

Council's Accountability and Transparency Framework and Meeting Procedures

November 27, 2014
2014-2018 Council-elect Orientation

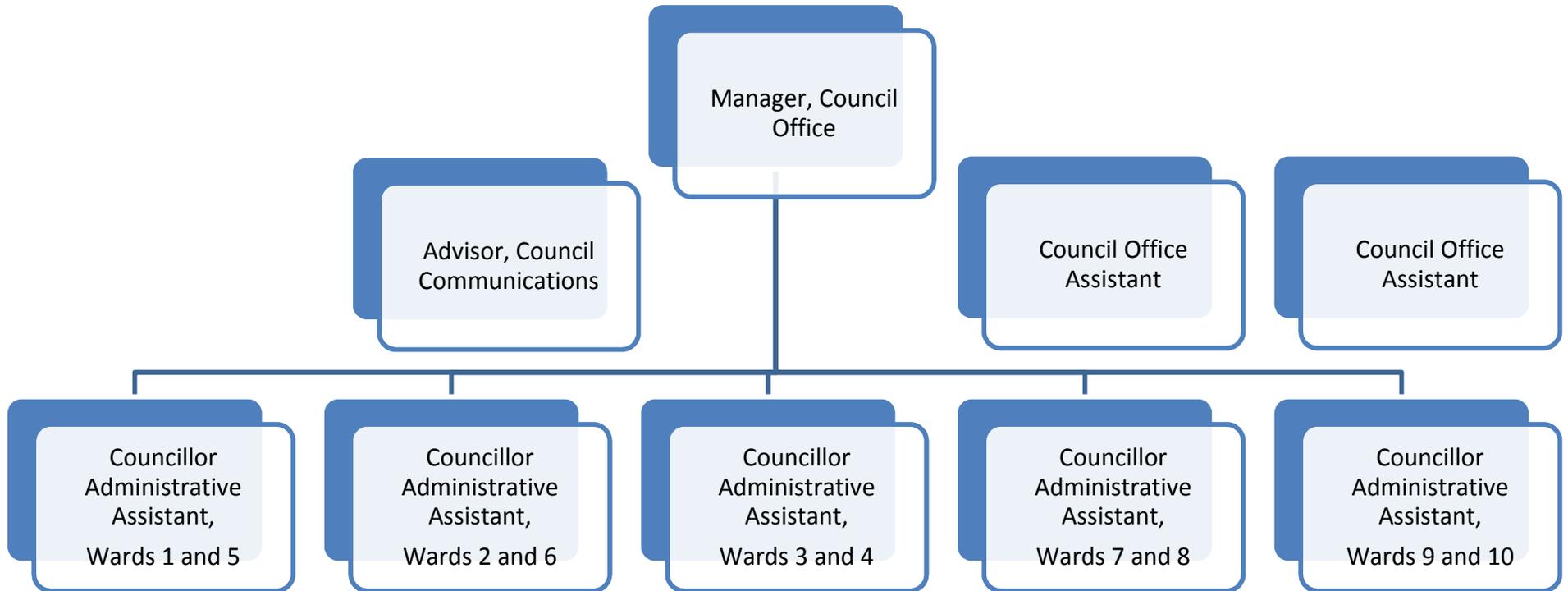
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Orientation Outline

1. Accountability and Transparency Regime (Municipal Act, 2001)
 1. Accountability and Transparency Provisions
 2. Open Meetings

2. Decision-making Process (Procedure By-law 160-2004)
 1. Council and Committee Meetings
 2. The Meeting Agenda and Order of Business
 3. Rules of Debate and Decision-making

Council Office



1. ACCOUNTABILITY AND TRANSPARENCY FRAMEWORK

Municipal Act, 2001

Accountability and Transparency

- *Code of Conduct*
- *Integrity Commissioner*
- Lobbyist Registrar
- Ombudsman
- *Auditor-General*

Open Meetings

- *Closed Session Investigator*

Code of Conduct for Members of Council

Since 2007, a discretionary provision of Municipal Act, 2001

Adopted by Council in February 2011

- Statement of ethical behaviour standards for Members of Council to uphold the public trust, the integrity of governance and City's reputation
- Applies only to Members of Council
- Approved and amended by Council
- Value-based reference vs. prescriptive rules
- Administered by a Council-appointed Integrity Commissioner
 - ADR Chambers (2011-2014)
 - Robert Swayze (2014 -)

Code of Conduct for Members of Council

Content

- Preamble (introduction)
- Conduct for Transparent, Accountable and Good Governance
 - Conduct for Council and Committee Meetings
 - Conduct Respecting Staff
 - Conduct Respecting Confidential Information
- Conduct Respecting Corporate Resources
 - Charitable Activities
 - Office Budgets and Resources Supporting Community Activities
 - Commitment of City Resources
 - Conduct Respecting Election Campaigns
- Conduct Respecting Gifts, Hospitality and Benefits
- Compliance and Interpretation

Code of Conduct Supporting Information

Federal Legislation

[Criminal Code of Canada](#)

Provincial Legislation

[Declaration of Office](#) (prescribed form)

[Municipal Act - Extracts](#)

Section 5 Powers exercised by council

Section 224 Role of council

Section 225 Role of head of council

Section 226.1 Head of council as chief executive officer

Section 227 Municipal administration

Section 229 Chief administrative officer

Section 239 Meetings open to public

Section 270 Adoption of policies

Section 274 Investigation by judge

Section 283 Remuneration and expenses

Section 284 Statement (remuneration and expenses)

Code of Conduct Supporting Information

Provincial Legislation

[Municipal Conflict of Interest Act](#)

[Municipal Freedom of Information and Protection of Privacy Act - Extracts](#)

[Occupational Health and Safety Act - Extracts](#)

[Municipal Elections Act - Extracts](#)

[Ontario Human Rights Code](#)

Code of Conduct Supporting Information

City of Brampton Policies, By-laws & Protocols

[Accountability and Transparency – Policy](#)

[Delegation – Policy](#)

[Controllership – Policy](#)

[Procedure By-law](#)

[Purchasing By-law](#)

[Workplace Harassment Prevention – Policy](#)

[Workplace Violence Prevention – Policy](#)

[Conflict of Interest \(Provincial Offences Act\) – Policy](#)

[Corporate Values – Policy](#)

[Expense Policy of Mayor and Members of Council - Policy](#)

[Statement of Remuneration and Expenses - Policy](#)

[Minor Charitable Donations – Policy](#)

[Lunch and Dinner Sponsorship – Policy](#) (eliminated in 2014)

[Sponsorship and Advertising – Policies](#)

[Community Use of Suite at BCSE \(PowerAde\) – Policy](#)

