May 4, 2015
Special Meeting

Members Present:

Mayor L. Jeffrey
Regional Councillor G. Gibson – Wards 1 and 5
Regional Councillor E. Moore – Wards 1 and 5 (Acting Mayor – July)
Regional Councillor M. Palleschi – Wards 2 and 6
Regional Councillor M. Medeiros – Wards 3 and 4 (Acting Mayor – May) (chaired meeting from 8:48 to 8:51 p.m.)
Regional Councillor G. Miles – Wards 7 and 8 (Acting Mayor – June) (arrived at 7:02 p.m. – personal)
Regional Councillor J. Sprovieri – Wards 9 and 10
City Councillor D. Whillans – Wards 2 and 6
City Councillor J. Bowman – Wards 3 and 4
City Councillor P. Fortini – Wards 7 and 8
City Councillor G. Dhillon – Wards 9 and 10

Members Absent:

nil

Staff Present:

Ms. M. Ball, Acting Chief Administrative Officer
Mr. D. Cutajar, Chief Operating Officer
Mr. J. Patteson, Chief Public Services Officer
Mr. P. Simmons, Chief Corporate Services Officer
Mr. R. Zuech, City Solicitor, Corporate Services
Mr. D. Squires, Deputy City Solicitor, Corporate Services
Mr. P. Fay, City Clerk, Corporate Services
Mr. E. Evans, Deputy City Clerk, Corporate Services
Ms. T. Brenton, Legislative Coordinator, Corporate Services
The meeting was called to order at 7:01 p.m. and adjourned at 10:04 p.m.

Mayor Jeffrey outlined the purpose of the meeting to consider the final report of the Interim Auditor General regarding the South-West Quadrant Renewal Plan.

A. **Approval of the Agenda**

The following motion was considered.

C136-2015   Moved by City Councillor Whillans  
Seconded by Regional Councillor Moore

That the agenda for the Special Council Meeting of May 4, 2015 be approved as printed and circulated.

Carried

The following items were received by the City Clerk’s Office after the agenda was printed and relate to the Final Report of the Interim Auditor General on the South-West Quadrant Renewal Plan (Council approval was not required for addition of these items in accordance with Procedure By-law 160-2004, as amended):

C 1. Additional Delegations:
   2. Peter Bailey, Brampton resident
   3. Doug Bryden, Co-Chair, Citizens for a Better Brampton
   4. John Buch, Member, Citizens for a Better Brampton
   5. Chris Bejnar, Co-Chair Citizens for a Better Brampton

E 1. Correspondence from Sheila Jacobson, Brampton resident, dated May 4, 2015

B. **Declarations of Interest under the Municipal Conflict of Interest Act** – nil

C. **Delegations** (5 minutes maximum)


   Mayor Jeffrey informed Council that Hash Khadim, Brampton resident, listed on the agenda to delegate at this meeting, withdrew his delegation request.
The following delegations addressed Council:

Peter Bailey, Brampton resident, expressed concern about the cost of the Interim Auditor General’s investigation, information that was not included in the final report, and proposed that Council take steps to recoup the cost of the investigation, and to ask the Province to launch a judicial inquiry on all aspects of the project.

Doug Bryden, Co-Chair, Citizens for a Better Brampton, outlined concern about the competitive dialogue process, the investigation and report findings, delegation of authority to staff, and outlined his view that interested outside groups should have been interviewed by the Interim Auditor General as part of his investigation.

John Buch, Member, Citizens for a Better Brampton, offered comments on the Fay Booker report, expressed concern about the option payment for the George Street property, and outlined his view with respect to the Interim Auditor General having a potential conflict of interest on this matter.

Chris Bejnar, Co-Chair Citizens for a Better Brampton, commented on the transfer of the lease agreement to Fengate, and stated his concern on the competitive dialogue process.

Anil Khanna, Brampton resident, outlined concern about the timelines and costs for the Interim Auditor General’s report, and expressed his view that the investigation should have been undertaken by a procurement expert.

Franco Spadafora, Brampton resident, inquired about Council’s plans to correct issues and problems that he believes occurred with this project.

Cindy Meisner, Brampton resident, expressed concern about the impact of the Dominus construction on her property and that of her neighbours, and requested the City’s assistance in this regard.

Masal Evans, Brampton resident, expressed his view that this is a sad occasion for Brampton and that the report is a “total whitewash”.

Paramjit Singh Birdi, Brampton resident, outlined concern about the competitive dialogue process, negative comments being made about Brampton, and expressed his view that the City should be saving money, not spending it.

Sundeep Sanga, Brampton resident, requested that the City save as much of the taxpayer’s dollars as possible.
Don McLeod, Member, Brampton Focus, expressed his view that the Interim Auditor General’s report raises more questions than it answers, and asked about the Interim Auditor General’s review of interdepartmental e-mails and correspondence between City parties.

