

REPORT

City Council

The Corporation of the City of Brampton

Summary

On March 17, 2021 and March 26, 2021, I received complaints based on the same set of allegations regarding Mayor Patrick Brown (“Mayor Brown”). The two complaints have been considered together (the “Complaint”).

In summary, the Complaint alleged that Mayor Brown had acted falsely and discriminatorily and exceeded his jurisdiction by stating that there was a genocide of the Tamil people, by directing city resources to a monument to the victims of the above genocide and had harassed a member of the public who presented regarding the monument at a February 24, 2021 Brampton City Council meeting.

Review of the Complaint

The Complaint itself was lengthy is attached with redactions to this report [TAB 1]. I have summarized the key factual allegations as follows:

- Mayor Brown has frequently asserted that a “Tamil Genocide” occurred:
 - On social media and in his official capacity as mayor;
 - At City Council meetings and while passing motions;
 - In representations to the Peel District School Board, which he urged to reinstate a Tweet about a “Tamil Genocide”; and
 - At the February 24, 2021 Council meeting (the “February 24 Meeting”).
- Mayor Brown knew or ought to have known that these assertions were “false, misleading and discriminatory”
- Mayor Brown used city resources to erect a monument that recognized Tamil civilians who were killed by the Sri Lankan government
- Mayor Brown harassed or discriminated against a Brampton resident (the “Brampton Resident”), an individual who appeared as part of a delegation at the February 24 Meeting, by accusing him of being a proxy for the Sri Lankan government and by insisting that the Canadian government had made a finding that the Tamil Genocide had occurred.

The Complaint claims that by doing the above, Mayor Brown:

- Did not act in a creditable manner
- Did not carry out his duties impartially and to the standard expected of him and his office
- Failed to recognize “that the operation of democratic municipal government requires that elected officials be independent, impartial and duly responsible to the people”
- Harassed a member of the public (the Brampton Resident)
- Granted special consideration to one group over another
- Exceeded the jurisdiction of his office.

The Complaint asserted that the City of Brampton had records of “all of these violations including the Mayor’s social media posts, council motions, the Mayor’s speeches, city council motions, and video recordings of the City Council meetings”.

The Complaint provided several attachments, including an email exchange between the complainants and Global Affairs Canada, a copy of an email sent to Mayor Brown, and links to additional resources about what occurred in Sri Lanka.

For context, the monument in question (the “Monument”) refers to a motion passed by Brampton City Council on January 20, 2021 where it moved to take steps to recognize the contribution of the Tamil community in Brampton through the construction of a monument [TAB 2]. Based on the minutes of that session, an impetus for the motion was the widely reported destruction of the Tamil memorial monument at Jaffna University in Sri Lanka that occurred in early January 2021. This is the decision that was the subject of the exchange between Mayor Brown and the Brampton Resident.

As part of the Complaint, I also received a transcript of the relevant portions of, and a link to a video of the February 24 Meeting. At this meeting, the Brampton Resident appeared as a delegation regarding the Council’s approval for the Monument, described in the minutes of the February 24 Meeting as the Tamil Memorial Genocide monument.

The Complaint alleged or implied that Mayor Brown had violated the following rules of the City of Brampton’s Code of Conduct for Members of Council (the “Code” or the “Rules”):

- Rule 1 (General)
- Rule 7 (Improper use of Influence)
- Rule 9 (Transparency & Openness in Decision making and Member’s Duties)
- Rule 14 (Harassment)
- Rule 15 (Discreditable Conduct) of the City of Brampton’s Code of Conduct for Members of Council (the “Code”).

The Complaint also alleged that Mayor Brown had violated the following sections of the City of Brampton’s Respectful Workplace Policy (the “Workplace Policy”):

- 5.1 (Respect and Civility)
- 5.2 (Shared Responsibility)
- 5.3 (Zero Tolerance)

- 9.1 (definition of “civility”)
- 9.2 (definition of “discrimination”)
- 9.4 (definition of “employee”) (Presumably, the intention was to cite 9.5 “harassment”)
- 9.8 (definition of “Member of Council”)

The relevant sections of the Code are attached as **Appendix A**; the Workplace Policy is attached as **Appendix B**.

In addition, the Complaint directly or indirectly alleged that Mayor Brown had violated or exceeded his jurisdiction as mayor in making the above-described comments.

The Complaint links some but not every factual claim to a specific Rule or section of the Workplace Policy.

Process Followed

The scope of my role as Integrity Commissioner, pursuant to section 223.3(1) of the *Municipal Act, 2001*, is to interpret and apply the relevant rules of the Code as well as any procedures, rules, and policies of the City of Brampton that govern the ethical behaviour of councilors.

I followed the Council Code of Conduct Complaint Protocol (the “Complaint Protocol”) during the course of my investigation [**Appendix A**]. I read the Complaint and reviewed the relevant supporting documentation. I ensured that Mayor Brown had an adequate opportunity to respond to the specific allegations contained in the Complaint through in-person interviews and the opportunity to provide written submissions and supporting documents.

Preliminary Analysis

The Complaints consists of multiple factual allegations which can be roughly sorted into three categories: procedural allegations (the decisions and actions of Mayor Brown in his capacity as mayor), expressive allegations (Mayor Brown’s statements regarding whether a Tamil genocide occurred), and personal allegations (how Mayor Brown is alleged to have treated the Brampton Resident at the February 24 Meeting).

For the following reasons, I did not investigate either the procedural allegations or the expressive allegations. These allegations contain insufficient particulars to be considered a complaint for the purposes of my jurisdiction under the Code, and/or, even if true as alleged, would be outside the scope of my jurisdiction.

Section 1(3) of the Complaint Protocol states that:

A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code. For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts

constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

The Complaint includes the claim or implication that Mayor Brown has overstepped his position as mayor and did not follow democratic or municipal procedures, but it provides almost no explanation of or basis for this allegation. Simply disagreeing with the results of Mayor Brown's actions or an opinion that he has expressed, or claiming that only the federal government has authority to make a certain pronouncement, is not "reasonable and probable grounds" that Mayor Brown has violated the Code.

The Complaint also alleges that Mayor Brown's statements that a Tamil genocide occurred was "false, misleading and discriminatory". Mayor Brown has expressed an opinion that is popularly held; it is not the purpose of my role as Integrity Commissioner to fact-check the public statements of members of council. I have not been provided with any particulars or details to support the suggestion that Mayor Brown intended to mislead anyone with his statements or that his statements have had a discriminatory effect. It does not follow from the allegation that Mayor Brown has expressed an allegedly incorrect view in support of a particular group of people that he has intended to act in a discriminatory fashion or that his words have had that effect.

The Complaint further alleges that Mayor Brown "engaged in the improper use of the influence of his office and participated in activities that grant or appear to grant, a special consideration ... to an individual which is not available to every other individual ... Providing a service to an individual or group of individuals based on their ancestry and heritage and refusing the same service to an individual or group of individuals whose ancestry and heritage is different violates the Ontario Human Rights Code and the non-discrimination policy of the City."

I have not been provided with evidence that Mayor Brown has refused to consider or allow any benefit to be extended to a specific group. The fact that he voted for the Monument which recognizes a specific group of people and refused to alter the intended purpose of the Monument is not the same thing and is not by itself a violation of the Rules, as I further explain later in this report.

As Integrity Commissioner, my role is defined and limited under Section 223.3 of the *Municipal Act, 2001* [**Appendix C**]. It generally consists of overseeing the application to Council members of the Code, City by-laws, rules, procedures, and policies which govern the ethical conduct of Council members.

I can investigate alleged breaches of the Code and the Respectful Workplace Policy by a member of Council is within the jurisdiction; in some cases, where the two are clearly linked, I could consider whether the alleged violation of another law requires me to investigate whether the Code has been violated. However, it would be outside my purview to determine whether, for example, a councilor has breached a Brampton City by-law when such a breach is unrelated to the Code. For the same reasons, it is certainly outside my jurisdiction to determine whether Mayor Brown's actions are unconstitutional and infringe upon the federal government's jurisdiction. Likewise, it is outside my jurisdiction

to determine whether according to international law a Tamil genocide occurred or what each level of Canadian government is permitted to say on the matter.

My decision not to entertain the question is obviously not a refusal to acknowledge the seriousness or tragedy of what occurred or a reflection on my own views. Even though I will not be investigating whether a genocide as strictly defined at international law occurred, the fact that thousands of Tamil civilians died during the armed conflict in Sri Lanka is well known. Notably, although with the intention of claiming that “[a] ethnic groups ... were equally affected”, the slides presented by the Brampton Resident at the February 24 Meeting agreed that “[t]ens of thousands of innocent Tamil civilians also had died during the armed conflict”.

The Complaint Protocol at Part B, Section 2(3) permits me to report to Council that a specific complaint is not within my jurisdiction. Consequently, I am fulfilling my obligation to Council by reporting that I will not be investigating the Complaint insofar as it relates to the following questions:

- Whether Mayor Brown acted outside the municipal government structure
- Whether Mayor Brown was correct in saying the Tamil genocide occurred
- Whether Mayor Brown’s statements were unconstitutional with regards to his jurisdiction as mayor

The Complaint did not link each specific factual allegation or conclusion to a specific section of the Code. I address each of the Rules alleged to have been violated and reference the most apparently relevant allegations.

The Investigation

The focus of my investigation was on the interaction between Mayor Brown and the Brampton Resident at the February 24 Meeting. The fact that Mayor Brown has publicly said that the Tamil genocide occurred was supported by both the Complaint and Mayor Brown.

I was provided with a professionally rendered transcript and a video recording of the meeting, which occurred over Zoom. I am confident that the two of these constitute a sufficient factual basis for making my decision and I did not interview any witnesses to confirm what occurred.

The Brampton Resident appeared virtually at the February 24 Meeting as a delegation regarding the proposed peace Monument that would commemorate the victims of the Tamil Genocide. He presented himself as the President of the Sri Lanka Canadian Association of Brampton and voicing the concern of Sri Lankans in the community regarding the proposed monument.

The Brampton Resident gave a presentation of approximately 5 minutes. In short, he objected to erecting a monument that he claimed recognized only one ethnic group and

argued that doing so was contrary to the purpose and nature of the City of Brampton. He suggested a monument that would commemorate all the victims of the armed conflict in Sri Lanka.

After the presentation, the Brampton Resident responded to questions, including from Mayor Brown. For my investigation, this is the relevant part of the exchange. The entire exchange can be found attached [**TAB 3**].

Mayor Brown asked the following:

- Whether the Brampton Resident was a Brampton resident, how long the Sri Lankan Canadian Association of Brampton had been in existence and how many members it had. “Because this is the first I have heard of it”.
- If the Brampton Resident worked with or had spoken with the Sri Lankan government, due to a perceived similarity in the language used.
- Why M the Brampton Resident was “ignoring” a figure from Stats Canada about how many Tamils lived in Brampton.
- If the Brampton Resident had supported the 2013 Canadian boycott of Sri Lanka due to war crimes and if he was in opposition to Canadian foreign policy.
- “Okay, so the Canadian Government has also expressed their opposition to the genocide that happened, do you support that Canadian foreign policy position?”
- “Do you support that principled Canadian foreign policy that, just like we have with the Holocaust, just like we have in Serbia, just like we have in Rwanda that Canada foreign policy involves speaking out against atrocities, do you support that fundamental Canadian foreign policy?”
- “Would you suggest that it is not appropriate to have a holocaust memorial?”
- “... I will not be supporting this request and I just want to close by saying there have been examples articulated in the Canadian House of Commons about foreign interference and you know I am worried that this type of revisionist history is being encouraged by the Sri Lankan High Commission. And even though there has been assurances otherwise, I am doubtful because just like we wouldn't stand by holocaust denial, we shouldn't stand behind genocide denial and you know I just think that needs to be on our record, because this is a democracy, we allow deputations to come forward, but this would not have been allowed during the Civil War in Sri Lanka. If this same delegation came forward, the family would have been murdered and raped. Thank you.”

As part of my investigation, I also interviewed Mayor Brown and requested that he send any relevant supporting documents. In response, Mayor Brown provided background information that included the definition of genocide under international law, a summary of what the Sri Lankan government has done to Tamil civilians, and the response of the UN and the position taken by various state and other entities. I did not consider these other than as relevant to Mayor Brown's involvement in what occurred.

Mayor Brown stated that he did not believe that he harassed the Brampton Resident at the February 24 Meeting, but that he questioned him regarding some of the comments

that he made. Mayor Brown said that the Sri Lankan government was attempting to behave as if nothing happened and described his strong belief that this should not be allowed to occur and his personal history of fighting against that.

Mayor Brown stated that he did not have any prior interactions with either the Brampton Resident or the organization that he represented, which he had never heard of before. He agreed that everyone can bring a delegation but stated that he did not consider the Brampton Resident's delegation to have come in good faith since its intent was to deny that a genocide had occurred. He also provided reasons, based on the media and reports of the federal government, for being cautious about attempts at interference by foreign governments.

Mayor Brown stood by the comments that he made at the February 24 Meeting and said that in his view, they were justified in the context of the exchange.

Issues and Analysis

1) *Alleged Code of Conduct Violations*

The full text of the relevant Rules is attached to this report at **Appendix A**. The relevant excerpts of the enumerated rules are included in my analysis below.

a) *Rule No.1 General*

Relevant text of rule:

Members of Council shall avoid the improper use of the influence of their office ...
Members of Council shall not extend, in their discharge of their official duties, preferential treatment to family members, organizations or groups in which they or their family member have a pecuniary interest.

The Complaint states that by publicly making "false, misleading, and discriminatory" assertions, "by facilitating the erection of a memorial recognizing Tamil victims of the Tamil terrorist insurgency and failing to recognize the Malay, Muslim, Sinhala and Burgher victims of the insurgency", Mayor Brown violated Rule 1 by improperly used his office and gave special treatment to one specific group. The Complaint also references a failure to abide by proper municipal processes.

As I have explained, I was not presented with any details or particulars to support the allegation that Mayor Brown improperly exercised his office or the influence thereof. The sole basis for this element of the Complaint appears to be that Mayor Brown used his office to express an opinion and achieve an end that the complainant disagreed with, including the erection of a monument that recognized the sufferings and the contribution of a particular group of people. None of those facts on their own are sufficient to warrant an investigation. There was also no articulated explanation for why I should draw that conclusion.

As I have explained, it is not my role to fact-check members of council, and I was not provided with any evidence that Mayor Brown's comments were intended to be discriminatory (in the sense that the word is used by the Complaint) or had that effect

Further, the Code read and understood as a whole and in its proper context does not support an interpretation where councillors are forbidden from doing anything that would benefit a particular group of constituents. If the Code literally required every individual to be treated identically to the last, virtually no programs, projects, monuments, or public recognition of any kind would be possible.

Based on my review of the Complaint and my investigation, I find that Mayor Brown did not violate Rule 1 as alleged by the Complaint.

b) Rule No. 7 Improper Use of Influence

Relevant text of the rule:

No Member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

The Complaint states that by making the "false, misleading, and discriminatory" assertions, and "[d]espite the absence of any determination by the Government of Canada or a superior court of competent jurisdiction", Mayor Brown violated Rule 7 by "using the influence of his office for any purpose other than for the exercise of his official duties". The Complaint also refers to the *Constitution Act, 1867* and jurisdiction for foreign affairs.

As I have explained above, it is not the purpose of my role to answer jurisdictional questions regarding the different levels of government, and I was not provided any evidence as to how Mayor Brown stating that the Tamil Genocide occurred in the alleged absence of such a determination by the federal government violated the Rules. The simple fact that Mayor Brown used the platform afforded to him by his office to express a view that the complainant disagrees with does not warrant an investigation or a finding that he has violated Rule 7.

Both Mayor Brown and the Brampton Resident agree that what has occurred in Sri Lanka is relevant to many residents of Brampton. It is not then clear how Mayor Brown expressing his opinion about an event that affects his constituents is using his office for something improper. Likewise, it is not clear how Mayor Brown voting on a council motion to approve the erection of a city monument can be said to be using his office improperly.