Code of Conduct Supporting Information

City of Brampton Policies, By-laws & Protocols

[Employment of Related Persons \(Members of Council\) – Policy](#)

[Job Postings and Advertising – Policy](#)

[Selection and Offer of Employment – Policy](#)

[Information Technology Use - Policy](#)

[OMEX General Liability Insurance Policy Conditions - Extract](#)

[OMEX Insurance Claims Manual – Extract](#)

[Municipal Election – Use of Corporate Resources Protocol](#)

[Media Relations \(Council\) Protocol](#)

[Media Releases Protocol](#)

[Prevention of Political Interference in the Administrative Monetary Penalty System - Policy](#)

[Mayor and Councillors' Office Technology, Equipment and Furniture - Policy](#)

Integrity Commissioner

- Administers the Code of Conduct for Members of Council
 - Provides advice to individual Members
 - Receives complaints from any person about conduct of Member of Council
 - Complaint identity is confidential
 - Review complaint and determine if investigation necessary
 - Investigative powers of inquiry
 - Any investigation is reported publicly to Council
 - “no finding” of Code contravention – posted to website
 - “finding” of Code contravention – Council agenda item
 - “Staying” complaints received after August 1 in an election year
 - Provides annual report to Council

Integrity Commissioner

Year	Investigative Reports Filed	Findings of Contravention	Annual Report Filed
2011	2	0	
2012	2	0	1
2013	1	0	1
2014	5	2	1

Lobbyist Registrar and Registry

Few municipalities have a Lobbyist Registry in place

- Ottawa
 - Integrity Commissioner is responsible for the enforcement and oversight of the Lobbyist Registry and annually reviews and reports on its operations.
- Toronto
 - Toronto has created a Office of the Lobbyist Registrar. This office has numerous full time staff (reports directly to Council).
- Hamilton
 - Established Registry in September 2014, to be effective August 1, 2015

Lobbyist Registrar and Registry

What is a Registry?

- Purpose of Lobbyist Registry is to **enhance the transparency and integrity of the business conducted at City Hall**
- The Registry is a resource that **documents instances of substantive communication**, such as telephone calls, meetings, or e-mails, between those who lobby and Members of City Council or City Staff in a centralized database that is easy to access and search by the public and interested stakeholders

Powers and duties of the Registrar

- To define “lobby or lobbying”
- Require persons who lobby public office holders to give (file) information to the municipality
- Specify the information to be filed with the municipality, and specify the time within which to file
- Exempt persons from the requirement to give information
- Specify activities where the requirement to give information does not apply
- Establish a code of conduct for lobbyists
- Prohibit former public office holders from lobbying current public office holders (for a specified time)
- Prohibit a person from lobbying public office holders without being registered
- Impose conditions for registration, continued registration or a renewal of registration
- Refuse to register a person, and suspend or revoke a registration
- Prohibit persons who lobby public office holders from receiving payment

Lobbyist Registrar and Registry

What is a lobbyist?

Common Definitions (derived from Ottawa and Toronto)

- Lobbying consists of activities that can influence the opinions or actions of a public office holder.
- Lobbying is communicating with a public office holder on a range of subjects including decisions on by-laws, policies and programs, grants, purchasing, and applications for services, permits, licenses or other permission.
- Lobbying typically involves communicating outside of a public forum such as a council meeting or a public hearing; often — but not always — by people who are paid or compensated for their efforts.
- Lobbying is one way stakeholders can help public office holders make informed decisions. When transparent to the public and in accordance with the by-law, lobbying public office holders of the municipality can be a legitimate and potentially helpful activity.

Who is a lobbyist?

Many professionals, company executives, sole proprietors and contractors may find themselves lobbying City staff, Members of Council and other public office holders in the course of their business activities.

Toronto examples :

- A consultant lobbyist
- An in-house lobbyist
- A voluntary lobbyist

Lobbyist Registrar and Registry

Application

- All Lobbyists must complete application form.

Registration (how it works)

- Lobbyists must register themselves and the subject matter they intend to discuss with the Office of the Lobbyist Registrar before communicating with a public office holder.
- Must register 15 business days before communicating with public office holder. (Ottawa)
- After communication has occurred, they must update their lobbying activities with lobbyist registrar (i.e. reports, notes, etc.).

Typical exemptions (municipalities can define further exemptions should they choose to)

- Not for profit groups
- Labour groups

Typical Path to a Registrar/Registry

- Policy decision to proceed to implementation
- Draft a By-law
 - clear and concise definitions for types of lobbyists
- Establish a governance model
 - City to manage registry or third-party to manage registry (e.g. Integrity Commissioner)
- Create a code of conduct for Lobbyists
- Develop technology tools
 - software and support (data base)
- Determine staffing resources
 - e.g. Lobbyist Registrar, Lobbyist Investigator, Lobbyist Advisor, Policy Analyst, Administration
- Budget approval
- Training
- Education and awareness (public and staff)

Ombudsman

- The Office of the Ombudsman is an office of last resort that is independent of the municipal service. The Ombudsman **investigates complaints about the administration of city government.**
- Discretionary under Municipal Act
 - appointed by Council and reports to Council
 - functions to investigate in an independent manner any decision or recommendations made or act done or omitted in the course of the administration of the municipality
- Considerations:
 - Ombudsman's independence and impartiality
 - Confidentiality with respect to Ombudsman's activities
 - Credibility of Ombudsman's investigative process
- Cannot review any decision, recommendation, act or omission:
 - until right of appeal/objection exercised (or time to do so expired)
 - of any person acting as a legal advisor or counsel
- Ombudsman report not reviewable

Bill 8 - Accountability Act, 2014

- **Ombudsman**

- **mandatory** - Municipal government must appoint an Ombudsman
 - If not appointed, Ontario Ombudsman becomes municipal Ombudsman
- **function** - report to Council on an investigation of any decision or recommendation made or act done or omitted in the course of the administration of the municipality
 - Investigations triggered by individual or Ombudsman
- **oversight** – even with municipal Ombudsman, Ontario Ombudsman has jurisdiction to investigate complaint after municipal Ombudsman completed and reported on a matter (maladministration finding or no merit finding)
 - independent municipal Ombudsman investigation is not final
 - Ontario Ombudsman has power to conduct systemic investigation across municipalities

- **Closed Meetings**

- **oversight** – new appeal process of Closed Meeting Investigator to Ontario Ombudsman

Auditor General

- Discretionary under Municipal Act
 - appointed by Council and reports to Council with powers in inquiry
 - Independent and responsible for **assisting Council in holding itself and administrators accountable for the quality of stewardship over public funds** and for the achievement of **value for money in municipal operations**
- Brampton's Interim Auditor General
 - At its September 10, 2014 meeting, City Council established the position of Auditor General, on an interim basis, for the sole purpose of reviewing the process and administration related to the Southwest Quadrant (SWQ) project.
 - Mr. George Rust-D'Eye was appointed by Council as the Auditor General for the purpose of this review.
 - The Auditor General released Interim Report in October 2014, with further investigative work continuing

Open Meetings

All meetings open to the public.

