is available [online](#).

You will find:

- List of current appointees
- Description of the role of the board
- Eligibility requirements for appointment
- Qualifications for appointees
- Frequency of meetings
- Compensation of Members



#### 8.2.4 Recruitment Process

The City Clerk's Office is responsible for public appointments, including the recruitment and application process. Council may establish a City Appointments Committee, comprised of Members of Council, to review, evaluate, interview and recommend public appointments.

The City accepts applications for appointment during defined recruitment periods, as public appointments are necessary. Any eligible person can apply [online](#).

Applicants can also download a form to complete by-hand and mail-in.

The City Clerk's Office reviews all applications against the Council-approved eligibility requirements and qualifications.

Applications may be retained by the City in an applicant pool for future reference during the Council term as public appointments become available.

#### 8.2.5 Nomination Process

The nomination process is carried out by the Citizen Appointments Committee which consists of a minimum of three Members of Council. This Committee conducts the interviews and makes citizen appointment recommendations to Council. The Committee does not include citizen representatives, and is supported by the City Clerk's Office.