The interpretation of Rule 7 that the Complaint is premised upon is far too broad and not consistent with a reading of the Code as a whole and in the context for which it is written. I do not accept that the simple fact of voting for or supporting a monument that recognizes one group but not every group is a violation of the Code.

Based on my review of the Complaint and my investigation, I find that Mayor Brown did not violate Rule 7 as alleged by the Complaint.

c) Rule 9 Transparency & Openness in Decision making and Member's Duties

Relevant text of the rule:

Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.

Commentary

... Unless prohibited by legislation or by-law, Members of Council should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

The Complaint states that by publicly making the "false, misleading, and discriminatory" statements, etc., "the Mayor violated the commentary to Rule 9 because the Mayor failed to clearly identify to the public the independent evidence on which the Mayor's decision to repeatedly assert 'Tamil genocide' was based".

Mayor Brown has repeatedly and publicly explained his views on the Tamil genocide and why he believes the memorial is important. He did so again at the February 24 Meeting. The council vote to erect the monument was public; on February 24, 2021, the Brampton Resident had the opportunity to publicly present and discuss with members of council about the decision to erect the monument. Indeed, Mayor Brown's frequent public statements about the issue, his position, and what he is doing about it are the core element of the Complaint.

I do not agree that Mayor Brown's actions as alleged constitute a violation of Rule 9, even if that rule had the meaning implied by the Complaint. It appears that Mayor Brown has taken every opportunity to explain why he has taken his position. The complainant may disagree with his conclusions and be unsatisfied with how he supports them, but the Complaint provides no details or evidence as to how Mayor Brown is alleged to have failed to clearly identify his actions and basis for them.

Regardless, I interpret Rule 9 and its commentary to be intended as protecting the transparency of procedural aspects of the decision-making process. I do not interpret it as requiring members of council to provide, to the satisfaction of every resident, "independent evidence" for how they have selected the beliefs and priorities that motivate their political decisions.

Based on my review of the Complaint and my investigation, I do not find that Mayor Brown violated Rule 9 as alleged by the Complaint.

d) Rule No. 14 Harassment

1. Members shall be governed by the City's current policies and procedures as amended from time to time, regarding a respectful workplace, workplace harassment prevention and workplace violence prevention.
2. Harassment by a member of another member, staff or any member of the public is misconduct.
3. Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner may investigate it under the terms of the Complaint Protocol

The Complaint states that Mayor Brown "harassed and discriminated against" the Brampton Resident at the February 24 Meeting when he "accused [the Brampton Resident] of being a proxy for the Government of Sri Lanka and without any evidence, falsely, misleadingly, discriminatorily and knowing it to be untrue, insisted that the Government of Canada had made a finding that there had been 'Tamil genocide'".

The Complaint cited the following sections of the Workplace Policy in relation to the above allegation,

- 5.1 Respect and Civility
- 5.2 Shared Responsibility
- 5.3 Zero Tolerance
- 9.1

'Civility' means the act of showing regard for others, being considerate in your interactions, and recognizing the inherent value of each individual in the Workplace

- 9.2

'Discrimination' means any form of unequal treatment based on the Ontario *Human Rights Code* protected ground that results in disadvantage, whether imposing extra burdens or denying benefits. ...

- 9.5

'Harassment' means engaging in a course of vexatious comments or conduct that are known or ought reasonably to be known, to be unwelcome. ...

- 9.8

"Member of Council" refers to any elected or appointed official on Council, including the Mayor.

Whether something is known or reasonably ought to be known to be unwelcome is affected by the context of the interaction.

The Brampton Resident appeared before city council in response to its decision to erect a monument that was at least in part intended to recognize the victims of the Tamil genocide at the hands of the Sri Lankan government. He argued that such a monument would be divisive and that there should instead be a monument to all victims of the conflict. In the questions that followed, the Brampton Resident effectively denied that a genocide had occurred or had been found to have occurred.

It hardly needs to be said that an argument about whether a genocide occurred will be emotionally charged and contentious. The subject matter of the exchange does not change the underlying duties of a member of council, but it does affect how these will be interpreted.

Based on my investigation, Mayor Brown did not accuse the Brampton Resident of being a proxy for the Sri Lankan government but questioned him closely about the existence of such a link. In most cases it would likely be inappropriate for a member of council to question a delegation about perceived ties to a foreign government. However, in this case, the allegation was potentially relevant to the nature of the objection from the Brampton Resident. The reason for the concern was explained by Mayor Brown and other councilors at the February 24 Meeting and afterwards by Mayor Brown.

I do not find that Mayor Brown “insisted that the Government of Canada had made a finding” that the genocide occurred. In my review of the transcript, he refers to a genocide having occurred, but he does not anywhere explicitly state that this was the finding of the Canadian government and he certainly cannot be said to have insisted on this.

Given my findings, the Complaint does not present any evidence or details as to how Mayor Brown’s statement should be understood to be harassment on the grounds specified by the Complaint itself. I do not interpret Rule 14 to refer to statements that are unwelcome to the recipient because they disagree with them. If an individual intends to argue that a memorial to victims should not be erected because no genocide occurred, they cannot reasonably expect a passive or warm response. They can expect that their motivation and conclusions will be questioned by those who have voted for such a monument and vigorously challenged by those who believe that what happened should be described as a genocide.

Although not specifically articulated in the Complaint, I also considered the overall tenor and nature of Mayor Brown’s response to the Brampton Resident and specifically the comparisons and arguments he made. Although I further evaluate this point in the below section on Rule 15, I do not consider Mayor Brown’s conduct to have crossed a line such that it was harassment.

First, I note that the Complaint which is otherwise very thorough does not allege harassment on the basis of the comparisons and arguments made by Mayor Brown, which suggests the complainant did not consider the statements problematic or worth commenting on.

Second, as discussed above I consider the context of an interaction to be relevant to whether conduct ought reasonably to be known to be unwelcome. It would likely be inappropriate in most contexts for a member of council to make references to genocides or explicit references to what occurs in a dictatorship to support their argument. That is not the case in the context of an argument about those exact topics.

For similar reasons, I do not find that Mayor Brown's interactions violated those sections of the Workplace Policy. "Civility" is a term that also needs to be understood in the context of the conversation that occurred. "Discrimination" is defined as "unequal treatment ... that results in disadvantage". Voting for a monument for one specific group of victims may be "unequal treatment", but I was presented with no real reason for how it had resulted in an "disadvantage". I was also not presented with any evidence for how Mayor Brown's interaction with the Brampton Resident was discriminatory, whether as tied to an identified characteristic or having adverse effect.

Based on my review of the Complaint and my investigation, I do not find that Mayor Brown violated either Rule 14 or the cited sections of the Workplace Policy, as alleged by the Complaint.

e) Rule No. 15 Discreditable Conduct

1. Members shall conduct themselves with appropriate decorum at all times.

Commentary

As leaders in the community, members are held to a higher standard of behavior and conduct, and accordingly their behavior should be exemplary

The Complaint states that by, "on an ongoing basis, falsely asserting that there had been 'Tamil genocide' ... the Mayor engaged in discreditable conduct".

Rule No. 15 of the Code of Conduct states that "members shall conduct themselves with appropriate decorum at all times". The commentary for Rule No. 15 states that the behaviour of members "should be exemplary". As leaders of the community and as elected officials, members of Council are rightly held to a higher standard of behaviour.

However, I note the difference between the mandatory language of the rule itself ("members shall") versus the aspirational language used in the commentary ("their behaviour should be"). The distinction is relevant as the standard set in the rule ("appropriate decorum") is higher than the standard set by the commentary ("exemplary").

Accordingly, a failure to exhibit "exemplary" behaviour is not necessarily a violation of Rule 15.

To echo my reasons given above, I do not consider that asserting that there has been a Tamil genocide, whether incorrectly or not, constitutes discreditable conduct. Mayor Brown clearly believes that the genocide occurred, and he is far from alone in holding that belief. The fact that the complainant disagrees with him and thinks his position is

insupportable does not mean that he is acting falsely, and I have not been presented with any evidence that he is.

I therefore do not find that Mayor Brown violated Rule 15 for the specific reasons cited in the Complaint. Although not specifically articulated in the Complaint, I again considered Mayor Brown's overall interaction with the Brampton Resident and while I did not conclude that he has violated Rule 15 itself, I think his behaviour does not live up to the exemplary standard urged by the commentary.

Notwithstanding the emotion and personal convictions that are inevitably caught up in an argument like the one that occurred at the February 24 Meeting, members of council are still expected to hold themselves to a high standard. A resident of Brampton should feel confident that they will be treated in good faith and in a manner consistent with how they have presented themselves.

Despite Mayor Brown's suspicions, he had no direct evidence to believe that the Brampton Resident was appearing in bad faith or on behalf of a foreign government. The stated purpose of the Brampton Resident's presentation was to obtain a monument that would recognize all victims of the armed conflict. When pressed, he pedantically evaded the question of whether a "genocide" had occurred, but he did not deny that Tamil citizens had been victims of the Sri Lankan government and overall, his responses were moderate if elusive. His delegation, if unwelcome, was not as outrageous on its face as Mayor Brown's responses would suggest.

During the February 24, 2021 exchange Mayor Brown was in a position of symbolic and literal authority. Whatever his personal history and the broader problems he believed to be represented by the exchange, he could have retained profound misgivings about the Brampton Resident's actual beliefs and motivations and strongly expressed his view while still hewing to the exemplary standard of behaviour set out in the Rules. Specifically, and notwithstanding that it was said in the support of a larger point about the nature of a democracy, I find Mayor Brown's final comment that "If this same delegation came forward, the family would have been murdered and raped" to be excessive, too personal, and certainly not compliant with the standard of exemplary behaviour.

Mayor Brown could have chosen not to believe the Brampton Resident's representations or good faith but in the circumstances of the exchange he still should have responded to him in a more appropriate manner.

I find that Mayor Brown's conduct did not violate Rule 15, although his behaviour fell short of the standard recommended by the Rule's commentary.

Conclusion

I conclude that Mayor Brown has not violated the Code Rules as was alleged in the Complaint.

Sincerely,

Muneeza Sheikh
Integrity Commissioner
City of Brampton

I would like to acknowledge my colleague, Michael VanderMeer, for assisting me in investigating this Complaint and in preparing this Report.

Council Code of Conduct

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TABLE OF CONTENTS **CODE OF CONDUCT FOR MEMBERS OF COUNCIL** **CITY OF BRAMPTON**

Introduction	3
Preamble	3
Framework and Interpretation	4
Definitions	4
Key Principles	5
Rules:	
1 General	6
2 Gifts and Benefits	8
3 Confidential Information	13
4 Use of City Property, Services and Other Resources	15
5 Election Campaign Work	16
6 Business Relations	17
7 Improper Use of Influence	18
8 Conduct at Council	19
9 Transparency & Openness in Decision-Making and Member's Duties	20
10 Media Communications	21
11 Representing The City	22
12 Conduct Respecting Current and Prospective Employment	23
13 Encouragement of Respect For The City and Its By-Laws	24
14 Harassment	25
15 Discreditable Conduct	26
16 Conduct Respecting Staff	27
17 Employment of Council Relatives/Family Members	28
18 Failure To Adhere To Council Policies and Procedures	29
19 Reprisals and Obstruction	30
20 Implementation	31

**COMPLAINT PROTOCOL
CITY OF BRAMPTON**

21	Informal Complaint Procedure	32
22	Formal Complaint Procedure	32
23	Initial Classification of Complaint	33
24	Integrity Commissioner Investigation	34
25	Council Review	36
26	Confidentiality	36
27	Complaint Form	38

CODE OF CONDUCT FOR MEMBERS OF COUNCIL

Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

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

It is the purpose of this *Code of Conduct for Members of Council* (the “Code”) to establish rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members’ accountability for managing City resources allocated to them.

Preamble

Whereas the City of Brampton first instituted a Code 2011 and after the election of 2014, the Council has reviewed the same and approved extensive revisions;

And Whereas elected officials of the City of Brampton have and recognize their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that their conduct will bear the closest public scrutiny;

And whereas the private interest of elected officials of the City of Brampton must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

The Council of the City of Brampton will adopt certain rules that further underscore a Councillor’s belief in his/her responsibility as a public trustee;

Commentary

The operation of democratic municipal government requires that elected officials be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- The City of Brampton decisions and policy be made through the proper processes of municipal government structure.
- Public office not be used for personal gain.
- The public have confidence in the integrity of its municipal government.

A written Code of Conduct protects the public interest and helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate.

The public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and enhance the City of Brampton's reputation and integrity.

Framework and Interpretation

1. This *Code of Conduct* applies to the Mayor and all Members of Council. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary and examples used in this *Code of Conduct* are meant to be illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner, as she or he deems appropriate.
2. As long as all the facts known to the member are disclosed to the Integrity Commissioner and there is no change to these facts, then the member may rely on any written advice provided by the Integrity Commissioner.
3. Members of Council, Members of the public or City staff seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

Commentary

This *Code of Conduct* does not prohibit the activities in which Members of Council normally engage on behalf of constituents in accordance with applicable laws.

The Municipal Act is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are other important documents that regulate the behavior and conduct of Members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office. This *Code of Conduct* operates together with and as a supplement to the following existing statutes, documents and policies governing the conduct of Members.

Legislation:

- The Municipal Act, 2001. S.O. Chapter 25 and amendments;
- The Municipal Conflict of Interest Act;
- The Municipal Elections Act, 1996; and
- The Municipal Freedom of Information and Protection of Privacy Act.
- The Criminal Code of Canada also governs the conduct of Members of Council.

Definitions:

In the *Code of Conduct*:

1. the terms "child", "parent" and "spouse" have the same meanings as in the *Municipal Conflict of Interest Act*.
2. "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

3. "member" means a member of Brampton City Council;
4. "parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
5. "spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
6. "family member" means
 - spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage
 - parent, including step-parent and legal guardian
 - child, including step-child and grandchild
 - siblings and children of siblings
 - aunt/uncle, niece/nephew, first cousins
 - in-laws, including mother/father, sister/brother, daughter/son
 - any person who lives with the Member on a permanent basis
7. "staff" includes the Chief Administrative Officer, Department Chiefs, Directors, Managers, Supervisors, Clerical and Technical Unionized employees, Hourly Unionized staff, Part-time Unionized staff, Temporary/Seasonal staff, Contract staff, students and Volunteers.

Key Principles:

The key principles that underline the rules in this *Code of Conduct* are as follows:

- a) **Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

Commentary

This underscores that Members' carry out their official City activities in a way that will foster and enhance respect for government and above all, demonstrate respect for members of the public.

- b) **Members of Council should be committed to performing their functions with integrity and transparency.**

Commentary

As public officials, Members of Council recognize the public's right to reasonable access to information in relation to how decisions are made. This right of access includes the right of the public to receive complete and understandable information which must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- c) **Members of Council shall perform official duties and arrange their public affairs in a manner that promotes public confidence and respect and will bear close public scrutiny.**

General
Rule No. 1

- a) **Members of Council shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members of Council shall not extend, in their discharge of their official duties, preferential treatment to family members, organizations or groups in which they or their family member have a pecuniary interest.**

Commentary

As a result, Members of Council will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual;

Members of Council recognize that their actions are governed by the *Municipal Conflict of Interest Act* (MCI), and that, by virtue of the provisions of that statute, the Integrity Commissioner of the City of Brampton has no authority to receive or investigate complaints regarding alleged contraventions under the MCI.

- b) **Members of Council shall avoid any interest in any contract made by him/her in his/her official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.**
- c) **Members of Council shall not engage in the management of a business carried on by a corporation nor profit directly or indirectly from a business, including but not limited to a corporation, that does business or has contracted with the City of Brampton, or hold an office or directorship, unless holding the office or directorship is in a social club, religious organization, other charitable organization or corporations with shares directly or indirectly held by the municipality.**
- d) **Approved exceptions**
A Member of Council may engage in an activity prohibited by clause 1(c) if the following conditions are met:
- 1. The Member has disclosed all material facts to the Integrity Commissioner.**
 - 2. The Integrity Commissioner is satisfied that the activity, as carried on in the specified manner, did not create a conflict between the Member's private interest and public duty.**
 - 3. The Integrity Commissioner has given the Member his or her approval and has specified the manner in which the Member of Council may remedy the situation.**
 - 4. The Member remedies the situation in the manner specified by the Integrity Commissioner**

Commentary

Members of Council must adhere to the City's purchasing policies and pay careful attention to the Councillors' expense policies. Examples of exceptions include, hospital boards and other not-for-profit organizations and charities.