Limited exceptions for “closed meetings”

- security of municipal property
- personal matters about an identifiable individual
- proposed or pending acquisition or disposition of land
- labour relations or employee negotiations
- litigation or potential litigation
- advice that is subject to solicitor-client privilege
- training or education purposes
 - without advancing business or council decision-making
- matter permitted under another Act to be considered in a closed meeting
- consideration of a Freedom of Information request

Closed Meetings

- All meetings must begin and end in public
- Public session motion required to move into “closed session”
 - motion states nature of closed session business to be considered
 - procedural motion to rise from closed session back into public session
- All voting must be in public session, except:
 - Procedural matter
 - Giving direction or instructions to officers, employees or agents of the City
- Clerk prepares record for closed session
 - Closed session agenda
 - Closed session minutes
- Attendance in closed session determined by Council and staff
- Closed Session meeting location primarily the Council-Committee Room (4th floor, City Hall)

Closed Session business is the exception and strictly managed

Closed Meeting Investigator

Since 2007, a mandatory provision of Municipal Act, 2001

- If no Investigator appointed by Council, Ontario Ombudsman becomes Investigator
- Any person may request an investigation of whether municipality or local board has complied with Municipal Act or Procedure By-law provisions for closed meetings
- Request in writing to City Clerk, with \$250 investigation request fee
- Request filed with Investigator for review
 - Independent and confidential investigation
 - Report to Council on investigation and any recommendations
 - Investigator report is public
- Council-appointed Closed Meeting Investigator
 - Dr. Andrew Sancton, UWO (2007-2013)
 - Local Authority Services Ltd. (LAS) (2013 -)

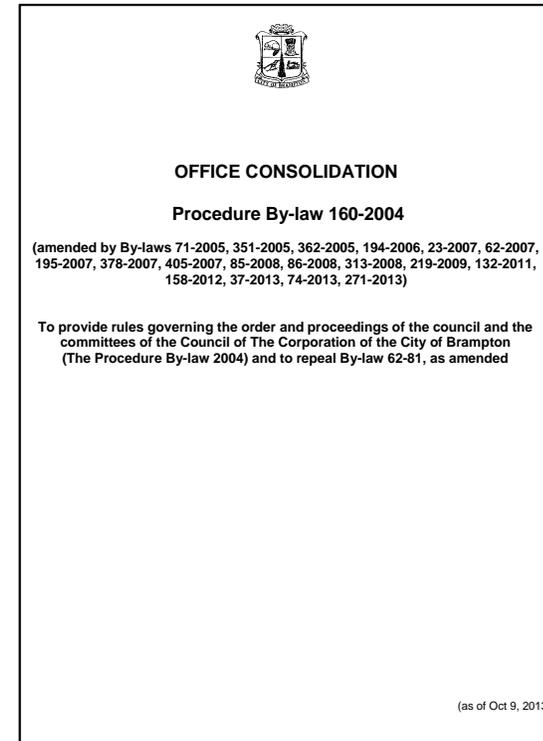
No investigation request filed to-date



2. DECISION-MAKING PROCESS

Decision-making Process (Procedure By-law 160-2004)

1. Council and Committee Meetings
2. Agendas and Order of Business
3. Rules of Debate



Procedure By-law 160-2004

- mandatory by Municipal Act, 2001
 - approved and amended by Council
- set of rules for meetings, making decisions and conduct
- apply to Council and “committee”
 - “committee” which at least 50% of the Members are Members of Council
- “meeting” is any gathering of Council or Committee
 - Where quorum is achieved
 - Gathered for a municipal purpose
 - Considering municipal business
- Clerk interprets and administers rules
 - Advises meeting Chair

Procedure By-law 160-2004

Upholding fundamental Member rights for a meeting:

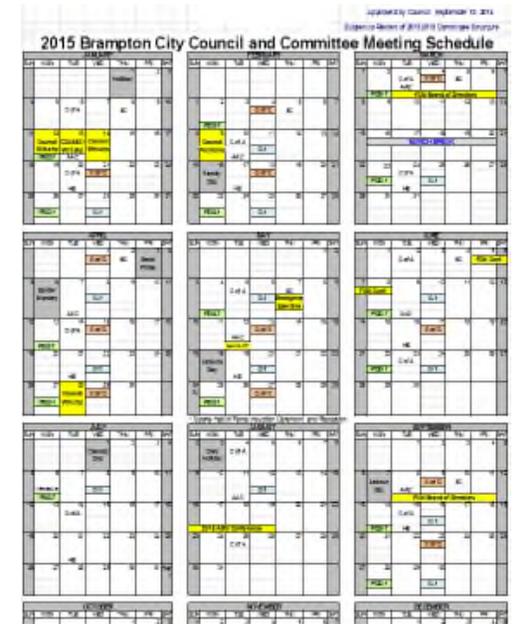
- The majority have the right to decide on a matter
- The minority have the right to be heard on a matter
- All Members have the right to information to help make decisions, unless prevented by law
- All Members have the right to an efficient meeting
- All Members have the right to be treated with respect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

Council and Committee Meetings

- Inaugural Meeting
 - First Monday in December following election at 8:00 pm
- Place of Meetings and Notice
 - Council Chambers or Committee Room, City Hall, or other location in/outside the City
 - Notice of meetings published annually and monthly
 - Meeting agenda publicly available, after distribution to Members
- Committees
 - Standing Committees defined in Procedure By-law (purpose, composition and Chair)
 - Committee of Council
 - Planning, Design and Development Committee
 - Rules for other committees defined
 - Less formal rules for committees
 - Motion not required to be in writing or requires seconder
 - More speaking opportunities

Council and Committee Meetings

- Regular Meetings
 - Committee of Council – first and third Wednesday of each month at 9:30 am
 - Planning, Design and Development Committee – first and third Monday of each month at 7:00 pm and 1:00 pm, respectively
 - City Council – second and fourth Wednesday of each month at 1:00 pm
 - Closed Session can start at 12:00 pm
 - Exceptions
 - One meeting per month, if needed, in July, August and December
 - In election year, no regular meetings scheduled after Thanksgiving
 - Rules for cancelling or changing regular start times
 - Meeting breaks and end times
 - 10 minute break after 2.5 hours of meeting (unless unanimous vote)
 - cannot carry past 11:55 pm (unless 2/3 majority vote)
 - Committee of Council – cannot carry past 3:30 pm (unless 2/3 majority vote)
- Special Meetings
 - Committee – at call of Chair or petition by majority of members with 24 hrs. notice and definition of meeting purpose
 - Council - at call of Mayor or petition by majority of members with 24 hrs. notice and definition of meeting purpose



2015 Brampton City Council and Committee Meeting Schedule

The image shows a grid of meeting schedules for 2015. The grid is organized by month (January to December) and meeting type (Committee of Council, Planning, Design and Development Committee, and City Council). Meetings are indicated by colored boxes (yellow, orange, green) with specific dates and times. For example, the Committee of Council meets on the 1st and 3rd Wednesdays of each month at 9:30 am. The City Council meets on the 2nd and 4th Wednesdays of each month at 1:00 pm. The Planning, Design and Development Committee meets on the 1st and 3rd Mondays of each month at 7:00 pm and 1:00 pm. The grid also includes information about closed sessions and exceptions.