Marianne Allan, Brampton resident, provided comments on the City’s need for additional administrative space, expressed her opinion that it is time for the City to move on and not spend any more of the taxpayer’s money on audits of this project.

Council acknowledged correspondence from Sheila Jacobson, Brampton resident, dated May 4, 2015.

The following motion was considered.

C137-2015 Moved by Regional Councillor Palleschi
Seconded by Regional Councillor Gibson

1. That the following delegations, to the Special Council Meeting of May 4, 2015, re: Final Report of the Interim Auditor General on the South-West Quadrant Renewal Plan, be received:
   1. Peter Bailey, Brampton resident
   2. Doug Bryden, Co-Chair, Citizens for a Better Brampton
   3. John Buch, Member, Citizens for a Better Brampton
   4. Chris Bejnar, Co-Chair Citizens for a Better Brampton
   5. Anil Khanna, Brampton resident
   6. Franco Spadafora, Brampton resident
   7. Cindy Meisner, Brampton resident
   8. Masal Evans, Brampton resident
   9. Paramjit Singh Birdi, Brampton resident
  10. Sundeep Sanga, Brampton resident
  11. Don McLeod, Member, Brampton Focus
  12. Marianne Allan, Brampton resident; and,


Carried
D. **Reports**


Council agreed to the following order of business:
- remarks from Marilyn Ball, Acting Chief Administrative Officer (CAO)
- remarks from George Rust-D’Eye, Interim Auditor General (AG)
- comments from the delegations (see Item C 1 above – Resolution C137-2015)
- Council discussion

Ms. Ball provided background on the appointment of George Rust-D’Eye as Interim AG, reiterated the purpose of the special meeting to consider the Interim AG’s report and the report on costs associated with the investigation.

Ms. Ball cautioned that the City’s procurement process for this project is the subject of a lawsuit and reviewed with Council and members of the public the ground rules around matters before the courts. She requested strict adherence to the rules, indicated the City Solicitor would interject where necessary, and requested respect for and decorum from all parties.

Mr. Rust-D’Eye provided background on his appointment as Interim AG, outlined the scope of his review, and provided an overview of his investigation and final report on the South-West Quadrant Renewal Plan.

Council discussion on this matter included:
- concerns about:
  - the delay in completion of the investigation and report
  - cost for the investigation and the inability to get information from staff about the cost
  - questions and expectations from Council Members that were not addressed in the report
- overview of specific questions posed to the Interim AG during his investigation on topics including the role of Professor James McKellar, cost per square footage, resulting debt, sidewalk set back requirements
- comments provided by Fay Booker, Booker and Associates, versus those provided by Paul Emanuelli, Procurement Law Office Professional Corporation, and the Interim AG
- availability of the full reports prepared by Ms. Booker and Mr. Emanuelli
• need for greater transparency and accountability in Council decision-making
• authority of staff as it relates to the option payment and property acquisition of 20 George Street North, and request for additional information, including the total cost for acquisition of this property

Throughout Council’s discussion on this matter, the Deputy City Solicitor raised concern that some topics were beyond the scope of the subject matter for the Special Council Meeting (i.e. Final Report from the Interim AG) and strayed into litigation matters currently before the court.

In response to questions from Council, Mr. Rust-D’Eye provided information on the following:
• clarification and confirmation of no conflict of interest on this matter due to previous employment with a law firm that worked with the City during the early part of the procurement process
• timelines for the completion of his report
• total cost of the investigation versus cost estimate provided by staff
• availability of information on the cost of the investigation

In response to questions from Council, Mr. Emanuelli, provided information on the following:
• overview of his professional credentials and his review of the procurement process for the project
• use of the competitive dialogue process in Ontario and other locations in Canada
• use of the competitive dialogue process for the South-West Quadrant Renewal Plan
• role of Council in a competitive dialogue process
• legal requirements and duties as they relate to confidentiality in a competitive dialogue process

The following motions were considered.

C138-2015 Moved by Regional Councillor Palleschi
Seconded by City Councillor Dhillon

That the report from George Rust-D’Eye, Interim Auditor General, to the Special Council Meeting of May 4, 2015, re: Final Report of the Interim Auditor General on the South-West Quadrant Renewal Plan, be received.

Carried
Minutes
City Council

C139-2015  Moved by City Councillor Bowman
Seconded by City Councillor Fortini

That the report from Peter Simmons, Chief Corporate Services Officer, dated April 23, 2015, to the Special Council Meeting of May 4, 2015, re: Cost Associated with South West Quadrant Development Investigation (File EG.x) be received.

Carried

A motion was introduced to provide direction to the Mayor to request the Province to appoint the Ombudsman to initiate an inquiry into the affairs of the City, and in particular into potential misconduct in procurement, real estate, planning approvals and any other area.

The motion was considered as follows.