Commentary

Members of Council shall not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual member of the public.

- e) Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.**

Commentary

A number of the provisions of this *Code* incorporate policies, procedures and provisions adopted by Council and contained in various statutes. The provisions of this *Code* are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour.

- f) Members of Council shall fulfill their roles as set out in the Municipal Act and respect the role of staff in the administration of the business affairs of the City.**

Commentary

Members of Council recognize that the decision-making authority for the municipality lies with Council, not an individual Councillor and that it is the role of the officers and employees of the municipality to implement council's decisions and establish administrative practices and procedures to carry out council's decisions. Members of Council recognize and respect the role of City staff and affirm that only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information, on a need to know basis, in order to fulfill its decision-making duties and oversight responsibilities. Individual Members also recognize that the information that they receive as members of the decision-making body of Council is subject to the confidentiality and disclosure rules of Provincial and Federal statutes and City of Brampton bylaws. (See Rule No. 3 on Confidential Information and Rule No. 16 on Conduct Respecting Staff).

Rule No. 7

Improper Use of Influence:

- 1. No Member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.**

Commentary

Pursuant to corporate policy, the Chief Administrative Officer directs City Department Chiefs, who in turn, direct City staff. City Council and not individual Members of Council, appropriately give direction to the City administration.

Rule No. 9

Transparency & Openness in Decision Making and Member's Duties

- 1. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.**

Commentary

Various statutes, City by-laws, policies and procedures, as well as, decisions of courts and quasi-judicial tribunals form the basis of decisions made by City Council. Unless prohibited by legislation of by-law, Members of Council should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

Rule No. 14

Harassment

- 1. Members shall be governed by the City's current policies and procedures as amended from time to time, regarding a respectful workplace, workplace harassment prevention and workplace violence prevention.**
- 2. Harassment by a member of another member, staff or any member of the public is misconduct.**
- 3. Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner may investigate it under the terms of the Complaint Protocol**

Commentary

It is the policy of the City of Brampton that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The City of Brampton's is developing a [Respectful Workplace Policy](#) (Harassment and Discrimination) to ensure a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policy.

Note: Rule 14(2) has been amended as per [Integrity Commissioner Report File 2017-02](#) (July 2018).

Rule No. 15

Discreditable Conduct

- 1. Members shall conduct themselves with appropriate decorum at all times.**

Commentary

As leaders in the community, members are held to a higher standard of behavior and conduct, and accordingly their behavior should be exemplary.

COUNCIL CODE OF CONDUCT COMPLAINT PROTOCOL

PART A: INFORMAL COMPLAINT PROCEDURE

Any person or a representative of an organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in contravention of the *Council Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that the behaviour or activity contravenes the Code;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE:

Integrity Commissioner Requests for Inquiries

1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the “complaint”) shall be sent directly to the Integrity Commissioner by mail, E-mail, fax or courier in the form attached to this Protocol as Schedule “A”.
- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code. For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact

information of witnesses, and contact information for the complainant during normal business hours.

- (4) The integrity Commissioner shall not accept any complaint from any person which arises from the conduct of a member(s) that occurred, or such conduct was first learned of by the complainant, six (6) months prior to receipt of such complaint by the Integrity Commissioner.
- (5) For any Complaint received from and after August 1 in any municipal election year, the Integrity Commissioner shall stay any investigation required by such complaint until the day after the inaugural meeting of the new Council and until then, shall keep such complaint confidential.

Initial Classification by Integrity Commissioner

2. (1) Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Council policies as described in subsection (3).
- (2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:
 - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
 - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the City Clerk;
 - (c) if the complaint on its face, is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
 - (d) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

- (3) The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (4) The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

Integrity Commissioner Investigation

3. (1) The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently, and shall report directly to Council in respect of all such matters. The Integrity Commissioner shall file an annual report to City Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner.
 - (2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
 - (3) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (2) except as part of an annual or other periodic report.
4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
 - (2) Upon receipt of a formal complaint pursuant to the Code, and where the Integrity Commissioner determines that the complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation or alternatively to exercise the powers of a Commission under Parts I and II of the Public Inquiries Act, as contemplated by Subsection 223.4(2) of the Act.
 - (3) If the Integrity Commissioner elects to conduct an inquiry under the Public Inquiries Act, he/she shall report to Council and seek instructions before proceeding, setting out the reasons for the investigation and providing an estimate of the expected cost and time that the investigation will require.
 - (4) When the Public Inquiries Act applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint

Protocol and a provision of the Public Inquiries Act, the provision of the Public Inquiries Act prevails.

5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
 - (a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten days; and
 - (b) the Integrity Commissioner may serve a copy of the response provided upon the complainant with a request for a written reply within ten days.
 - (2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.
 - (3) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment to the Integrity Commissioner on the proposed finding and any recommended sanction.
 - (4) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
6. (1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.
 - (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
 - (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
 - (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or

committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

8. The City Clerk shall process the report for the next meeting of Council.

Council Review

9. (1) Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- (2) In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the Municipal Act, but shall not refer the recommendation other than back to the Integrity Commissioner.
- (3) Council can terminate the Integrity Commissioner only by a two-thirds vote of all members.
- (4) Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:
 - (a) a reprimand; or
 - (b) suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days
- (4) The Integrity Commissioner may also recommend that Council take the following actions:
 - (a) removal from membership of a committee;
 - (b) removal as chair of a committee;
 - (c) repayment or reimbursement of monies received;
 - (d) return of property or reimbursement of its value;
 - (e) a written and/or verbal request for an apology to Council, the complainant, or both.

Confidentiality

10. (1) A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.
- (2) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.

- (3) All reports from the Integrity Commissioner to Council will be made available to the public.
- (4) Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
- (5) The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

Category: Human Resources

Title: Respectful Workplace Policy HRM-150

Policy Number: HRM-150

Approved by: C082-2021

Administered by: Human Resources

Effective: March 24, 2021

Contents:

- | | |
|--|---|
| 1. Background | 6. Policy Statements |
| 2. Purpose | 7. Roles and Responsibilities |
| 3. Application and Scope | 8. Monitoring and Compliance |
| 4. Outcomes | 9. Definitions |
| 5. Principles | 10. References and Resources |

1. Background

The City is committed to promoting a vibrant, healthy, safe and compassionate work environment where everyone is treated fairly, with respect, Civility, and is free from Harassment or Discrimination.

This Policy is supported by the accompanying Preventing and Addressing Harassment and Discrimination Standard Operating Procedure and should be read in conjunction with the Occupational Health and Safety and Workplace Violence Prevention Policies and the Employee Code of Conduct – which is about our values, principles and standards of behaviour that govern our actions.

2. Purpose

The purpose of this Policy is to:

- a) Define the behaviours that are expected of all City Employees in support of a physically and psychologically safe and healthy work environment; and,
- b) Comply with the City's legislative responsibilities under the Ontario *Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*, and the *Occupational Health and Safety Act* respecting Harassment and Discrimination.

3. Application and Scope

This Policy applies to:

- Employees (including but not limited to service contractors, students and volunteers);
- Members of Council;
- Vendors and suppliers; and,
- Members of the public (including citizen members of committees).

3.1 Exceptions

Workplace Harassment should not be confused with Workplace interactions that are legitimate and reasonable in day-to-day work, including but not limited to:

- Actions to correct performance deficiencies;
- Imposing remedies for Workplace infractions, including discipline; or,
- Difference of opinion or difference in perspective on how the work may be organized, performed or improved and where there is no immediate risk of harm or injury.

4. Outcomes

- 4.1 Establish and maintain a physically and psychologically safe and healthy work environment free from Harassment and Discrimination for all individuals.
- 4.2 Workplaces where all individuals are treated with respect, Civility and dignity, in an inclusive, diverse and safe work environment.
- 4.3 Workplaces which are marked by positive experiences championing customer service in a safe and respectful manner.
- 4.4 The City and Employees will comply with the Ontario *Human Rights Code*, *Accessibility for Ontarians with Disability Act*, and the *Occupational Health and Safety Act*, with respect to Harassment and Discrimination.

5. Principles

5.1 Respect and Civility

All individuals have the right to work or access services in a positive, healthy, safe and respectful environment. This means that differences in perspective are acknowledged and valued and communications and actions are civil. Respect and Civility are based on showing esteem, dignity, care and compassion for others.

5.2 Shared Responsibility

It is a shared responsibility among all individuals to create a culture where everyone is treated fairly, and with compassion, where differences are acknowledged and valued and where communications and actions are civil.

5.3 Zero Tolerance

Workplace Harassment or Discrimination in any form from any individual will not be tolerated, condoned, or ignored.

6. Policy Statements

6.1 The City is committed to work in collaboration with its Workplace Parties and members of the public to create a Respectful Workplace. This is achieved by complying with Ontario *Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*, and *Occupational Health and Safety Act*, and:

- 6.1.1 Establishing and communicating expectations and behaviours in Policy and Statement of Commitment considered appropriate and inappropriate in City Workplaces and in the delivery of / or access to City services;
- 6.1.2 Preventing Harassment and Discrimination by actively recognizing and valuing diversity and inclusion, learning conflict resolution and providing essential training for Employees; and,
- 6.1.3 Addressing inappropriate behaviour wherever the City business is being conducted including early identification and taking corrective actions, as necessary.

6.2 Employees will report incidents or complaints of Workplace Harassment and Discrimination to their Supervisor, Human Resources, or any member of management promptly. Where the incident or complaint involves the Employee's Supervisor, the matter may be reported to the next level of management, Human

Resources, or any member of management in accordance with their responsibilities.

- 6.3 When a complaint is made to anyone other than Human Resources, the supervisor or the member of management will promptly advise Human Resources of the complaint.
- 6.4 Supervisors, Human Resources, or any member of management will promptly address, investigate and deal with incidents or complaints to ensure measures and procedures are taken to protect Employees from Harassment and Discrimination in accordance with their responsibilities.
- 6.5 Confidentiality will be maintained wherever possible. Out of respect for Workplace Parties involved, it is essential that the Workplace Parties involved in a complaint or investigation, maintain confidentiality throughout the process. Information may need to be disclosed to protect employees, to investigate the incident or complaint, to take corrective action, or otherwise required by law.
- 6.6 All individuals have the right to report or act as a witness, in good faith, incidents or complaints of Harassment or Discrimination without fear of Reprisal. Where it is confirmed that an incident of substantiated Harassment or Discrimination behaviour has occurred, corrective action taken will not be considered a Reprisal.
- 6.7 The City recognizes that involvement in Harassment or Discrimination incidents or complaints may be stressful and emotionally upsetting. All affected individuals are encouraged to seek counselling or rehabilitation from the following support systems:
 - 6.7.1 Employee and Family Assistance Program; and,
 - 6.7.2 Peer Support Network, where available.

7. Roles and Responsibilities

7.1 Senior Leaders

- a) Ensure a Respectful Workplace Policy is in place and reviewed at least once, annually, and a program is in place to implement this Policy; and,
- b) Comply with section 7.2 Roles and Responsibilities for Supervisors if incidents were reported by direct reports.

7.2 Supervisors

- a) Lead by creating and maintaining a positive and Respectful Workplace while being a role model for others;
- b) Be aware of what constitutes Harassment and Discrimination and the procedures in place for dealing with incidents or complaints;
- c) Post this Policy in a visible location in the Workplace and ensure Employees are able to locate this Policy in the workplace and digital location;
- d) Post the Statement of Commitment in areas that are accessible to members of the public;
- e) Ensure Employee awareness of, training, and monitor and enforce compliance with this Policy and accompanying program;
- f) Require Employees to review this Policy at least once annually;
- g) In collaboration with Human Resources, support all Workplace Parties involved in resolving incidents or complaints;
- h) In collaboration with Human Resources, facilitate informal resolutions and mediations, as required;
- i) Act immediately on observations or allegations of Harassment or Discrimination;
- j) Document incidents or complaints reported by the Complainant, or are known or witnessed;
- k) Report all incidents or complaints to Human Resources promptly, who will provide support for the intake, tracking, and processing of inquiries, complaints, and investigations;
- l) Address incidents or complaints, collaborate with Human Resources to determine who will investigate further;
- j) In collaboration with Human Resources, determine appropriate corrective action to address the incident or complaint;
- k) Inform the Complainant and Respondent of investigation findings and appropriate action taken, as required;
- l) Not disclose information provided about the incident or complaint except as necessary to protect the Complainant, to participate in the investigation (as required), to take corrective action, or otherwise required by law;
- m) Take no reprisal against a person as a result of reporting an incident or complaint or for providing information; and,
- n) Monitor situations where Harassment or Discrimination has occurred to ensure that it has stopped.

7.3 Employees

- a) Create and maintain a positive and Respectful Workplace while being a role model for others;

- b) Ensure behaviour is respectful and appropriate at all times;
- c) Accept responsibility for any actions, reactions, behaviours and impact on others;
- d) Understand, participate in training, comply with this Policy and the accompanying program;
- e) Review this Policy at least once annually;
- f) Report experienced or witnessed incidents or complaints to their Supervisor, Human Resources or any member of management;
- g) Where the incident or complaint involves their Supervisor, report the matter to the next level of management, Human Resources, or any member of management;
- h) Document details of Harassment or Discrimination that are experienced or witnessed; and,
- i) Cooperate with investigations of incidents or complaints.

7.4 Human Resources

- a) Prepare, maintain and facilitate the review of this Policy at least once, annually;
- b) Develop and maintain a program to implement this Policy in consultation with Workplace Parties, and review the program as often as necessary;
- c) Receive all incidents or complaints of Harassment and Discrimination, and support the appropriate party to address and / or investigate, if required;
- d) Facilitate informal resolutions, mediations, and investigations, as required;
- e) Engage the Harassment / Discrimination Response Team to identify corrective actions for the consistent resolution of incidents or complaints;
- f) Inform the Complainant and Respondent, in writing, of the outcome of the investigation and the corrective action, if any, that has been / will be taken as a result of the investigation; and,
- g) Offer Respectful Workplace Program training and other requisite training programs (e.g. Workplace investigations), as prescribed by the Ontario *Human Rights Act* and *Occupational Health and Safety Act*.

7.5 Joint Health and Safety Committee

- a) Assist in developing and maintaining the program to implement the Respectful Workplace Policy.

8. Monitoring and Compliance

- a) Supervisors must monitor their Employees' compliance with this Policy on an ongoing basis.

- b) Operating departments must keep Records to verify compliance with this Policy in case of periodic reviews by Human Resources.
- c) The Policy and the accompanying program must be reviewed at least once, annually by Senior Leaders to ensure its effectiveness and to comply with legislation.

8.1 Consequences of non-compliance

8.1.1 Any Employee, who violates this Policy, or is found to have launched a complaint that is false, frivolous, or made in bad faith may be subject to corrective action which may include:

- i. termination of employment;
- ii. prohibition from the City property;
- iii. having the incident reported to the Police; and / or,
- iv. other action as appropriate.

8.1.2 Members of the public, visitors to the City facilities or individuals conducting business with the City, are expected to adhere to this Policy. This includes refraining from inappropriate behaviour towards Employees, Members of Council, and persons acting on behalf of the City. If inappropriate behaviour occurs, the City will take appropriate action to ensure a Respectful Workplace. This could include barring the person from the City property, reporting the incident to Police or other actions with vendors or suppliers.

8.2 Alternate Approach

Circumstances may exist where the provisions of this Policy may not apply or may require an alternate course of action. In these circumstances, written approval from the Chief Administrative Officer and Director, Human Resources is required prior to any alternate action.