Council and Committee Meetings

- Attendance and Absences
 - “quorum” (majority) of members required to start a meeting
 - After 15 minutes, if no Chair, Acting Mayor or Vice-Chair presides
 - After 30 minutes, meeting does not proceed, Clerk records members present
 - Member absence from meeting
 - Absence for 3 successive months without Council authorization forfeits office
 - Planned absence
 - Notice to Clerk of all planned absences, late arrivals and early departures for recording in minutes and reason (vacation, illness, personal, other municipal business)
 - for Committee – may designate another Member to attend with notice to Clerk (verbal or writing) before meeting starts
 - Mayor’s attendance at Committee meetings not recorded in minutes

Council and Committee Meetings

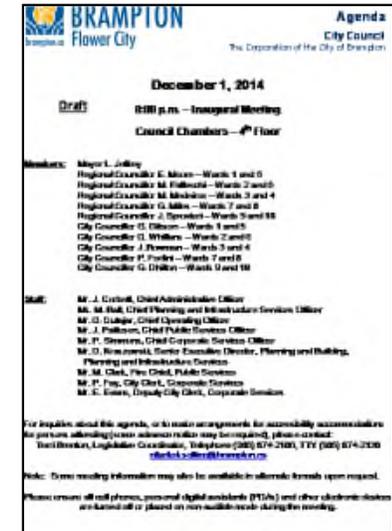
In case of Mayor's absence:

- Acting Mayor Chairs Council meeting
- Acting Mayor assumes powers and duties of Mayor
- Acting Mayor roster
 - alphabetical (last name by City Councillor first)
- Acting Mayor also Chairs Committee of Council

Acting Mayor	Date
Jeff Bowman	December, 2014
Gurpreet Dhillon	January, 2015
Pat Fortini	February
Grant Gibson	March
Doug Whillans	April
Martin Medeiros	May
Gael Miles	June
Elaine Moore	July
Michael Palleschi	August
John Sprovieri	September

Agenda Preparation, Publication and Distribution

- Agenda
 - Published the week before meeting date
 - PDD agenda prepared and distributed full week before meeting
- Agenda Process
 - Complete and final SMT/ELT approved/signed reports due in Clerk's Office (Monday of week preceding meeting)
 - Reports sent to CAO for final review/signature (Tuesday)
 - Agenda finalized – printing, delivery and publication (Friday)
 - Delivered to Members
 - Posted to City's website after deemed delivery to Members (1 hour after delivery)
 - Must be delivered to Members minimum 48 hours before meeting



Proposed – all Council and Standing Committee agendas distributed 1 full week prior to scheduled meeting

New Council Agenda and Meeting Management solution in development for 2015

Council Agenda Order of Business

Business Items

- Approval of the Agenda
 - Confirming the agenda for the meeting
 - New business additions to the agenda with 2/3 majority vote
 - Change to order of agenda business by majority vote
- Declarations of Pecuniary Interest
 - Direct or indirect pecuniary (financial) interest affecting Member, spouse, parent, child
 - Member to state the business item, pecuniary interest relationship (self, spouse, parent, child) and nature of interest
 - Member cannot participate, influence or vote on business item
 - Member leaves meeting during business item consideration
 - Member must declare each and every time matter arises
- Approval of Council Minutes
 - presented to next regular meeting for approval
 - Signed by Mayor and Clerk after approved

Council Agenda Order of Business

Business Items

- Consent Motion

- Items deemed by staff to routine and non-controversial which can be approved by single motion
- Members may remove items from consent motion for debate
- Members may add items listed on agenda to consent motion

- Announcements

- 2 minute announcement by public at meeting about an event of general interest to the public.
- Decision to include rests with Clerk, in consultation with mayor
- Meeting Chair responds on behalf of Council

- Proclamations

- A public statement from the Mayor's Office re. specific date to acknowledge a significant event with accompanying staff report
- 2 minute statement by person receiving proclamation
- Member reading proclamation responds on behalf of Council

Council Agenda Order of Business

Business Items

- Delegations (Requests to speak before Council/Committee)
 - Must relate to matter within City's jurisdiction
 - Delegation Request Form submitted to City by 4:30 pm Tuesday the week prior to meeting
 - Clerk, in consultation with Mayor, decides delegation routing
 - Council
 - Must relate to business on agenda
 - Request made before or after agenda published
 - Delegations for funding assistance not permitted; must follow City's funding request process
 - Committee
 - Opportunity for persons to bring forward new business
 - Delegations on subject with no staff report can only be received (no action taken) or referred to staff for a report
 - Limited to 5 minutes, unless longer time is approved by Council/committee
 - Members can ask questions after delegation for clarification purposes only, without debate
 - Delegations must be respectful, speak to subject matter under consideration and follow rules and decision of Chair
 - Delegations received by a motion of Council/Committees
- Petitions (public request for a defined action) and Correspondence (letters from public, businesses, organizations, other governments)
 - Delegation Request Form submitted to City by 4:30 pm Tuesday the week prior to meeting
 - Clerk refers any correspondence to appropriate Committee unless subject is listed on Council agenda
 - Correspondence from Peel region municipalities listed on agenda
 - correspondence from outside the Region distributed to Members and placed on meeting agenda only when requested by Council
 - Petitions and Correspondence usually received or referred to staff for a report/investigation/follow-up

Council Agenda Order of Business

Business Items

- Reports
 - From Head of Council
 - Reports and updates from the Mayor
 - From Corporate Officials
 - Staff reports from the CAO, Chiefs and departments
 - From Accountability Officers
 - Reports from Integrity Commissioner, etc.
 - From Committee (minutes)
 - Minutes from Standing Committee and other Council Committees

The Staff Report

- Heading
 - title, date, author
- Overview
- Recommendation
- Background
- Current Situation
- Corporate Implications
 - Financial Implications
 - Other Implications
- Strategic Plan
- Conclusion
- Approval signatures
- Appendices