C140-2015  Moved by Mayor Jeffrey
Seconded by Regional Councillor Sprovieri

Whereas the Interim Auditor General has submitted his report to council regarding the South West Quadrant investigation;

Whereas the report tabled by the Interim Auditor General did not provide any recommendations for Council on which to act upon;

Therefore be it resolved that the Mayor be directed to request the Province of Ontario to appoint the Ombudsman of Ontario to initiate an Inquiry as defined under the Public Inquiries Act into the affairs of the Corporation of the City of Brampton, and in particular into potential misconduct in procurement, real estate; planning approvals and any other area.

A recorded vote was requested and the amendment carried as follows:

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The following motion was introduced.

Moved by Regional Councillor Sprovieri
Seconded by Regional Councillor Moore

Whereas the SWQ investigation by Mr. Rust-D'Eye was to be completed by the end of December 2014 at a cost of $50K to $60K;

Whereas, the Auditor’s report has been presented to Council and Mr. Rust-D'Eye has charged the City $269,000.00;

Whereas the taxpayers of Brampton expect good value for their tax dollars;

Therefore be it resolved that, in the event the Ontario Ombudsman does not accept the file, the Council of the City of Brampton hire Mr. Stephen Bauld to:

1. Review and evaluate Mr. Rust-D'Eye’s and Mr. Emanuelli’s work done to date to ensure that the City funds paid to them to date represent good value for the Brampton taxpayers;

2. That Mr. Bauld conduct an independent review of the SWQ project to ascertain any inconsistencies in the procurement process and report back to Council within 2 months for sum of $50K maximum cost;

3. That Mr. Bauld be given full access to all City resources that he deems necessary to conduct the investigation immediately;

4. That staff report back to Council why the City paid $2,480,000.00 to First Choice for 20 George Street;

5. That staff investigate and report back on the unfinished work on 2, 4, 6 Elizabeth Street.

The Deputy City Solicitor proposed that Council be given further legal advice before consideration of the motion.
Council discussion on the motion included a suggestion that it be “tabled” pending the outcome of the request to the Province for an investigation by the Ombudsman.

The City Clerk confirmed there is no provision in the Procedure By-law to “table” motions. He indicated the motion could be withdrawn and re-introduced at a future date.

The motion was subsequently withdrawn.

The following motion was introduced to address the matters raised in Clauses 3 and 4 of the withdrawn motion.

Moved by Regional Councillor Sprovieri
Seconded by Regional Councillor Moore

1. That staff report back to Council why the City paid $2,480,000.00 to First Choice for 20 George Street;

2. That staff investigate and report back on the unfinished work on 2, 4, 6 Elizabeth Street.

The motion was voted on and carried.

Later in the meeting, during Public Question Period, Council reopened its decision on this matter and added 87 Queen Street West to Clause 2.

The motion, as amended, was considered as follows.

C141-2015

Moved by Regional Councillor Sprovieri
Seconded by Regional Councillor Moore

1. That staff report back to Council why the City paid $2,480,000.00 to first choice for 20 George Street;

2. That staff investigate and report back on the unfinished work on 2, 4, 6 Elizabeth Street and 87 Queen Street West.

Carried

D 2. Report from Peter Simmons, Chief Corporate Services Officer, dated April 23, 2015, re: Cost Associated with South West Quadrant Development Investigation (File EG.x).

Dealt with under Item D 1 – Resolution C139-2015
E.  Correspondence


Dealt with under Item C 1 – Resolution C137-2015

F.  Public Question Period

1. John Sanderson, Brampton resident, asked if Council would reopen its decision with respect to outstanding work at 2, 4 and 6 Elizabeth Street South, and include the unfinished work at 87 Queen Street West. As noted above, Council reopened its decision and added this property to the resolution.

2. In response to questions from Don Haynes, Brampton resident, Regional Councillor Miles provided details on the confidentiality provisions as they relate to Council’s discussions on the subject project.

3. In response to questions from Rick Solanski, Brampton resident, Denis Squires, Deputy City Solicitor, provided information on the availability of the lease agreement for the subject project.

G.  Confirming By-law

The following motion was considered.

C142-2015 Moved by Regional Councillor Sprovieri  
Seconded by City Councillor Whillans

That the following By-law before Council at its Special Meeting of May 4, 2015 be given the required number of readings, taken by the Mayor and the City Clerk and the Corporate Seal affixed thereto.

95-2015  To confirm the proceedings of the Special Council Meeting held on May 4, 2015

Carried
H.  **Adjournment**

The following motion was considered.

C143-2015  Moved by City Councillor Fortini
Seconded by City Councillor Bowman

That this Council do now adjourn to meet again for a Regular Meeting of Council on Wednesday, May 6, 2015 at 1:00 p.m., or at the call of the Mayor.

Carried

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L. Jeffrey, Mayor

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P. Fay, City Clerk