9. Definitions

- 9.1 'Civility' means the act of showing regard for others, being considerate in your interactions, and recognizing the inherent value of each individual in the Workplace.
- 9.2 'Complainant' means the individual who is alleging that Harassment or Discrimination has occurred.
- 9.3 'Discrimination' means any form of unequal treatment based on the Ontario *Human Rights Code* protected ground that results in disadvantage, whether imposing extra burdens or denying benefits. It may be intentional or unintentional.

It may involve direct actions that are discriminatory on the surface, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. Examples include but not limited to:

- a workplace adopts a rule of not hiring women who wish to start a family
- a workplace instructs staff not to take applications from job seekers from a certain ethnic background
- an Employee is not promoted because of their race.

See [Ontario Human Rights Code Protected Grounds](#) definition for full listing of protected grounds and the City's Respectful Workplace Policy.

9.4 'Employee' means any of the following:

- a) a person who performs work or supplies services for monetary compensation;
- b) a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled;
- c) a person who performs work or supplies services for no monetary compensation under a program approved by a college, university, private career college or other post-secondary institution; or,
- d) such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

9.5 'Harassment' means engaging in a course of vexatious comments or conduct that are known or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning. It can also involve Sexual Harassment (see definition below). Harassment does not include reasonable action taken by an employer or Supervisor relating to the management and direction of Employees or the Workplace. Examples include but not limited to:

- Sexual harassment;
- Persistent following / stalking;
- Persistent verbal abuse or threats;
- Persistently disrupting an individual's work, work space, equipment or interfering with their personal property;
- Jokes, derogatory or dismissive comments;
- Gestures that are insulting or belittling;
- Circulating, displaying written or pictorial material that is offensive or belittling;
- Acts or verbal comments that could psychologically hurt or isolate a person in the workplace, such as: spreading malicious rumours, isolating someone socially or undermining or deliberately impeding a person's work (i.e. bullying);
- Pornography, pin-ups, offensive cartoons; and,

- Taunts or threats directed toward any member of a protected group.

Note: Please consult the Workplace Violence Prevention Policy for any incidents which involve the exercise of, or threat of physical force.

- 9.6 'Harassment / Discrimination Response Team' is comprised of but not limited to relevant Supervisor, relevant operating Department Head if required, Human Resources Business Partner, Labour Relations Advisor, Human Resources Director if required, and Chief Administrative Officer if required, to determine the appropriate corrective action.
- 9.7 'Joint Health and Safety Committee' means a committee of Employee and supervisory representatives who are mutually committed to improving health and safety conditions in the workplace. Committees meet on a regular basis to identify potential health and safety issues and bring them to the employer's attention, and conduct workplace inspections monthly.
- 9.8 "Member of Council" refers to any elected or appointed official on Council, including the Mayor.
- 9.9 'Ontario *Human Rights Code protected grounds*' as amended means the prohibition of actions that discriminate or harass people based on one or more of the following:
- Age
 - Ancestry
 - Colour
 - Race
 - Citizenship
 - Ethnic origin
 - Place of origin
 - Creed
 - Disability
 - Family status
 - Marital status (including single status)
 - Gender identity, gender expression
 - Record of offences (in employment only)
 - Sex (including pregnancy and breastfeeding)
 - Sexual Orientation
- 9.10 'Record' includes documented business transactions, decisions, and activities, such as notes, memos, agendas, minutes, training records, etc.
- 9.11 'Reprisal' means any act of retaliation, either direct or indirect. Retaliation can include creating a hostile work environment, harassment, demotion, or dismissal

- 9.12 'Respondent' means the person who is alleged to be responsible for the harassment or discrimination.
- 9.13 'Respectful Workplace' means a positive, safe, and healthy Workplace in which every person is treated with dignity and respect.
- 9.14 'Senior Leader' means the Chief Administrative Officer, Commissioners and Department Heads.
- 9.15 'Sexual Harassment' means engaging in a course of vexatious comment or conduct against a worker in a Workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. Making sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
- 9.16 'Statement of Commitment' means by which the City of Brampton communicates to the members of the public of the Respectful Workplace Policy and the City's commitment to maintaining a positive, healthy and safe workplace environment where every person is treated with respect and dignity, is able to contribute fully, has equal opportunities, and is free from discrimination, harassment and violence.
- 9.17 'Supervisor' means a person who has charge of a Workplace or authority over an Employee and can include, but is not limited to, Members of Council, Senior Leaders, Directors, Managers, Supervisors or Forepersons.
- 9.18 'Workplace' means any land, premises, location or thing at, upon, in or near which an employee works and may include but is not limited to:
- physical, telephone, social media, e-mail and any other electronic and virtual City work environments;
 - working remotely;
 - locations visited by Employees while traveling on City related business; or,
 - locations of work-based social gatherings, training, and conference or travel.
- 9.19 'Workplace Parties' means Supervisors, Employees, Joint Health and Safety Committees, unions and associations, service contractors, students and volunteers.

10. References and Resources

This Policy should be read and applied in conjunction with the following references and resources as updated from time to time. Please note that some of the following documents may not be publicly available.

External references

- [Occupational Health and Safety Act](#)
- [Ontario Human Rights Code](#)
- [Accessibility for Ontarians with Disability Act \(AODA\)](#)

References to related bylaws, Council policies, and administrative directives

- [Code of Conduct for Members of Council](#)
- [Council Handbook](#)
- [Council-Staff Relations Policy](#)
- [Employee Code of Conduct](#)
- [Gender Identity and Expression Protocol](#)
- [Occupational Health and Safety Policy](#)
- [Workplace Violence Prevention Policy](#)
- [Non-Statutory Religious Observances](#)

References to related corporate-wide procedures, forms, and resources

- [Preventing and Addressing Harassment and Discrimination Standard Operating Procedure](#)
- [Multi-Workplace Joint Health and Safety Committee Terms of Reference](#)

Revision History

Date	Description
2017/05/17	Amended by Council Resolution No. CW174-2017, C124-2017
2019/11/20	Scheduled Review. Replaces Respectful Workplace Policy 1.3.0. Revisions made to standardize content of policy, make the policy easier to understand and emphasize joint responsibility in the workplace and align with Workplace Violence Policy. Amendments approved by Council Resolution No. CW470-2019, C424-2019
2021/03/24	Scheduled Review. Administrative amendments made to the policy. Amendments approved by Council Resolution No. C082-2021
2022/03/24	Next Scheduled Review



[Français](#)

Municipal Act, 2001

S.O. 2001, CHAPTER 25

Consolidation Period: From December 8, 2020 to the e-Laws currency date.

Last amendment: 2020, c. 36, Sched. 30.

Legislative History: [+]

CONTENTS [+]

PART I GENERAL

Interpretation

1 (1) In this Act,

“assessment corporation” means the Municipal Property Assessment Corporation; (“société d’évaluation foncière”)

“business licensing by-law” means, in respect of a municipality, a by-law of the municipality providing for a system of licences with respect to a business passed under paragraph 11 of subsection 10 (2) or paragraph 11 of subsection 11 (3) or under section 151 if the by-law could also be passed by the municipality under one of those paragraphs; (“règlement sur les permis d’entreprise”)

“county” means an upper-tier municipality that was a county, including the Frontenac Management Board, on the day before this Act came into force; (“comté”)

“economic development services” means, in respect of a municipality, the promotion of the municipality by the municipality for any purpose by the collection and dissemination of information and the acquisition, development and disposal of sites by the municipality for industrial, commercial and institutional uses; (“services de développement économique”)

“First Nation” means a band as defined in the *Indian Act* (Canada); (“Première Nation”)

“highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway; (“voie publique”)

“land” includes buildings; (“bien-fonds”)

“licence”, in relation to a licence issued under this Act, includes a permit, an approval, a registration and any other type of permission, and “licensing” has a corresponding meaning; (“permis”)

“local board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority; (“conseil local”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in subsection 1 (1) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 33 (1))

(d) a police services board established under the *Police Services Act*,

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (d) of the definition of “local board” in section 223.1 of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 33 (7))

(d) a police service board established under the *Community Safety and Policing Act, 2019*,

(e) a board as defined in section 1 of the *Public Libraries Act*,

(f) a corporation established in accordance with section 203,

(g) such other local boards as may be prescribed; (“conseil local”)

“municipally-controlled corporation” means a corporation that has 50 per cent or more of its issued and outstanding shares vested in the municipality or that has the appointment of a majority of its board of directors made or approved by the municipality, but does not include a local board as defined in subsection 1 (1); (“société contrôlée par la municipalité”)

“public office holder” means,

(a) a member of the municipal council and any person on his or her staff,

(b) an officer or employee of the municipality,

(c) a member of a local board of the municipality and any person on his or her staff,

(d) an officer, director or employee of a local board of the municipality, and

(e) such other persons as may be determined by the municipality who are appointed to any office or body by the municipality or by a local board of the municipality. (“titulaire d’une charge publique”) 2006, c. 32, Sched. A, s. 98; 2007, c. 8, s. 218 (5); 2017, c. 14, Sched. 4, s. 23 (3).

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

Code of conduct

223.2 (1) A municipality shall establish codes of conduct for members of the council of the municipality and of its local boards. 2017, c. 10, Sched. 1, s. 18.

Same

(2) Without limiting sections 9, 10 and 11, those sections authorize the municipality to establish codes of conduct. 2017, c. 10, Sched. 1, s. 18.

No offence or administrative penalty

(3) A by-law cannot provide that a member who contravenes a code of conduct is guilty of an offence or is required to pay an administrative penalty. 2017, c. 10, Sched. 1, s. 18.

Regulations

(4) The Minister may make regulations prescribing one or more subject matters that a municipality is required to include in a code of conduct. 2017, c. 10, Sched. 1, s. 18.

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

Integrity Commissioner

223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.

4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 1, s. 19 (1).

Provision for functions if no Commissioner appointed

(1.1) If a municipality has not appointed a Commissioner under subsection (1), the municipality shall make arrangements for all of the responsibilities set out in that subsection to be provided by a Commissioner of another municipality. 2017, c. 10, Sched. 1, s. 19 (2).

Provision for functions if responsibility not assigned

(1.2) If a municipality has appointed a Commissioner under subsection (1), but has not assigned functions to the Commissioner with respect to one or more of the responsibilities set out in that subsection, the municipality shall make arrangements for those responsibilities to be provided by a Commissioner of another municipality. 2017, c. 10, Sched. 1, s. 19 (2).

Powers and duties

(2) Subject to this Part, in carrying out the responsibilities described in subsection (1), the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 98.

Request for advice shall be in writing

(2.1) A request by a member of council or of a local board for advice from the Commissioner under paragraph 4, 5 or 6 of subsection (1) shall be made in writing. 2017, c. 10, Sched. 1, s. 19 (3).

Advice shall be in writing

(2.2) If the Commissioner provides advice to a member of council or of a local board under paragraph 4, 5 or 6 of subsection (1), the advice shall be in writing. 2017, c. 10, Sched. 1, s. 19 (3).

Content of educational information

(2.3) If the Commissioner provides educational information to the public under paragraph 7 of subsection (1), the Commissioner may summarize advice he or she has provided but shall not disclose confidential information that could identify a person concerned. 2017, c. 10, Sched. 1, s. 19 (3).

Delegation

(3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.

Status

(5) The Commissioner is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 98.

Indemnity

(6) A municipality shall indemnify and save harmless the Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority. 2017, c. 10, Sched. 1, s. 19 (4).

Interpretation

(7) For greater certainty, nothing in this section affects the application of section 448 with respect to a proceeding referred to in subsection (6) of this section. 2017, c. 10, Sched. 1, s. 19 (4).

Section Amendments with date in force (d/m/y) [+]**Inquiry by Commissioner**

223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or
- (b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.

Powers on inquiry

(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (1).

Information

(3) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2006, c. 32, Sched. A, s. 98.

Same

(4) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry. 2006, c. 32, Sched. A, s. 98.

Penalties

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006, c. 32, Sched. A, s. 98.

Same

(6) The local board may impose either of the penalties described in subsection (5) on its member if the Commissioner reports to the board that, in his or her opinion, the member has contravened the code of conduct, and if the municipality has not imposed a penalty on the member under subsection (5) in respect of the same contravention. 2006, c. 32, Sched. A, s. 98.

Termination of inquiry when regular election begins

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day. 2017, c. 10, Sched. 1, s. 20.

Same

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced. 2017, c. 10, Sched. 1, s. 20.

Other rules that apply during regular election

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

March 17, 2021

By email: msheikh@lscslaw.com
integrity.commissioner@brampton.ca

Ms. Muneeza Sheikh
Integrity Commissioner for the City of Brampton
Levitt LLP
801-130 Adelaide Street West
Toronto, Ontario
M5H 3P5

Dear Integrity Commissioner:

Re: Mayor Patrick Brown

I request a finding that Mayor Patrick Brown of Brampton violated various provisions of the City of Brampton's Code of Conduct as set out below, engaged in discrimination and acted without jurisdiction when alleging there was genocide of the Tamil people of Sri Lanka.

The Mayor also acts in excess of jurisdiction by knowingly and deliberately using falsehoods to convince City Council to allocate city resources for a monument commemorating the supposed victims of "Tamil genocide".

I request you urgent attention as the Mayor seeks to use city resources and have the monument erected by May 16, 2021.

The provisions of the code of conduct violated by the Mayor include the following which are highlighted for your convenience:

APPLICABLE PROVISIONS OF THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL

(Adopted by Brampton City Council at its January 27, 2016 meeting)

Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

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

It is the purpose of this Code of Conduct for Members of Council (the “Code”) to establish rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members’ accountability for managing City resources allocated to them.

Preamble

Whereas the City of Brampton first instituted a Code 2011 and after the election of 2014, the Council has reviewed the same and approved extensive revisions;

And Whereas *elected officials of the City of Brampton have and recognize their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that their conduct will bear the closest public scrutiny;*

And whereas the private interest of elected officials of the City of Brampton must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

The Council of the City of Brampton will adopt certain rules that further underscore a Councillor’s belief in his/her responsibility as a public trustee;

Commentary

The operation of democratic municipal government requires that elected officials be independent, impartial and duly responsible to the people. To this end, it is imperative that:

the City of Brampton decisions and policy be made through the proper processes of municipal government structure.

Public office not be used for personal gain.

The public have confidence in the integrity of its municipal government.

Rule No. 1

General

a) Members of Council shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members of Council shall not extend, in their discharge of their official duties, preferential treatment to family members, organizations or groups in which they or their family member have a pecuniary interest

Commentary

As a result, Members of Council will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual;

Rule No. 7

Improper Use of Influence

1. No Member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Commentary

Pursuant to corporate policy, the Chief Administrative Officer directs City Department Chiefs, who in turn, direct City staff. City Council and not individual Members of Council, appropriately give direction to the City administration.

Rule No. 9

Transparency & Openness in Decision Making and Member's Duties

1. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session, so

that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.

Commentary

Various statutes, City by-laws, policies and procedures, as well as, decisions of courts and quasi-judicial tribunals form the basis of decisions made by City Council. Unless prohibited by legislation or by-law, Members of Council should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

Rule No. 14

Harassment

1. Members shall be governed by the City's current policies and procedures as amended from time to time, regarding a respectful workplace, workplace harassment prevention and workplace violence prevention.
2. Harassment by a member of another member, staff or any member of the public is misconduct.
3. Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner may investigate it under the terms of the Complaint Protocol.

Commentary

It is the policy of the City of Brampton that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. It is the policy of the City of Brampton that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The City of Brampton's is developing a Respectful Workplace Policy (Harassment and Discrimination) to ensure a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policy.

Rule No. 15

Discreditable Conduct

1. Members shall conduct themselves with appropriate decorum at all times.

Commentary

As leaders in the community, members are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.