	BRAMPTON Flower City brampton.ca	Report City Council The Corporation of the City of Brampton
Date:	November 17, 2014	
File:	GD.x	
Subject:	Appointment of Additional Regional Councillor for 2014-2018 Term of Council	
Contact:	Peter Fay, City Clerk, Council and Administrative Services, 905-874-2172	
Overview:		
<ul style="list-style-type: none">• Pursuant to the Regional Municipality of Peel Act, one additional Regional Councillor is to be appointed from among the five City Councillors to represent the City of Brampton at the Region of Peel Council.• The process for determining which City Councillor will be appointed is set out in Procedure By-law 160-2004, as amended, and attached to this report.• During the previous term of Council, a Regional Representation Task Force was established to increase Brampton's regional representation at Regional Council and consider selection methods for the additional Regional Councillor. The Task Force considered various selection methods and confirmed the current selection method and also received a staff report on regional issue indicators to provide context for the appointment process and requested a copy of the report be presented to the new Council at the time it considers the appointment of the additional Regional Councillor. That subject report is attached as an appendix for Council's reference.		
Recommendation:		
That the report from Peter Fay, City Clerk, Corporate Services, dated November 17, 2014, to the Special Council Meeting of December 2, 2014, re: Appointment of Additional Regional Councillor for 2014-2018 Term of Council (File GD.x), be received.		
Background:		
The Regional Municipality of Peel Act establishes the Regional Council composition, including Brampton representation from the Mayor and six Regional Councillors. Five Regional Councillors are elected and Brampton City Council has established a selection method, under the Procedure By-law, for the additional Regional Councillor to be appointed by City Council from among the five elected City Councillors. The process is outlined in Appendix 1 to this report.		

Council Agenda Order of Business

Business Items

- Unfinished Business
 - Business items not yet resolved or referred from another decision-body
- Resolutions
 - Resolutions from other municipalities
- Notices of Motion
 - Specific proposal for action by a Member
 - Must be:
 - submitted to Clerk by 4:30 pm on the Tuesday the week prior to the meeting date
 - in writing with signature of mover (proponent) and seconder (supporter)
 - complete and correct
 - Properly filed Notice of Motion listed on next regular agenda for consideration
- Public Question Period
 - 15 minute period at end of Council and Committee meeting for public questions on business considered on public meeting agenda
 - Extension of 15 minutes for public question period requires unanimous vote

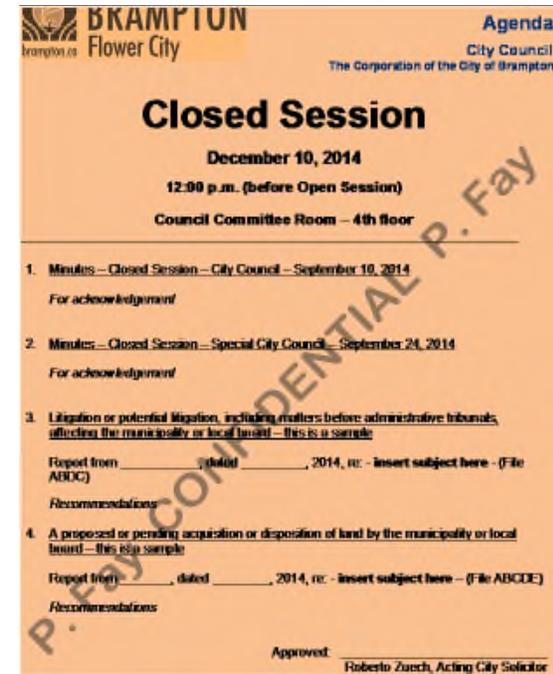
Council Agenda Order of Business

Business Items

- By-laws
 - Council acts by passing a by-law
 - Authority for passing a by-law is a Council Resolution
 - By-laws establish municipal law
 - By-laws can be amended or repealed
 - 4 level of approval /endorsement
 - Approval as to content of by-law – responsible department
 - Approval as to form of by-law – Legal Services
 - Executed by Mayor
 - Executed by Clerk
- Confirming By-law
 - “Catch-all” by-law confirming the proceedings and decisions of Council at the meeting to satisfy the Municipal Act requirements for Council decisions to be enacted through a by-law
- Adjournment
 - Motion to adjourn (end) the meeting

Closed Session

- Portion of the meeting held in private
- For very specific and limited circumstances
- Closed Session Agenda
 - All business approved by City Solicitor
 - Clerk circulates agenda to Members and other authorized staff
- Public motion required to proceed into closed session stating Municipal Act provision authorizing closed session
 - Once in closed session, new business cannot be added to agenda
- Closed Session Minutes
 - Identify Members and senior staff present
 - Record of proceedings, summary discussion and any direction provided to staff



BRAMPTON
Flower City
brampton.ca

Agenda
City Council
The Corporation of the City of Brampton

Closed Session

December 10, 2014
12:00 p.m. (before Open Session)
Council Committee Room – 4th floor

1. Minutes – Closed Session – City Council – September 10, 2014
For acknowledgment
2. Minutes – Closed Session – Special City Council – September 24, 2014
For acknowledgment
3. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – this is a sample
Report from _____, dated _____, 2014, re: - insert subject here - (File ABCD)
Recommendations:
4. A proposed or pending acquisition or disposition of land by the municipality or local board – this is a sample
Report from _____, dated _____, 2014, re: - insert subject here - (File ABCDE)
Recommendations:

Approved: _____
Roberto Zaech, Acting City Solicitor

Closed Session

- Member obligations (unless expressly authorized by Council):
 - Cannot distribute any closed session report or item
 - Cannot disclose content of closed session discussions
- Council or committee can give direction to staff in public on a closed session report, without moving into closed session, and Clerk shall document action
- For closed session matters involving an identifiable employee, CAO will determine which staff will be present and may be the designate for the Clerk for that closed session
- Clerk can require copies of closed session agenda, reports, documents returned
- Clerk maintains closed session meeting agendas and minutes
- Request for an closed meeting investigation, under Municipal Act, received by Clerk and referred to Closed Meeting Investigator

Roles and Responsibilities

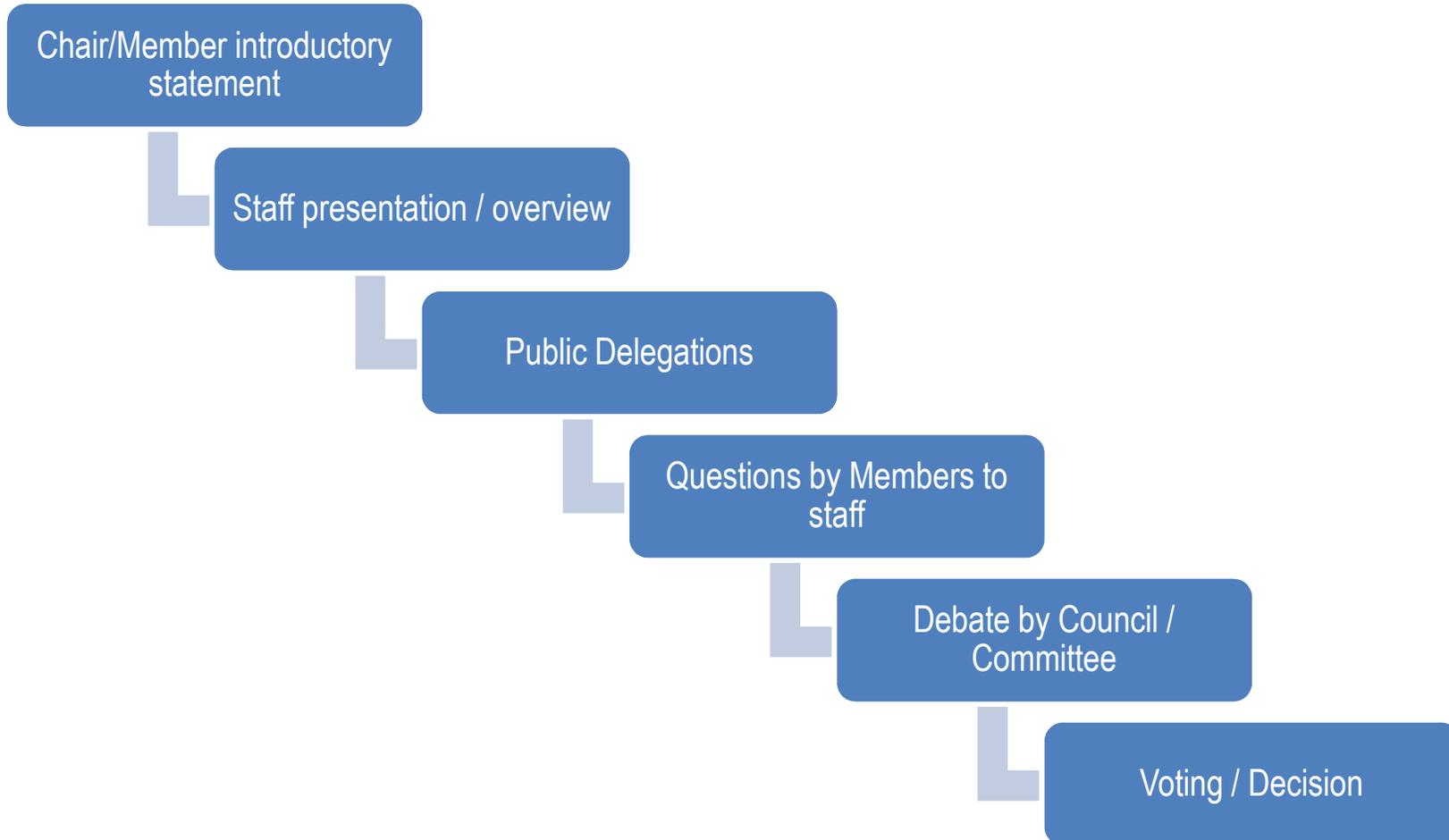
- **Members**
 - Prepare, listen, question, debate, propose, vote
- **Chair**
 - Prepare, lead, facilitate, order, vote
- **Clerk**
 - Prepare, interpret, advise, record
- **CAO/Staff**
 - Prepare, present, answer, advise, recommend, act
- **Public**
 - Prepare, attend, observe, delegate, question, advise, participate

Meeting Minutes

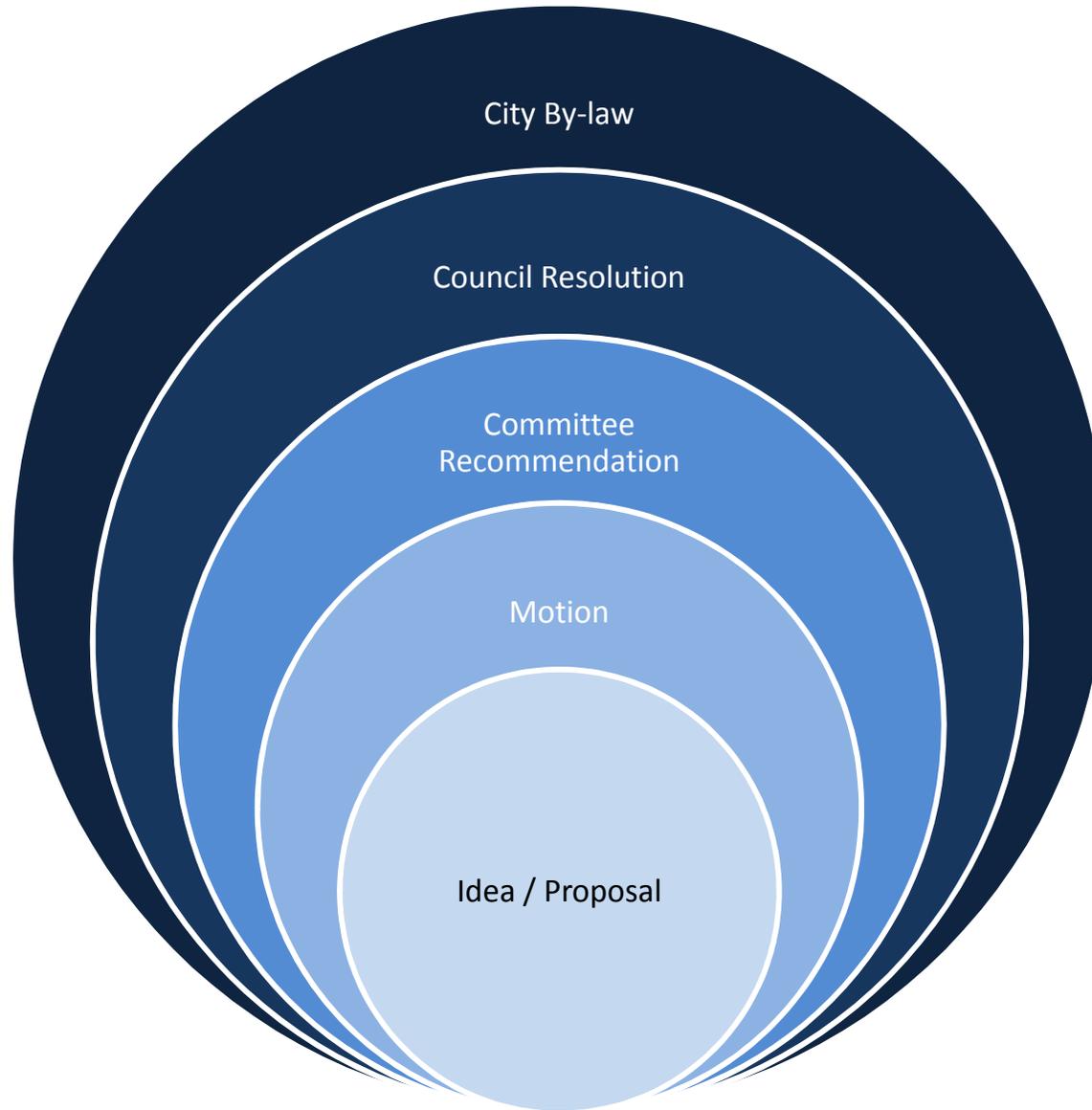
		Minutes City Council The Corporation of the City of Brampton
August 6, 2014		
Members Present:	Mayor S. Fennell Regional Councillor E. Moore – Wards 1 and 5 Regional Councillor P. Paleschi – Wards 2 and 6 (left at 10:30 a.m. and returned at 11:02 a.m. – other municipal business) Regional Councillor J. Sanderson – Wards 3 and 4 Regional Councillor S. Hames – Wards 7 and 8 (after recess, arrived at 1:08 p.m. – other municipal business) Regional Councillor G. Miles – Wards 7 and 8 Regional Councillor J. Spruiell – Wards 9 and 10 City Councillor G. Gibson – Wards 1 and 5 City Councillor V. Dillon – Wards 9 and 10	
Members Absent:	City Councillor J. Hulton – Wards 2 and 6 (illness) City Councillor B. Callahan – Wards 3 and 4 (vacation)	
Staff Present:	Mr. J. Corbett, Chief Administrative Officer Ms. M. Ball, Chief Planning and Infrastructure Services Officer Mr. D. Calagar, Chief Operating Officer Mr. J. Pallasen, Chief Public Services Officer Mr. P. Simmons, Chief Corporate Services Officer Mr. C. Grant, City Solicitor, Corporate Services Mr. M. Clark, Fire Chief, Public Services Mr. P. Fay, City Clerk, Corporate Services Mr. E. Evans, Deputy City Clerk, Corporate Services Ms. T. Benton, Legislative Coordinator, Corporate Services	