Generally prohibited conduct engaged in by the Mayor

- his frequent social media postings on Twitter and Facebook made in his capacity as Mayor in which the Mayor has asserted “Tamil genocide” which the Mayor both as Mayor and as a lawyer knew or ought to have known is false, misleading and discriminatory;
- in motions he moved and had passed at council asserting “Tamil genocide” which the Mayor both as Mayor and as a lawyer knew or ought to have known is false, misleading and discriminatory;
- in representations made to the Peel District School Board urging them to reinstate a false and misleading statement which asserted Tamil genocide which had been clarified by the Board, and,
- insisting during a delegation by [REDACTED] on February 24, 2021, that there had been “Tamil genocide” and the Government of Canada has so asserted which the Mayor both as Mayor and as a lawyer knew or ought to have known is false, misleading and discriminatory.

Specific violations of the Code of Conduct

1. Since at least May 2019, in circumstances that the Mayor knew or ought to have known that such assertions are false, misleading and discriminatory, the Mayor failed to carry out his duties with impartiality and equality of service to all, failed to recognize that as the most important civic leader of the community, the Mayor is held to a higher standard of behaviour and conduct and thereby acted contrary to the Introduction of the code of conduct by on an ongoing basis asserting that there had been “Tamil genocide” through social media posts, public statements, motions at council and in response to [REDACTED] delegation on February 24, 2021.

2. Since at least May 2019, in circumstances that the Mayor knew or ought to have known that such assertions are false, misleading and discriminatory, yet on an ongoing basis asserting that there had been "Tamil genocide" through social media posts, public statements, motions at council and in response to [REDACTED] delegation on February 24, 2021, the Mayor failed to recognize his obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that his conduct will bear the closest public scrutiny contrary to the preamble to the code of conduct.
3. Since at least May 2019, in circumstances that the Mayor knew or ought to have known that such assertions are false, misleading and discriminatory, yet on an ongoing basis asserting that there had been "Tamil genocide" through social media posts, public statements, motions at council and in response to [REDACTED] delegation on February 24, 2021, the Mayor failed to recognize that the operation of democratic municipal government requires that elected officials be independent, impartial and duly responsible to the people and that it is imperative that the City of Brampton decisions and policy be made through the proper processes of municipal government structure and thereby acted contrary to the commentary to the preamble.
4. In circumstances that the Mayor knew or ought to have known that such assertions are false, misleading and discriminatory, yet on an ongoing basis asserting that there had been "Tamil genocide" through social media posts, public statements, motions at council and in response to [REDACTED] delegation on February 24, 2021, by facilitating the erection of a memorial recognizing Tamil victims of the Tamil terrorist insurgency and failing to recognize the Malay, Muslim, Sinhala and Burgher victims of the insurgency, the Mayor failed to recognize, the Mayor engaged in the improper use of the influence of his office and participated in activities that grant, or appear to grant, a special consideration, treatment, or advantage to an individual which is not available to every other individual contrary to Rule I and the commentary to Rule 1. Providing a service to an individual or group of individuals based on their ancestry and heritage and refusing the same service to an individual or group of individuals whose ancestry and heritage is different is violation of the Ontario Human Rights Code and the non-discrimination policy of the City.
5. Pursuant to s. 91 of The Constitution Act, 1867, 1982, along with powers such as declaration of war, entering into treaties, international trade and commerce, the criminal law and procedure, etc., the conduct of international affairs and foreign relations is in the exclusive jurisdiction of the Government of Canada. Therefore, the determination of such matters as whether a country has engaged in genocide, is the exclusive jurisdiction of the Government of Canada. Exceptionally, whether an individual

engaged in genocide contrary to the Criminal Code can be determined by a superior court of a province in the course of a criminal trial. Despite the absence of any determination by the Government of Canada or a superior court of competent jurisdiction, and in circumstances that the Mayor knew or ought to have known that assertions of "Tamil genocides" are false, misleading and discriminatory, the Mayor, on an ongoing basis asserted that there had been "Tamil genocide" through social media posts, public statements, motions at council and in response to [REDACTED] delegation on February 24, 2021. Thereby, the Mayor violated Rule 7 which prohibits the Mayor from using the influence of his office for any purpose other than for the exercise of his official duties.

6. In circumstances that the Mayor knew or ought to have known that such assertions are false, misleading and discriminatory, by on an ongoing basis asserting that there had been "Tamil genocide" through social media posts, public statements, motions at council and in response to [REDACTED] delegation on February 24, 2021, the Mayor violated the commentary to Rule 9 because the Mayor failed to clearly identify to the public the independent evidence on which the Mayor's decision to repeatedly assert "Tamil genocide" was based.
7. Harassment includes discrimination. Harassment of a member of the public is prohibited by Rule 14.2. The Mayor harassed and discriminated against [REDACTED] when in the course of [REDACTED] delegation to City Council on February 24, 2021, the Mayor accused [REDACTED] of being a proxy for the Government of Sri Lanka and without any evidence, falsely, misleadingly, discriminatorily and knowing it to be untrue, insisted that the Government of Canada had made a finding that there had been "Tamil genocide". Thereby the Mayor violated both Rule 14.2 of the code of conduct, the city's non-discrimination policies and sections 5.1, 5.2, 5.3, 9.1, 9.2, 9.4 and 9.8 of the Respectful Workplace Policy.
8. Since at least May 2019, in circumstances that the Mayor knew or ought to have known that such assertions are false, misleading and discriminatory. By, on an ongoing basis, falsely asserting that there had been "Tamil genocide" through social media posts, public statements, motions at council and in response to [REDACTED] delegation on February 24, 2021, the Mayor engaged in discreditable conduct and failed to recognize that as leaders in the community, members of council are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary, as is required by Rule 15 of the code of conduct and the commentary thereto.

OTHER

The City has records of all of these violations including the Mayor's social media posts, council motions, the Mayor's speeches, city council motions, and video recordings of City Council meetings at and through which the Mayor engaged in prohibited and discriminatory conduct.

The City has also confirmed that the City has no independently verified evidence of "Tamil genocide".

The United Nations High Commissioner for Human Rights after a 15-month long investigation stated that his office could not find any credible evidence of "Tamil genocide".

<http://webtv.un.org/search/ohchr-press-conference-on-sri-lanka-report-geneva-16-september-2015/4487504383001/?term=Zeid%20responding%20to%20question%20on%20Sri%20Lanka&page=23> at approximately 34 minutes and 12 seconds.

Global Affairs Canada's statement on behalf of the Government of Canada has stated that the Government of Canada has no evidence of "Tamil genocide" in Sri Lanka. **Exhibit A**

Though apprised of the facts the Mayor was has failed to withdraw his false, misleading and discriminatory assertions. **Exhibit B**

Jurisdictional issues and discrimination. **Exhibit C**

The background to the Tamil terrorist insurgency. **Exhibit D**

I can be reached at [REDACTED] and at [REDACTED].

[REDACTED]

APPENDIX A

[REDACTED]

From: info@international.gc.ca
Sent: October 1, 2020 2:54 PM
To: [REDACTED]
Subject: RE: FW: Canada's findings concerning an allegation of Tamil Genocide

You have reached Global Affairs Canada. Thank you for your enquiry.

Please find below the answers to your questions:

Question: Please clarify whether the Government of Canada has ever made a finding that there was genocide in Sri Lanka.

No, the federal Government of Canada has not made a finding that there was genocide in Sri Lanka. Following the end of the civil conflict in Sri Lanka, Canada joined the international community to call for truth-seeking and accountability for alleged violations of international human rights law and international humanitarian law committed by parties to the conflict. These calls are captured in United Nations Human Rights Council (UNHRC) Resolution 30/1, titled "Promoting reconciliation, accountability and human rights in Sri Lanka". Resolution 30/1 emphasizes the responsibility of all states, including Sri Lanka, to comply with their relevant obligations to prosecute those responsible for gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to ending impunity.

In resolution 30/1, the Government of Sri Lanka committed to establishing a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law. Canada has consistently advocated for Sri Lanka to establish the judicial mechanism with special counsel to prosecute violations of international law with the involvement of international investigators, prosecutors and judges. An independent and credible justice process that has the trust and confidence of victims is necessary for reconciliation and long-term prosperity.

Canada has long called on the Government of Sri Lanka to fully implement UNHRC Resolution 30/1. Our commitment to the resolution was demonstrated when Canada joined the core group responsible for the negotiation of resolution 30/1 and its follow-up resolutions in December 2018.

Question: Please also confirm that a finding of genocide is the exclusive jurisdiction of the Government of Canada.

Domestic or international courts and tribunals are the competent bodies to make a legal determination that an individual or a State has committed "genocide".

The International Court of Justice is a key judicial organ tasked with adjudicating international legal disputes, including on questions of State responsibility for internationally wrongful acts such as genocide. The International Criminal Court and other criminal courts and tribunals (whether domestic, international or mixed) may decide on individual criminal responsibility for genocide.

In Canada, recognizing an event as genocide has also been done through actions or motions by legislatures or statements by governments.

Regards,

Enquiries Service | Service des renseignements
Public Affairs Bureau | Direction générale des affaires publiques
Global Affairs Canada | Affaires mondiales Canada
Government of Canada | Gouvernement du Canada

Subject of enquiry: Other

Other: Allegation of "Tamil Genocide"

Questions-Comments: Please clarify whether the Government of Canada has ever made a finding that there was genocide in Sri Lanka.

Please also confirm that a finding of genocide is the exclusive jurisdiction of the Government of Canada.

Response needed: Yes



APPENDIX B

[REDACTED]

From: [REDACTED]
Sent: March 11, 2021 3:54 PM
To: patrick.brown@brampton.ca; city.clerksoffice@brampton.ca;
diana.soos@brampton.ca
Cc: rowena.santos@brampton.ca; paul.vicente@brampton.ca;
doug.whillans@brampton.ca; michael.palleschi@brampton.ca;
jeff.bowman@brampton.ca; martin.medeiros@brampton.ca;
charmaine.williams@brampton.ca; pat.fortini@brampton.ca;
harkirat.singh@brampton.ca; gurpreet.dhillon@brampton.ca;
newsroom@bramptonguardian.com
Subject: Allegation of Tamil genocide and proposed Tamil memorial

Dear Mayor Brown:

Re: Memorial related to the Tamil Terrorist Insurgency and claims of Tamil genocide

As you are aware the Government of Canada proscribed the Liberation Tigers of Tamil Eelam (LTTE) as well as revoked the charitable status of the Federation of Associations of Canadian Tamils (FACT) and the World Tamil Movement (WTM). The former spokesman for the Canadian Tamil Congress (CTC) Mr. Suresh Sriskandarajah pleaded guilty in US Federal Court in New York City to attempting to procure shoulder to air missiles, night vision goggles and automatic weapons for the LTTE. He was sentenced to a six year jail term. Mr. Sriskandarajah urged Canadian Tamils to renounce their support for the LTTE and their proxies in Canada.

The LTTE admitted to assassinating former the Prime Minister of India, Rajiv Gandhi, President Sirisena Premadasa of Sri Lanka, Sri Lankan Tamil Ministers Lakshan Kadiragama and Neelan Thiruchelvam as well as numerous other Tamil politicians and journalists. LTTE operatives in Canada assaulted Tamil Canadian journalist DBS Jeyaraj and broke both his legs when Mr. Jeyaraj and his wife exited an Indian owned movie theatre on Gerrard Street in Toronto. According to the RCMP, OPP and the Toronto Police, the LTTE in Canada imposed a "head tax" on all Tamil families and businesses in the GTA and engaged in human trafficking and drug smuggling.

It is noteworthy that the first victim of the LTTE terrorists was Mayor Alfred Duraiappa of Jaffna who was personally shot/assassinated by the late leader of the LTTE. Mayor Duraiappa was the paternal uncle of Peel Region Police Chief Nishan Duraiappa.

As you are a lawyer you ought to be aware that under the Constitution of Canada, the Government of Canada has exclusive jurisdiction over international affairs. As both the mayor and as a lawyer you are aware that the City of Brampton has no legislative authority to be involved in affairs or events of another country. For example Brampton city council has no authority to opine on Khalisthan or allegations regarding the treatment of the Uighur people of China.

In response to an access to information request the City of Toronto disclosed four hundred and eighty nine pages of documents related to a Tamil genocide allegation. Included were strong statements from the Global Affairs Canada on behalf of the Government of Canada that there is no evidence of Tamil genocide. In a 162 page report issued after a fifteen month investigation the United Nations High Commissioner for Human Rights came to a similar conclusion.

I do not disagree with you that some Tamil citizens of Sri Lanka were killed before and during the 26 year long insurgency that began in July 1983. It, however, is also a fact that Muslim, Burgher, Malay and Sinhala citizens of Sri Lanka were also killed (by Tamil Terrorists) during the insurgency. That is why I am personally against offensive wars. Your chief of staff who I am informed is of Tamil ancestry has likely not informed you that the LTTE evicted an estimated 40,000 Tamil speaking Muslims from the Jaffna peninsula on 48 hours notice.

All of the above will be confirmed by the foremost white Canadian experts with respect to the Tamil Terrorist insurgency, Hon Bob Rae who is now Canada's Ambassador to the UN, and former Dean of Arts and Sciences at the University of Toronto David Cameron who were in Sri Lanka on many occasions as peace interlocutors and met with both the Government of Sri Lanka and the Tamil Tigers.

I therefore request that the City of Brampton have no official involvement or in any manner support the creation of a memorial related to events in Sri Lanka. If, City Council despite its lack of authority does wish to make a statement or otherwise support a "memorial" or some other commemoration with respect to Sri Lanka it must specifically recognize the casualties of all ethnic and religious backgrounds. Any other action would be discriminatory and a contravention of the Ontario Human Rights Code.

As a lawyer, you are also bound by the Law Society of Ontario's Rules of Professional Conduct on non-discrimination. I also note that spreading hatred is a violation of the Criminal Code of Canada

Please feel free to call me [REDACTED] or email me at this address.

Yours Sincerely

[REDACTED]

APPENDIX C

JURISDICTIONAL ISSUES AND DISCRIMINATION

Under s.91 of Part I of the Constitution Act 1982 (*British North America Act, 1867*) Foreign Affairs is the exclusive jurisdiction of the Government of Canada.

A finding of Tamil genocide in Sri Lanka would have to be made by the Government of Canada. The Government of Canada has not made such a finding.

Given the exclusive jurisdiction of the Government of Canada to make a finding of genocide, even the Government of Ontario does not have the jurisdiction to make a finding of "Tamil genocide"

in its 2001 decision in *114957 Canada Ltée v. Hudson (Town)* (the "Spraytech decision") the Supreme Court of Canada had occasion to review the nature and limits of the powers that are held by municipalities, as implemented through their councils.

Referring to earlier decisions of the Court, it recognized the principle that municipalities are creations of statute that "may exercise only those powers expressly conferred by statute, those powers necessarily or fairly implied by the expressed power in the statute, and those indispensable powers essential and not merely convenient to the effectuation of the purposes of the corporation."

114957 Canada Ltée v. Hudson (Town) [2001] 2 S.C.R. 241, 2001 SCC 40

Therefore, if the Government of Ontario does not have jurisdiction to make a finding of genocide and as the Government of Canada has not made such a finding, the Mayor and City Council most certainly acted without jurisdiction or in excess of jurisdiction by falsely and discriminatorily asserting "Tamil genocide" and is relying upon that false and discriminatory claim to allocate city resources with respect to the creation of a monument that commemorates an event that did not happen.

██████████ in his delegation to City Council requested that any monument to the victims of the Tamil terrorist insurgency which recognizes victims of Tamil ancestry and heritage also recognize the victims of Malay, Muslim, Sinhala and Burgher heritage and ancestry. By rejecting this request, the Mayor engaged in discriminatory conduct in the provision of services on the basis of ancestry and heritage.

APPENDIX D

BACKGROUND TO THE TAMIL TERRORIST INSURGENCY

Between 1983 and 2009 the Liberation Tigers of Tamil Eelam (LTTE) conducted an armed insurgency to create a separate state in Sri Lanka.

The Government of Canada proscribed the LTTE as well as revoked the charitable status of the Federation of Associations of Canadian Tamils (FACT) and the World Tamil Movement (WTM) which were the fundraising arms of the LTTE in Canada.

The former spokesman for the Canadian Tamil Congress (CTC) Mr. Suresh Sriskandarajah pleaded guilty in US Federal Court in New York City to attempting to procure shoulder to air missiles, night vision goggles and automatic weapons for the LTTE. He was sentenced to a six-year jail term. In accepting responsibility for his illegal conduct, Mr. Sriskandarajah urged Canadian Tamils, especially youth, to renounce their support for the LTTE and the proxies of the LTTE in Canada.

The LTTE admitted to assassinating former the Prime Minister of India, Rajiv Gandhi, President Sirisena Premadasa of Sri Lanka, Sri Lankan Tamil Cabinet Ministers Lakshan Kadiragama and Neelan Thiruchelvam as well as numerous other Tamil politicians and journalists. LTTE operatives in Canada assaulted Tamil Canadian journalist DBS Jeyaraj and broke both his legs when Mr. Jeyaraj and his wife exited an Indian owned movie theatre on Gerrard Street in Toronto. According to the RCMP, OPP and the Toronto Police, the LTTE in Canada imposed a "head tax" on all Tamil families and businesses in the GTA and engaged in human trafficking and drug smuggling.

It is noteworthy that the first victim of the LTTE terrorists was Mayor Alfred Duraiappa of Jaffna who was personally shot/assassinated by the late leader of the LTTE. Mayor Duraiappa was the paternal uncle of Peel Region Police Chief Nishan Duraiappa.

Some Tamil citizens of Sri Lanka were killed before and during the 26 year long terrorist insurgency that began in July 1983. It, however, is also a fact that Muslim, Burgher, Malay and Sinhala citizens of Sri Lanka were also killed (by Tamil Terrorists) during the insurgency. It appears that the Mayor's chief of staff who is of Tamil ancestry is the person feeding the Mayor false information and has also failed to inform the Mayor that the LTTE evicted an estimated 40,000 Tamil speaking Muslims from the Jaffna peninsula on 48 hours notice.



Minutes

Committee of Council

The Corporation of the City of Brampton

Wednesday, January 20, 2021

Members Present: Mayor P. Brown (ex officio)
Regional Councillor R. Santos
Regional Councillor P. Vicente
City Councillor D. Whillans
Regional Councillor M. Palleschi
Regional Councillor M. Medeiros
City Councillor J. Bowman
City Councillor C. Williams
Regional Councillor P. Fortini
City Councillor H. Singh
Regional Councillor G. Dhillon

Staff Present: David Barrick, Chief Administrative Officer
Michael Davidson, Commissioner, Corporate Support Services
Richard Forward, Commissioner, Planning, Building and
Economic Development
Marion Nader, Commissioner, Community Services
Jayne Holmes, Acting Commissioner, Public Works &
Engineering
Bill Boyes, Fire Chief, Fire and Emergency Services
Alex Milojevic, General Manager, Transit
Sameer Akhtar, City Solicitor
Peter Fay, City Clerk
Charlotte Gravlev, Deputy City Clerk
Sonya Pacheco, Legislative Coordinator

1. Call to Order

Note: In consideration of the current COVID-19 public health orders prohibiting large public gatherings of people and requirements for physical distancing between persons, in-person attendance at this Committee of Council meeting was limited and physical distancing was maintained in Council Chambers at all times during the meeting.

The meeting was called to order at 9:33 a.m. and adjourned at 2:15 p.m.

As this meeting of Committee of Council was conducted with electronic participation by Members of Council, the meeting started with the City Clerk calling the roll for attendance at the meeting, as follows:

Members present during roll call: Councillor Santos, Councillor Vicente, Councillor Whillans, Councillor Palleschi, Councillor Bowman, Councillor Medeiros, Councillor Williams, Councillor Fortini, Councillor Singh, Councillor Dhillon

Members absent during roll call: Nil

Notes:

City Councillor Whillans was absent from the meeting from 10:54 a.m. to 11:41 a.m. for other municipal business

City Councillor Williams was absent from the meeting from 12:49 p.m. to 1:21 p.m. for other municipal business

2. Approval of Agenda

Committee discussion took place with respect to proposed amendments to the agenda.

The following motion was considered.

CW001-2021

That the agenda for the Committee of Council Meeting of January 20, 2021 be approved as amended, as follows:

To Add:

- 9.3.3. Discussion at the request of Regional Councillor Fortini, re: Access to Corporate Accounts

10.3.4. Discussion at the request of Regional Councillor Fortini re:
Goreway Drive Widening

11.3.4. Discussion at the request of Regional Councillor Medeiros, re:
Request for Support for the Tamil Community in Brampton

Carried

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

Nil

4. Consent

The following items listed with a caret (^) were considered to be routine and non-controversial by the Committee and were approved at one time.

(9.2.2, 9.2.5, 9.2.6, 9.3.1, 9.4.1, 9.4.2, 9.4.3, 9.4.4, 10.2.3, 10.3.1, 10.3.2, 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.3.1)

The following items were added to consent: 9.2.2, 9.4.1, 9.4.2, 9.4.3, 9.4.4, 11.2.1, 11.2.2, 11.2.3

5. Announcements

Nil

6. Government Relations Matters

6.1 Staff Report re: Government Relations Matters

B. Lucas, Senior Manager, Public Affairs, Office of the CAO, provided a presentation on Government Relations Matters, which included updates on Regional, Provincial and Federal Government matters, and the 2021 AMO and FCM virtual annual conferences.

Committee discussion took place regarding advocacy on Council priorities, and the Regional budget deliberations, as follows:

- Equity and fairness for Brampton in Regional budget allocations
- Request that staff: review the Regional budget and assist Regional Council Members in developing a strategy that aligns with the City's efforts to lessen the burden on the taxpayer; identify areas for cost savings and efficiencies

(e.g. Peel Regional Police budget); and, prepare suggested motions to be introduced during the Regional budget deliberations

Item 8.3.1 was brought forward and dealt with at this time.

A motion was introduced regarding the Federation of Canadian Municipalities' recommendations for a green and inclusive economic recovery (Building Back Better Together).

The following motions were considered.

CW002-2021

That the report titled: **Government Relations Matters**, to the Committee of Council Meeting of January 20, 2021, be received.

Carried

CW003-2021

Whereas Canada's recovery from the COVID-19 pandemic will depend on municipalities as the order of government closest to the places where people live, work, thrive and struggle;

And whereas, Canada's federal-municipal partnership is supporting Canadians through this pandemic by: delivering rapid housing solutions for vulnerable Canadians, expanding federal funding to bring reliable internet to rural Canadians, and keeping vital municipal services running strong through the Safe Restart Agreement;

And whereas, the pandemic has exposed longstanding inequalities and the need for a recovery that builds on our federal-municipal partnership to create jobs, promote inclusion and increase resilience to the next threat, whether it's a virus or climate change;

Therefore be it resolved, that the City of Brampton endorses the Federation of Canadian Municipalities' recommendations for a green and inclusive economic recovery, Building back better together, which empowers local leaders to deliver results for Canadians on the ground while continuing to protect the frontline services they rely on, including:

- Building an inclusive recovery—where we create jobs and promote equality, by urgently scaling up the new Rapid Housing Initiative to end chronic homelessness in Canada, growing our affordable housing supply to prevent the flow into homelessness, and investing in community, cultural and recreational infrastructure to promote social inclusion;

- Building a green recovery that creates jobs and moves Canada closer to a net-zero emissions economy, by continuing to invest in efficient public transit, scaling up proven local initiatives that reduce GHG emissions and build communities' resilience to climate change; and
- Building a resilient partnership that matches our modern role in supporting Canadians and our economy, by ensuring municipal operating support continues as COVID-19 impacts stretch through 2021, directly empowering rural communities through new investments in rural transportation and housing, and doubling the federal Gas Tax Fund allocation over three years through a new Municipal Economic Recovery Fund;

And further that staff report back and identify opportunities to align, integrate and provide specific examples of how FCMs Building Back Better Together supports advancing Brampton's priorities through the Municipal Economic Recovery Fund; inclusive and green recovery lenses;

And further that staff together with the elected FCM Board Member from Brampton, engage with FCM to ensure that specific examples are highlighted and promoted by FCM through their ongoing advocacy;

And further, that copies of this resolution be sent to Peel-area MPs, MPPs and FCM.

Yea (10): Mayor Brown, Regional Councillor Santos , Regional Councillor Vicente , Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Absent (1): City Councillor Whillans

Carried (10 to 0)

6.2 Update from Mayor P. Brown, re: COVID-19 Emergency

Mayor Brown provided an update on the COVID-19 Emergency, which included the following:

- Active isolation centres in Brampton
- Advocacy campaign for paid sick days
- Positivity rate in Peel Region
- Vaccine supply and distribution process

Committee discussion took place with respect to the need to enhance COVID-19 communications to Peel Region residents.

The following motions were considered.

CW004-2021

That the update from Mayor P. Brown re: **COVID-19 Emergency**, to the Committee of Council Meeting of January 20, 2021, be received.

Carried

CW005-2021

Whereas, Peel Public Health's latest Weekly Epidemiological Update states that there are 44,652 confirmed and probable cases of COVID-19 that have been reported in Peel Region

Whereas, there have been 475 deaths among these confirmed cases that reflects the serious nature of this virus.

Whereas, the Provincial Government has declared a 2nd State of Emergency, and implemented related stay-at-home orders due to increasing case counts province-wide.

Whereas, Peel Region's weekly incidence rate is higher than the ones being reported by all 34 of Ontario's public health units.

Whereas, Peel area hospitals have already transferred patients hours away for care in a bid to free up capacity to treat people suffering from COVID-19 but remain on the brink of catastrophe.

Therefore be it resolved, that Peel Region, the City of Brampton, the City of Mississauga, and Town of Caledon, partner, in alignment with advice from Peel Public Health, and invest in a significant joint communications campaign to residents of Peel Region, of no less than \$1,000,000 equally shared, and no less than a period of 6 weeks, with the express goals of:

1. Reducing the rapid increase of Peel Region's case counts
2. Directing Residents to Stay Home based on new Provincial Orders
3. Pivot in messaging with a call to action to NGO's, local influencers and News agencies.
4. Delivering opportunities and options to engage relevant Town, City, and Regional services, arts/religious/culture/cuisine and engagement opportunities from the safety of home
5. Start a Regional tele-town hall with the heads of the four municipalities, all five Chief's, medical officer of health, and representatives from Trillium and Osler health units, for the purpose to reach a wider audience with an emphasis on spreading the word not the virus.

Yea (10): Mayor Brown, Regional Councillor Santos , Regional Councillor Vicente , Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Absent (1): City Councillor Whillans

Carried (10 to 0)

Committee discussion took place with respect to the physical distancing challenges at outdoor skating rinks and the need to implement a mandatory mask / face covering policy at all outdoor skating rinks.

A motion was introduced with the following operative clause:

Therefore be it resolved that under Brampton's state of emergency, staff immediately implement and communicate a mandatory mask / face covering policy at all outdoor skating rinks operated by the City.

Further Committee discussion on this matter included the following:

- Limited space available at outdoor skating rinks
- The importance of keeping outdoor amenities open for the health and well-being of residents
- Enforcement of the masking policy at outdoor skating rinks, including children, and discretion used by By-law Enforcement Officers
- Approval and implementation of the proposed policyP. Fay, City Clerk advised that the recommendations from this meeting are pending Council approval on January 27, 2021Committee sought clarification regarding the possible use of "emergency powers" by the Mayor to implement the policy effective immediately
 - P. Fay, City Clerk advised that the recommendations from this meeting are pending Council approval on January 27, 2021
 - Committee sought clarification regarding the possible use of "emergency powers" by the Mayor to implement the policy effective immediately

An amendment to the motion was introduced to add to the operative clause that the policy only apply to those over the age of 10 years.

The motion, as amended, was considered as follows:

CW006-2021

Whereas the Province of Ontario has directed a grey-lockdown status for the City of Brampton, that restrict residents from leaving home unless for essential purposes to include exercise outdoors;

Whereas the City of Brampton's outdoor skating rinks have remained opened to allow opportunity for residents to be physically active for exercise, but with limited capacity and pre-registration requirements to control use and contact tracing;

Whereas the two metre physical distancing rule has been encouraged since the beginning of this pandemic and throughout, as a measure to prevent the spread of COVID-19;

Whereas scientific evidence has indicated that repeated, cumulative exposure to an individual or individuals with COVID-19 can, in certain instances, also lead to inoculation in the same manner as prolonged close contact (reference page 5: <https://www.publichealthontario.ca/-/media/documents/ncov/main/2020/09/covid-19-contact-tracing-risk-assessment.pdf?la=en>)

Whereas in cases where the two metre physical distancing protocol cannot be maintained, residents are asked to wear a mask to protect themselves and others from the spread of COVID-19;

Whereas the Peel Medical Officer of Health has provided a recommendation that local municipalities consider extending mask and face covering mandates to outdoor activities where transmission risks exist, where more than simply transient passing contact might be occurring;

Whereas limited capacity at outdoor skating rinks operated by the city does not guarantee that residents will maintain the two metre physical distancing rule;

Therefore be it resolved that under Brampton's state of emergency, staff immediately implement and communicate a mandatory mask / face covering policy, to apply to those over the age of 10 years, at all outdoor skating rinks operated by the City.

Yea (11): Mayor Brown, Regional Councillor Santos , Regional Councillor Vicente , City Councillor Whillans, Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Carried (11 to 0)

7. Public Delegations

7.1 Possible Delegations, re: Surplus Declaration of Municipal Lands:

- (a) Lease of Portion of lands located at 917 and 927 Bovaird Drive West, Brampton (See Item 11.2.1)
- (b) Long-term Ground Lease for a portion of the lands located at 8870 McLaughlin Road West, Brampton (Flower City Community Campus) (See Item 11.2.6)

Note: Public Notice regarding this matter was published on the City's website on January 14, 2021.

In response to an inquiry from the Chair, P. Fay, City Clerk, confirmed that no one expressed an interest in delegating Committee on this matter.

See Items 11.2.1 (Recommendation CW033-2021) and 11.2.6 (Recommendation CW037-2021)

7.2 Delegation from Charles Finlay, Executive Director, Rogers Cybersecure Catalyst at Ryerson University, re: Police Cybercrime Training Centre

Charles Finlay, Executive Director, Rogers Cybersecure Catalyst at Ryerson University, provided a presentation entitled "Briefing on a Proposal to Establish the Police Cybercrime Training Centre at Brampton". Mr. Finlay responded to questions from Committee regarding the opportunity and benefits of this proposal for Brampton.

The following motion was considered.

CW007-2021

That the delegation from Charles Finlay, Executive Director, Rogers Cybersecure Catalyst at Ryerson University, to the Committee of Council Meeting of January 20, 2021, re: **Police Cybercrime Training Centre** be received; and

Whereas the Rogers Cybersecure Catalyst at Ryerson University has plans to open a National Police Cybercrime Training Centre, and has interest in establishing the Training Centre in the City of Brampton; and,

Whereas The City of Brampton recognizes the value proposition, that Cyber Security provides in attracting new business's and investment to the City

Whereas Cybercrime is a rapidly growing threat in Canada affecting corporations, residents, and the public sector, and reported cybercrimes has increased by more than 100% between 2014 and 2018; and,

Whereas the proposed National Police Cybercrime Training Centre in Brampton will expand on the training conducted by the Canadian Police College and allow collaboration between national, regional, and municipal law enforcement agencies to better address cybercrime as a growing threat; and,

Whereas the Police Cybercrime Training Centre will act as a hub for law enforcement agencies allowing for collaboration and sharing of best practices among agencies, will develop advanced courses that will train officers nation wide to address new threats; and,

Whereas opening a Police Cybercrime Training Centre will make Brampton the centre for Cybercrime training and an important addition to Brampton's Innovation District

Therefore Be It Resolved that the City of Brampton staff be directed to begin discussions with Ryerson University for a potential Police Cybercrime Training College within the municipality outlining The City of Brampton's role in a possible partnership, identify what resources would be required, and report back to Council when appropriate.