- Clerk prepares meeting minutes, including:
 - Place, date and time of meeting
 - Name of Chair and attendance of Members
 - Name of minute taker and senior staff present
 - Proceedings of the meeting, without note or comment
 - Summary of business considered in order of agenda listing
 - All motions placed (mover/seconded)
 - All motions voted on that carried or lost
 - Approved minutes signed by Chair and Clerk
 - Committee Minutes
 - Mayor's presence/absence not recorded in attendance record for committees
 - Standing Committee Minutes presented to Council meeting for approval of recommendations and receipt of minutes
 - Other Committee minutes presented to Standing Committee for approval
 - Minutes reported to Council by Standing Committee Chair

Consideration Order for a Business Item



Idea to Decision



Duties of the Chair

- Open the meeting
- Ensure quorum maintained throughout meeting
- Chair (lead) the meeting fairly and impartially
- Announce business in order to be considered
- Direct discussion / debate through the Chair (leader)
- Receive and submit motions, in proper order, presented by Members
- Put to vote all motions properly placed, and announce results of vote
- Decline to put to vote motions contrary to rules of procedure
- Restrain Members to debating rules and procedure during meeting
- Enforce meeting rules and observe order and decorum and Member conduct
- Ensure meeting proceeds in orderly and efficient manner
- Sign applicable resolutions, by-laws and minutes duly passed
- Recess meeting after 2.5 hours, unless unanimous consent to continue
- Adjourn meeting when business is concluded or at designated time
- Adjourn or suspend the meeting to a future time because of grave disorder

Rules of Debate

- Asking Questions (of delegations, staff or other Members)
 - Member can only ask questions to obtain information related to matter under discussion; questions asked through the Chair

- Speaking to agenda business:
 - Member asks permission of Chair (Request to Speak System)
 - When Member speaking (has the floor) no Member shall interrupt Member
 - Member can speak for 5 minutes
 - No speaking more than once, until every other Member who desires to speak has spoken
 - Member can speak for second time for further 5 minutes
 - City or Regional Councillor may speak first to motion within specific ward
 - Mover of motion may request to speak last on motion

Voting

- Chair calls for vote on motion after debate finished
- Chair states motion to be voted on
- Each Member must occupy his/her seat for vote
- During vote, no Member shall speak, make noise or disrupt the vote
- No additional motion shall be made until vote is taken and result declared by Chair
- A Member may request a motion be split into distinct proposals contained in motion, and vote taken on each proposal
- Every Member during a vote must vote, unless prohibited by law from voting
- Chair shall determine method of voting (show of hands, standing, etc.)
- A Member present and does not vote shall be deemed as voting in the negative, unless prohibited by law from voting
- A tie vote does not carry and is deemed to have “lost”
- If a Member disagrees with the Chair’s announcement of the vote result, he/she may immediately object to Chair’s declaration and request the vote be retaken

Voting

- Recorded Vote
 - Any Member may request a recorded vote
 - Clerk calls for each Member to rise and be counted in favor and then opposed to the motion
 - Clerk records the name of each Member and their vote on the motion
 - Clerk may use an alternative electronic means for recording Member votes
 - Clerk announces the result so the vote of every Member is public

Member Conduct

No Member shall:

- speak disrespectfully of another person
- use offensive or unparliamentarily language
- speak on subject other than subject of debate
- disobey meeting rules or decision of the Chair on questions of order, practice or interpretation of rules

If a Member:

- breaches or disregards meeting rules or interpretation thereof, or
- disregards decision of Chair on Point of Order / Point of Privilege

then Chair shall:

- advise and correct Member
- request apology or withdrawal of remark from Member
- warn Member
- call Member to order (Member shall be seated and not speak until recognized by Chair)
- name the Member (Member called to order and name and offence recorded in minutes)
- expel or exclude the Member
- if persistent inappropriate conduct, after being called to order or named by Chair:
 - Chair immediately takes vote (no debate) to decide whether to order Member to leave remainder of meeting
 - Member leaves, if ordered by vote, but if apologizes, Chair takes vote for Member to resume seat and participate in meeting

Main Motion

- types
 - substantive motion
 - a proposal for action
 - procedural motion
 - change in process to deal with a main motion or subject
 - change in debate process
- format, introduction, acceptance of a main motion
 - must be in writing (except Committee)
 - must have mover and seconder (except at Committee or procedural motion)
 - must be accepted and stated by the Chair