Yea (10): Regional Councillor Santos , Regional Councillor Vicente , City Councillor Whillans, Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Absent (1): Mayor Brown

Carried (10 to 0)

7.3 Delegation from Carrie Parr, Brampton Resident, re: Naming a City Park after "Duncan" or "Norman Duncan" - Pioneering Farming Family in Goreway Drive Area

Item 11.2.5 was brought forward and dealt with at this time.

Carrie Parr, Brampton Resident, provided information to Committee regarding the history of the Duncan family in Brampton, and requested that a park in the vicinity of Goreway Drive and Cottrelle Boulevard be named to commemorate the pioneering farming family that originally settled in this area. In addition, Ms. Parr requested that the names "Duncan Park" (first choice) or "Norman Duncan Park" (second choice) be considered.

Committee discussion on this matter included the following:

- History of the Duncan family in Brampton
- Park naming policy and process

- Challenges with the name "Duncan Park" due to the use of "Duncan" on municipal streets and parks in this area

The following motion was considered.

CW008-2021

1. That the delegation from Carrie Parr, Brampton Resident, to the Committee of Council Meeting of January 20, 2021, re: **Naming a City Park after "Duncan" or "Norman Duncan" - Pioneering Farming Family in Goreway Drive Area**, be received; and
2. That the report titled: Request for Park Naming – “Duncan” or “Norman Duncan” Park, to the Committee of Council Meeting of January 20, 2021, be received; and
3. That Duncan Park or Norman Duncan Park be approved and added to the City’s master list of park names for a future park and/or pathway/trail segment in the vicinity of Goreway Drive and Cottrelle Boulevard, to commemorate the pioneering farming family that originally settled in this area of the City.

Carried

- 7.4 Delegation from Jillian McLeod, Family Advocate, Justice 4 Families (Road Safety Advocacy Group), re: Road Safety Matters Pertaining to the City of Brampton, in Relation to a Petition Being Presented to the House of Commons

Jillian McLeod, Family Advocate, Justice 4 Families (Road Safety Advocacy Group), provided information on the creation of Justice 4 Families and a petition which will be presented to the House of Commons calling for stricter laws and harsher penalties for impaired and dangerous driving offences. Ms. McLeod expressed concern and provided statistical information regarding road fatalities and driving charges in Peel Region, and highlighted the need to advocate for more funding for Peel Regional Police, and the importance of making Vision Zero a reality in Brampton. In addition, Ms. McLeod referenced the Brampton Community Safety Advisory Committee's recommendation (BCS017-2021) to establish a new sub-committee to address Road Safety matters.

Committee discussion on this matter included the implementation of Automated Speed Enforcement Cameras and Brampton's commitment to Vision Zero.

The following motion was considered.

CW009-2021

That the delegation from Jillian McLeod, Family Advocate, Justice 4 Families (Road Safety Advocacy Group), to the Committee of Council Meeting of January 20, 2021, re: **Road Safety Matters Pertaining to the City of Brampton, in Relation to a Petition Being Presented to the House of Commons**, be received.

Carried

- 7.5 Delegation from Akeem Gardner, CEO and Co-Founder, and Randy Osei, Co-Founder, Atlas 365, re: Item 8.4.1 - Atlas 365 Announcement

Item 8.4.1 was brought forward and dealt with at this time.

Akeem Gardner, CEO and Co-Founder, and Randy Osei, Co-Founder, Atlas 365, advised Committee that Atlas 365 has secured a strategic partnership with Canxtra Inc., a multinational hemp processor, which will help bring economic opportunities to Brampton. They advised that there are many benefits of using hemp, and expressed their enthusiasm to start this work in Brampton. In addition, they extended thanks to the Brampton Board of Trade, Economic Development Office, Peel RIC Centre, Council and local Members of Parliament for their support.

Committee congratulated Mr. Gardner and Mr. Osei on their achievement and success, and acknowledged their previous delegation and work with hemp blocks.

The following motion was considered.

CW010-2021

1. That the delegation from Akeem Gardner, CEO and Co-Founder, and Randy Osei, Co-Founder, Atlas 365, to the Committee of Council Meeting of January 20, 2021, re: **Item 8.4.1 - Atlas 365 Announcement**, be received; and
2. That the correspondence provided by City Councillor Whillans, to the Committee of Council Meeting of January 20, 2021, re: **Atlas 365 Announcement titled "Black Entrepreneurs Get Green, In A Majority White Cannabis Industry: Atlas365 Inc. Secures Oversubscribed Round for New Portfolio Company: Canurta Inc."**, be received.

Carried

- 7.6 Delegation from Alec Cloke, Ontario Dump Truck Industry Expert, re: Item 10.3.3 - Provincial Policies Related to Dump Trucks

Item 10.3.3 was brought forward and dealt with at this time.

Alec Cloke, Ontario Dump Truck Industry Expert, provided information to Committee regarding the dump truck industry in Ontario and expressed concern regarding the impact of new provincial regulations, which require dump trucks manufactured prior to 2011 to undergo expensive retrofits, operate at reduced capacity, or be taken off the road after 15 years of operation. Mr. Cloke advised that older trucks should be grandfathered under these new regulations and outlined the impact this has on the industry. He further advised that requests to meet with the Minister of Transportation have been denied, and requested that Council forward a request to the Minister to meet with those affected by the new regulations.

A motion was introduced with the following operative clause:

Therefore be it resolved that:

1. City of Brampton urge the Ontario Ministry of Transportation and the Government of Ontario to halt enforcement measures, review the regulations, and work with the ODTA to address these issues and work toward viable solutions; and
2. The Mayor of Brampton write a letter to the Minister of Transportation on behalf of Council.

Amendments to clause 1 of the motion were introduced and accepted by the mover to read as follows:

1. The City of Brampton urge the Ontario Ministry of Transportation and the Government of Ontario to work with the ODTA to address issues regarding SPIF-compliant axle legislation and work toward viable solutions;

Committee discussion took place with respect to the motion, the lifespan of dump trucks, and the impact of the SPIF-compliant axle legislation on the dump truck industry, including the financial impact on owners/operators.

The motion, as amended, was considered as follows.

CW011-2021

That the delegation from Alec Cloke, Ontario Dump Truck Industry Expert, to the Committee of Council Meeting of January 20, 2021, re: **Item 10.3.3 - Provincial Policies Related to Dump Trucks**, be received; and

Whereas, the Ontario Ministry of Transportation's Safe, Productive, Infrastructure Friendly (SPIF) (413/05) regulations that took effect Jan 1, 2021 require dump trucks manufactured prior to 2011 to undergo expensive retrofits (costing up to

\$40,000); operate at significantly reduced capacity, or be taken off the road after 15 years of operation.

Whereas, the regulations only apply to four specific categories of trucks, used mainly in the construction industry: concrete trucks, water trucks, fuel trailers, and dump trucks.

Whereas, the average lifespan of a dump truck is 20-25 years, and accommodations have been made to permit other impacted trucks (noted above) to operate for 20 to 25 years i.e their full life span.

Whereas, only dump trucks have not been accommodated to permit operation for their full life span i.e 20-25 years.

Whereas, there is no threat to public safety from older (non-retrofitted) dump trucks, but rather the regulations are mainly designed to reduce wear and tear on roads and infrastructure i.e. promote infrastructure safety and save costs.

Whereas, the announcement of these measures' effect date was made a little over a year ago in the midst of the Covid-19 pandemic, however notifications to operators were only sent by the Ministry of Transportation very recently.

Whereas, requests for meetings and information by drivers, owner/operators and ODTA were delayed and denied by the Ministry of Transportation.

Whereas, the Ministry of Transportation entered into an agreement in 2016 that no policy would move forward without industry consensus.

Whereas, that agreement has not been honoured and no meaningful communication, consultation or industry engagement has taken place.

Whereas, dump truck drivers are essential workers who help build our roads, hospitals, critical infrastructure and housing.

Whereas, workers in this industry have already been hit hard by the pandemic suffering at least a 25% reduction in work and income.

Whereas, it is not feasible for dump truck drivers and operators to invest up to \$40,000 (plus one week off the road) to undergo retrofits on trucks that are only 15 years old.

Whereas, operating at significantly reduced capacity is not economically viable for these small business owner/operators as it will result in approximately a one third reduced capacity.

Whereas, dump trucks that are not able to operate at full capacity will not be able to fulfill their existing contractual obligations, gain future work, or be hired for jobs.

Whereas, dump truck drivers and operators have already invested \$250,000 to \$350,000 in their trucks with the expectation that they will be able to operate them for the full life span of the truck.

Whereas, the dump truck owners and operators that are hardest hit by these regulations, are those with the oldest trucks and are among the most vulnerable in the industry.

Whereas, enforcement actions have commenced and many operators have already been turned away from job sites, unable to fulfill contracts, or have been ticketed up to \$1000.

Whereas, adding additional years of operation time/permits would address this issue and essentially allow the older trucks to be grandfathered/used for their full life span.

Whereas, these regulations will disrupt the industry resulting in delays, longer build times, higher costs that will ultimately be passed down to consumers and taxpayers.

Whereas, many Brampton families rely on this income as small business operators generate jobs for drivers, and create other spin off jobs that also benefit the economy.

Whereas, Brampton is a transportation hub that relies on this vital industry for economic well being of its citizens and businesses.

Whereas, dump truck drivers and operators deserve to be heard, consulted, have their valid concerns addressed and be treated with overall dignity and respect

Whereas, The Ontario Dump Truck Association (ODTA) is calling on the Government of Ontario to review these measures and work to find a solution.

Therefore be it resolved that:

1. The City of Brampton urge the Ontario Ministry of Transportation and the Government of Ontario to work with the ODTA to address issues regarding SPIF-compliant axle legislation and work toward viable solutions; and
2. The Mayor of Brampton write a letter to the Minister of Transportation on behalf of Council.

Yea (11): Mayor Brown, Regional Councillor Santos , Regional Councillor Vicente , City Councillor Whillans, Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Carried (11 to 0)

8. Economic Development and Culture Section

(Regional Councillor P. Vicente, Vice-Chair)

8.1 Staff Presentations

Nil

8.2 Reports

Nil

8.3 Other/New Business

8.3.1 Notice of Motion by Regional Councillor Santos re: Federation of Canadian Municipalities (FCM) Recommendations for a Green and Inclusive Economic Recovery

Dealt with under Item 6.1 - Recommendation CW003-2021

8.4 Correspondence

8.4.1 Correspondence provided by City Councillor Whillans, re: Atlas 365 Announcement titled "Black Entrepreneurs Get Green, In A Majority White Cannabis Industry: Atlas365 Inc. Secures Oversubscribed Round for New Portfolio Company: Canurta Inc."

Dealt with under Item 7.5 - Recommendation CW010-2021

8.5 Councillors Question Period

Nil

8.6 Public Question Period

5 Minute Limit (regarding any decision made under this section)

During the meeting, the public may submit questions regarding recommendations made at the meeting via email to the City Clerk at cityclerksoffice@brampton.ca, to be introduced during the Public Question Period section of the meeting.

The public was given the opportunity to submit questions via e-mail to the City Clerk's Office regarding any decisions made under this section of the agenda. P. Fay, City Clerk, confirmed that no questions were submitted regarding decisions made under this section.

9. **Corporate Services Section**

(City Councillor H. Singh, Chair; Regional Councillor R. Santos, Vice-Chair)

9.1 Staff Presentations

Nil

9.2 Reports

9.2.1 Staff Report re: Consent Motion Approval Methodology at Council and Committee Meetings (RM 69/2020)

The following motion was considered.

CW012-2021

That the report titled: **Consent Motion Approval Methodology at Council and Committee Meetings (RM 69/2020)**, to the Committee of Council Meeting of January 20, 2021, be received.

Carried

9.2.2 ^ Staff Report re: Corporate Events Listing 2021

CW013-2021

1. That the report titled: **Corporate Events Listing 2021**, to the Committee of Council Meeting of January 20, 2021, be received;
2. That, the Citizens Awards Recipients 2019 be deferred and recognized in 2021 in addition to the Citizens Awards Recipients 2020; and
3. That the Corporate Events Listing 2021 be approved.

Carried

9.2.3 Staff Report re: Important and Commemorative Dates and Destination Bus Signage 2021

During consideration of the subject report, an amendment to clause 3 of the staff recommendations was introduced to add "Happy Black History Month" to the list of 2021 Cultural Expressions for Brampton Transit Bus Destination Signage.

The motion was considered as follows.

CW014-2021

1. That the report titled: **Important and Commemorative Dates and Destination Bus Signage 2021**, to the Committee of Council Meeting of January 20, 2021, be received; and
2. That Council approve the proposed 2021 Commemorative Dates Listing and recommended tactics (Appendix A); and,
3. That Council approve the proposed 2021 Cultural Expressions for Brampton Transit Bus Destination Signage (Appendix B) and that “Happy Black History Month” be added to the list.

Carried

9.2.4 Staff Report re: Request to Begin Procurement – Multi-functional Print Services, Print Shop Print Services and Printing as a Service - Specialized

Committee consideration of the subject report included the need and use for 3D laser cutting services, updates to existing print equipment, and the proposed contract length and value.

In response to questions from Committee, staff clarified that there is no change to the existing service model, and advised that specialized printing services has been added to the RFP.

The following motion was considered.

CW015-2021

That the report titled: **Request to Begin Procurement – Multi-Functional Print Services, Print Shop Printing Services and Printing as a Service – Specialized**, to the Committee of Council Meeting of January 20, 2021, be **deferred** to the next Committee of Council Meeting on February 3, 2021.

Yea (11): Mayor Brown, Regional Councillor Santos , Regional Councillor Vicente , City Councillor Whillans, Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Carried (11 to 0)

9.2.5 ^ Staff Report re: Delegation of Regional Tax Ratio Setting 2021

CW016-2021

1. That the report titled: **Delegation of Regional Tax Ratio Setting 2021**, to the Committee of Council Meeting of January 20, 2021, be received; and,

2. That the City of Brampton consents to a by-law delegating the upper tier tax ratio setting authority within the Region of Peel to the lower-tier municipalities and to a continuation of the apportionment methodology in place for the 2020 tax year; and,
3. That a certified copy of the resolution be forwarded to the Region of Peel before March 1, 2021.

Carried

9.2.6 ^ Staff Report re: Status of General Accounts Receivable

CW017-2021

That the report titled: **Status of General Accounts Receivable**, to the Committee of Council Meeting of January 20, 2021, be received.

Carried

9.2.7 Staff Report re: Email, Files and Meeting Platforms

The following motion was considered.

CW018-2021

That the report titled: **Email, Files and Meeting Platforms**, to the Committee of Council Meeting of January 20, 2021, be received.

Carried

9.3 Other/New Business

9.3.1 ^ Minutes - Accessibility Advisory Committee - December 8, 2020

CW019-2021

That the Minutes of the Accessibility Advisory Committee Meeting of December 8, 2020, to the Committee of Council Meeting of January 20, 2021, Recommendations AAC015-2020 to AAC020-2020 be approved, as published and circulated.

Carried

The recommendations were approved as follows:

AAC015-2020

That the Agenda for the Accessibility Advisory Committee meeting of December 8, 2020 be approved as published.

AAC016-2020

That the presentation by Alex Milojevic, General Manager, Transit, and Scott Gillner, Senior Policy Advisor, Transit, to the Accessibility Advisory Committee meeting of December 8, 2020, re: **Brampton Transit Update** be received.

AAC017-2020

1. That the report by Teresa Olsen, Deputy Clerk, Administrative Services and Elections, re: **Rick Hansen Foundation Accessibility Certification (RHFAC) Program – City of Brampton Facilities**, to the Accessibility Advisory Committee meeting of December 8, 2020, be received.

AAC018-2020

1. That the report by Sylvia Ingham, Access and Inclusion Clerk, to the Accessibility Advisory Committee meeting of December 8, 2020, re: **Accessibility Awards Program – Amendments to Nomination and Recognition Procedures**, be received; and
2. That the Accessibility Awards Program established in 2017, be amended to include the following updates:
 - a new Award category be established for “Accessible Programs & Initiatives”, open to individuals, community groups and businesses;
 - self-nominations be permitted;
 - employees and Members of Council be eligible to submit nominations for the Award categories as long as they have no involvement in the review or selection process;
 - award recipients be invited to a Committee of Council or Council meeting in June annually, during National AccessAbility Week, for a presentation of the awards; and
 - all nominees for each category be recognized with a certificate signed by the Mayor.