Amending Motion

- introduced during debate on main motion
- must be in writing and signed by mover and seconder (except Committee)
- must be resolved before a previous amending motion or the main motion is considered
- must be germane/relevant to the main motion
- shall not be considered if contrary to main motion
- may propose a separate and distinct disposition of the main motion
- must be voted on in reverse order (amending motion before main motion)

Procedural Motions

do not need to be in writing

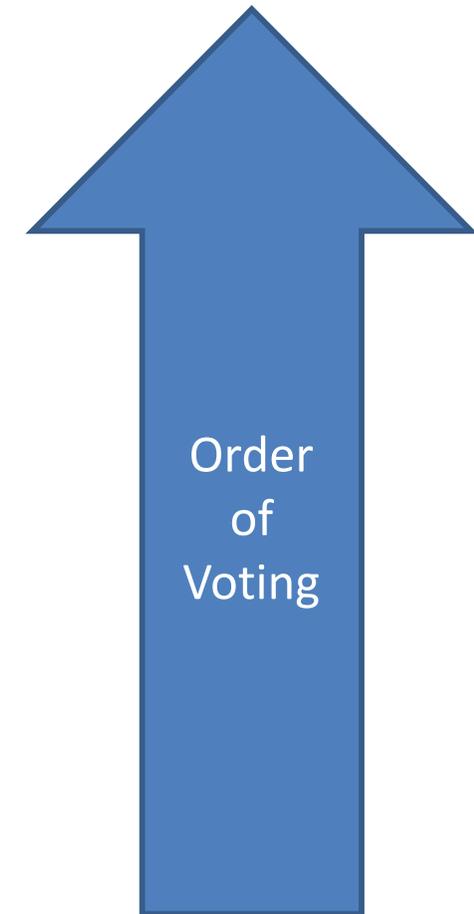
- defer (postpone consideration)
 - postpone consideration of a matter to later in the meeting or another meeting of the same body, with any conditions included
 - put to a vote immediately without debate or amendment
- refer (send somewhere for further consideration)
 - send a matter, action or pending motion to a committee, staff or other body for such purpose as named in the motion
 - subject to debate only on merits of referral and not substance of main motion
 - may be amended

Procedural Motions

- Calling the Question (end debate on matter)
 - Member makes motion to end debate and put motion to vote
 - Member cannot speak to motion before “calling the question”
 - Chair takes motion after each member who wished to speak on motion has spoken once
 - Motion cannot be amended, cannot be proposed on main motion with proposed amending motion
 - Voted on without debate or amendment; majority vote to carry
- Adjournment (end meeting)
 - May be moved at any time
 - If motion loses, cannot be made again until next agenda business completed
 - Cannot be called after “calling the question” motion carries
 - Not debatable if specific time named in motion
 - At Council, cannot be made until confirming by-law presented and dealt with by Council

Motion Order of Precedence

- Main motion
- Amend the main motion
- To refer the motion
- To defer the motion
- To limit or extend limits of debate
- To call the question
- Point of Privilege
- To recess the meeting
- To adjourn the meeting
- To fix a time to adjourn the meeting
- To sustain the decision of the Chair



Direction to Staff

- Council or committee, by majority vote, may direct staff to take course of action
- Individual Member cannot direct staff to undertake an action, expend funds, commit resources or prepare a staff report, unless authorized by Council

Points of Order and Privilege

When Member speaking (has the floor) no Member shall interrupt speaking except for Point of Order or Point of Personal Privilege

Point of Order

- Call to Chair's attention a matter regarding:
 - Any breach of the meeting rules
 - Irregularity in proceedings of meeting
 - Relevance of discussion to business item under consideration
 - Use of improper, offensive or abusive language

Point of Personal Privilege

- Call to Chair's attention a matter regarding:
 - A statement challenging integrity of Member, committee or Council
 - Right and privileges of Council or committee (accuracy of reports and information, conduct of staff, visitors, public, comfort of Members)

Process:

- Ask permission of Chair to raise Point of Order or Privilege
- Chair grants permission to Member to rise to state Point
- Member rises and states Point to Chair and sits down until Chair has decided Point
- Chair immediately decides Point (ruling)
- A Member only addresses Chair to appeal Chair's decision
 - Appeal put to vote immediately to uphold Chair's decision (majority vote) and decision is final
- If no appeal of Chair's decision, it is final

Reopening a Decision

- At same meeting
 - No further debate on matter already decided at a meeting
 - 2/3 majority vote to reopen the decision on an item already decided at same meeting
 - Member moving motion to reopen shall state reasons for motion
- At different meeting
 - Notice of Motion required to reopen decision from previous meeting
 - 2/3 majority vote to reopen the decision when Notice of Motion voted on
 - Member moving Notice of Motion to reopen shall state reasons for motion
 - If Notice of Motion to reopen decision does not carry, no further Notice of Motion to reopen decision shall be considered again within current term of Council

Suspend the Meeting Rules

- Meeting rules can be temporarily suspended on a 2/3 majority vote, unless:
 - suspension is contrary to Municipal Act
 - otherwise provided for in meeting rules (unanimous vote)

Other matters

- Conflict with legislation
 - legislation prevails over Procedure By-law
- Matters not provided for
 - if meeting rules not provided for or conflict, Bourinot's Rules of Order used for consultation and interpretive aid
- Appoint additional Regional Councillor
 - process defined
- Council workshops (meeting of Council and public notice required)
 - quorum not required
 - no decision-making permitted
 - after notice is provided, no additional business can be added
 - meeting notes instead of minutes
- Public notice
 - circumstances, method and form for giving public notice

Procedure to Appoint Additional Regional Councillor

- Clerk calls for nominations and announces candidates
- Candidates given 5 minutes each to speak prior to first round of voting (order drawn by lot)
- Clerk calls each candidate name (by alphabetical surname). Voting Members rise to indicate their vote
- Each Member may vote up to one fewer than the number of candidates per round (i.e., if 5 candidates, each Member may vote for any number of candidates up to maximum of 4)
- Clerk records votes and announces results
- At end of each voting round:
 - Candidate receiving fewest votes dropped from ballot
 - If tie for fewest votes cast, Clerk draws by lot candidate to be excluded
 - For each subsequent voting round, the maximum number of voters per Member is one fewer than the number of candidates still standing
 - At end of each round, Clerk shall announce opportunity for any candidate to withdraw from the ballot
- If at end of any round of voting, candidate received majority of votes cast on that round, that candidate declared successful candidate
- If final round of voting ends in tie, Clerk draws unsuccessful candidate's name by lot
- Record of votes forms part of meeting record

Council's Accountability and Transparency Framework and Meeting Procedures

November 27, 2014
2014-2018 Council-elect Orientation

Alderlea