AAC019-2020

That the update by Ryan Maiss, Accessible Enforcement Officer, to the Accessibility Advisory Committee meeting of December 8, 2020, re: **Accessible Enforcement Parking Q1-Q4 2020** be received.

AAC020-2020

That Accessibility Advisory Committee meeting do now adjourn to meet again on March 9, 2021 at 6:30 p.m.

9.3.2 Discussion Item at the request of Regional Councillor Medeiros, re: Openness and Accountability

Regional Councillor Medeiros outlined the need to improve openness and accountability at the City, and requested that an organizational chart with staff contact information be published on the City's website for public access.

A motion was introduced with the following operative clause:

Therefore Be It Resolved that staff report back to council before the end of Q2 with a strategy to publish the City of Brampton's organizational chart, including each employee's title and relevant contact information (email or phone), and identify any considerations for employees which cannot be published for reasons such as nature of their position, confidentiality, etc.

An amendment to the motion was introduced and accepted by the mover to add that staff consult with City labour associations in this regard.

The motion was considered as follows:

CW020-2021

Whereas The City of Brampton has committed to being an open and transparent municipality; and,

Whereas The City of Brampton has a responsibility to its residents and businesses as taxpayers to be open and transparent; and,

Whereas the Provincial Government of Ontario and the Government of Canada publicly list their employees and contact information (phone numbers) through search engines and departmental organization charts;

Whereas the City of Brampton organizational chart is partially available and employee contact information is not made public;

Therefore Be It Resolved that staff report back to council before the end of Q2 with a strategy to publish the City of Brampton's organizational chart, including each employee's title and relevant contact information (email or phone), consult with City labour associations and identify any considerations for employees which cannot be published for reasons such as nature of their position, confidentiality, etc.

Yea (11): Mayor Brown, Regional Councillor Santos , Regional Councillor Vicente , City Councillor Whillans, Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Carried (11 to 0)

Regional Councillor Medeiros addressed Committee with respect to the importance of transparency and accountability at the City, and making the GeoHub and available datasets more accessible and user-friendly.

Committee discussion on this matter included the following:

- Perception regarding the reorganization of the FOI Office under the Office of the CAOIt was noted that in most municipalities, FOI is a function of the City Clerk's Office
 - It was noted that in most municipalities, FOI is a function of the City Clerk's Office
- Suggestion that regular Tele Town Halls with the Mayor be scheduled to discuss City issues

The following motion was considered.

CW021-2021

Whereas, the 2018-2022 Term of Council is committed to a key priority of being a Well-Run City.

Whereas, customer service and making City services more readily accessible and user-friendly is a priority for City staff and Members of Council.

Whereas, The Brampton GeoHub is a platform that features initiative driven tools that help grow transparency and foster innovation everywhere, providing open data, and tools to visualize it.

Therefore be it resolved, that the City's Information Technology Division examine opportunities and tools to make the GeoHub and available datasets more user-friendly and customer-centric; and,

Further, that the Strategic Communications division explore opportunities to increase promotion of, and successful 3rd party uses of, the GeoHub website, and available tools and data.

Yea (11): Mayor Brown, Regional Councillor Santos , Regional Councillor Vicente , City Councillor Whillans, Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Carried (11 to 0)

9.3.3 Discussion at the request of Regional Councillor Fortini, re: Access to Corporate Accounts

Committee discussion took place with respect to the issue of Councillors' accounts being impersonated on social media. Discussions included the following:

- Impact of social media impersonations on Councillors' contacts/constituents
- Indication from staff that Peel Regional Police is actively investigating this issue
- Value and cost of retaining professional services to address this issue
- Concern that professional services were retained without Council's consideration
- Clarification from staff that Councillors may opt out of receiving these services
- Suggestion that only corporate accounts be protected (not personal accounts)
- Expression of thanks to IT staff and Peel Regional Police for their efforts to address this issue
- Request that staff contact social media account providers to request they undertake verification of all Councillor corporate accounts

A point of order was raised by Regional Councillor Palleschi. The Chair gave leave for the point of order. In response to a question from a Committee Member, Regional Councillor Palleschi advised that staff have advised that Councillors are not required to use these services to protect their accounts.

J. Ellis, Program Manager, IT, clarified that the service provider will monitor Councillors' accounts to ensure they are not duplicated and that accounts will not be accessed.

The following motions were considered.

CW022-2021

That staff be directed to communicate with social media account providers (Twitter, FaceBook, Instagram) to request they undertake verification of all Brampton Councillor accounts for legitimacy, and report back to a future meeting thereon.

Carried

CW023-2021

That the following motion be **referred** to the January 27, 2021 Council meeting:

That should a Councillor desire monitoring of a personal account, that monitoring costs be attributed to the individual councillor budget account.

Carried

9.4 Correspondence

- 9.4.1 ^ Correspondence from Nando Iannicca, Regional Chair & CEO, Regional Municipality of Peel, dated December 14, 2020, re: Federal and Provincial Support for Adequate Paid Sick Day Benefits

CW024-2021

That the correspondence from Nando Iannicca, Regional Chair & CEO, Regional Municipality of Peel, dated December 14, 2020, to the Committee of Council Meeting of January 20, 2021, re: **Federal and Provincial Support for Adequate Paid Sick Day Benefits**, be received.

Carried

- 9.4.2 ^ Correspondence from Terry Miller, President, Brampton CARP, dated January 4, 2021, re: COVID-19 Vaccinations for Seniors

CW025-2021

That the correspondence from Terry Miller, President, Brampton CARP, dated January 4, 2021, to the Committee of Council Meeting of January 20, 2021, re: **COVID-19 Vaccinations for Seniors**, be received.

Carried

- 9.4.3 ^ Correspondence from Regional Chair Nando Iannicca to Minister Steve Clark, Ministry of Municipal Affairs and Housing, dated December 23, 2020, re: Change to the Composition of Regional Council

CW026-2021

That the correspondence from Regional Chair Nando Iannicca to Minister Steve Clark, Ministry of Municipal Affairs and Housing, dated December 23, 2020, to the Committee of Council Meeting of January 20, 2021, re: **Change to the Composition of Regional Council**, be received.

Carried

- 9.4.4 ^ Correspondence from Nation Cheong, VP Community Opportunities and Mobilization, United Way Greater Toronto, dated January 19, 2021, re: Item 6.2 - Adequate Paid Emergency Leave

CW027-2021

That the correspondence from Nation Cheong, VP Community Opportunities and Mobilization, United Way Greater Toronto, dated January 19, 2021, to the Committee of Council Meeting of January 20, 2021, re: **Item 6.2 - Adequate Paid Emergency Leave**, be received.

Carried

- 9.5 Councillors Question Period

Nil

- 9.6 Public Question Period

The public was given the opportunity to submit questions via e-mail to the City Clerk's Office regarding any decisions made under this section of the agenda. P. Fay, City Clerk, read the following question received from Chris Drew:

"To Councillor Medeiros, is part of the rationale for open data to make it more publicly accessible and easier to navigate and are there best practices from AMO and FCM Brampton can refer to?"

Regional Councillor Medeiros thanked Mr. Drew for the suggestion to review best practices from AMO and FCM, and advised that the intent of the recommendation (CW021-2021) is to make the GeoHub and available datasets more user-friendly and customer-centric.

At this time in the meeting, the following motion was considered and lost.

CW028-2021

That the Committee of Council do now recess to reconvene at 2:15 p.m.

Yea (4): Regional Councillor Santos , Regional Councillor Palleschi, Regional Councillor Medeiros, and City Councillor Singh

Nay (6): Mayor Brown, Regional Councillor Vicente , City Councillor Whillans, City Councillor Bowman, City Councillor Williams , and Regional Councillor Fortini

Absent (1): Regional Councillor Dhillon

Lost (4 to 6)

10. Public Works and Engineering Section

(Regional Councillor P. Vicente, Chair; Regional Councillor P. Fortini, Vice-Chair)

10.1 Staff Presentations

Nil

10.2 Reports

10.2.1 Staff Report re: Request to Begin Procurement – Hiring of a General Contractor for the Construction of Fire Station 214 and Peel Regional Paramedic Service Satellite Station at 917 and 927 Bovaird Drive West - Ward 5

Note: Item 10.2.1 was inadvertently omitted from consideration during the January 20, 2021 Committee meeting. The staff report and recommendations will be considered at the January 27, 2021 Council meeting.

10.2.2 Staff Report re: Begin Procurement Report - Janitorial Services for various facilities for a two (2) year period (File ACX.JS)

The following motion was considered.

CW029-2021

1. That the report titled: **Begin Procurement Report – Janitorial Services for various Facilities for a two (2) year period (File ACX.JS)**, to the Committee of Council Meeting of January 20, 2021, be received; and
2. That the Purchasing Agent be authorized to commence the procurement for Janitorial Services for various Facilities for a two (2) year period.

Carried

10.2.3 ^ Staff Report re: Traffic By-law 93-93 - Administrative Update (File I.AC)

CW030-2021

1. That the report titled: **Traffic By-law 93-93 - Administrative Update (File I.AC)**, to the Committee of Council Meeting of January 20, 2021, be received; and,
2. That a by-law be passed to amend Traffic By-law 93-93, as amended, as outlined in the subject report.

Carried

10.3 Other/New Business

10.3.1 ^ Minutes - Brampton School Traffic Safety Council - December 3, 2020

CW031-2021

That the Minutes of the Brampton School Traffic Safety Council Meeting of December 3, 2020, to the Committee of Council Meeting of January 20, 2021, Recommendations SC050-2020 to SC052-2020 be approved, as published and circulated.

Carried

The recommendations were approved as follows:

SC050-2020

That the Agenda for the Brampton School Traffic Safety Council meeting of December 3, 2020, be approved as published.

SC051-2020

1. That the Site Inspection report to the Brampton School Traffic Safety Council meeting of December 3, 2020, re: **St. Marguerite Bourgeoys Separate School, 550 North Park Drive - Ward 7** be received; and
2. That in an effort to encourage Active Transportation to and from school, the Principal be requested contact the school's designated Peel Health Nurse to participate in the School Travel Plan Program in Peel;
3. That the Supervisor of the Crossing Guards be requested to:
 - Relocate the school crossing to the intersection of North Park Drive and Nasmith Street/Norma Crescent and place one crossing guard at the intersection to cross the north and east legs
 - Provide necessary training at the new school crossing to educate the pedestrians on how to cross safely at a signalized crossing
 - Provide the school principal with safety information regarding crossing at signalized intersections to share with student population
4. That the Senior Manager of Traffic Services be requested to:
 - Remove the lines and signage at the existing crosswalk
 - Review the signal timings at the intersection to ensure there is sufficient time for students from K-5 to cross safely;

5. That the Principal be requested to advise the school population of the new crosswalk location at North Park Drive and Nasmith Street/Norma Crescent and also to encourage and educate them on safety at a signalized intersection.

SC052-2020

That Committee do now adjourn to meet again on January 21, 2021 at 9:30 a.m.

10.3.2 ^ Minutes - Environment Advisory Committee - December 8, 2020

CW032-2021

That the Minutes of the Environment Advisory Committee Meeting of December 8, 2020, to the Committee of Council Meeting of January 20, 2021, Recommendations EAC023-2020 to EAC030-2020 be approved, as published and circulated.

Carried

The recommendations were approved as follows:

EAC023-2020

That the agenda for the Environment Advisory Committee Meeting of December 8, 2020 be approved as amended to re-order the agenda to deal with the items under section 8 (Other/New Business) immediately following section 4 (Previous Minutes).

EAC024-2020

1. That the delegation from Alice Casselman, Founder/President, ACER (Association for Canadian Educational Resources), and Catherine Sople, Founder/Lead Strategist, Building Up Our Neighbourhoods, to the Environment Advisory Committee Meeting of December 8, 2020, re: **Project Crossroads Urban Reforestation Activities** be received; and
2. That the delegation's requests be **referred** to staff for review and consideration.

EAC025-2020

1. That the presentation by Shannon Logan, Senior Program Manager of Sustainable Neighbourhoods, Toronto and Region Conservation Authority, and Stavroula Kassaris, Environmental Planner, Public Works and Engineering, to the Environment Advisory Committee Meeting of December 8, 2020 re: **Bramalea Sustainable Neighbourhood Action Program (SNAP) Action Plan** be received;

2. That the Environment Advisory Committee support the establishment of the Bramalea SNAP and endorse the proposed Bramalea SNAP Action Plan; and
3. That TRCA and City staff provide a presentation regarding the Bramalea SNAP Action Plan to Committee of Council.

EAC026-2020

1. That the presentation by Stavroula Kassaris, Environmental Planner, Public Works and Engineering, to the Environment Advisory Committee Meeting of December 8, 2020 re: **Brampton Grow Green Environmental Master Plan Action Plan and Metric Refresh Plan** be received;
2. That the Environmental Advisory Committee support the Brampton Grow Green Environmental Master Plan Action Plan and Metric Refresh; and
3. That City staff provide a presentation regarding the Brampton Grow Green Environmental Master Plan Action Plan and Metric Refresh to Committee of Council.

EAC027-2020

That the presentation by Alex Taranu, Senior Advisor, Public Works and Engineering, to the Environment Advisory Committee Meeting of December 8, 2020 re: **Riverwalk Area Urban Design Master Plan** be received.

EAC028-2020

That Akeem Gardner and Davika Misir be selected to represent the Environment Advisory Committee on the Official Plan Review Community Leaders Advisory Group.

EAC029-2020

That, it is the position of the Environment Advisory Committee, that the City of Brampton communicate to the Province of Ontario that it does not support Schedule 6 (Conservation Authorities Act) and Schedule 8 (Crown Forest Sustainability Act, 1994) of Bill 229 (Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020), due to the negative impact on the protection of Ontario's environment.

EAC030-2020

That the Environment Advisory Committee do now adjourn to meet again on Tuesday, February 9, 2021 at 6:00 p.m. or at the call of the Chair.

10.3.3 Discussion Item at the request of Regional Councillor Dhillon, re: Provincial Policies Related to Dump Trucks

Dealt with under Item 7.6 - Recommendation CW011-2021

10.3.4 Discussion at the request of Regional Councillor Fortini re: Goreway Drive Widening

This item was withdrawn by Regional Councillor Fortini.

10.4 Correspondence

Nil

10.5 Councillors Question Period

Nil

10.6 Public Question Period

The public was given the opportunity to submit questions via e-mail to the City Clerk’s Office regarding any decisions made under this section of the agenda. P. Fay, City Clerk, confirmed that no questions were submitted regarding decisions made under this section.

11. Community Services Section

(Regional Councillor R. Santos, Chair; City Councillor C. Williams, Vice-Chair)

11.1 Staff Presentations

Nil

11.2 Reports

11.2.1 ^ Staff Report re: Surplus Declaration for Lease of a Portion of 917 and 927 Bovaird Drive West - Ward 5

CW033-2021

1. That the report titled: **Surplus Declaration for Lease of a Portion of 917 and 927 Bovaird Drive West - Ward 5**, to the Committee of Council Meeting of January 20, 2021, be received; and

2. That a by-law be passed to declare surplus to the City's requirements a portion of the City's lands, comprising of an area of approximately 266 m², municipally known as 917 and 927 Bovaird Drive West, identified as part of PINs 14095-0005 and 14095-0006.

Carried

- 11.2.2 ^ Staff Report re: Request for Budget Amendment - Developer Reimbursement for the Development of LIV Communities Landmart Phase 2 Park Block 118 - Ward 6

CW034-2021

1. That the report titled: **Request for Budget Amendment - Developer Reimbursement for the Development of LIV Communities Landmart Phase 2 Park Block 118 - Ward 6**, to the Committee of Council Meeting of January 20, 2021, be received; and
2. That a budget amendment be approved for Project #215860 – Park Blocks in the amount of \$1,250,508 with full funding to be transferred from Reserve #134 – DC: Recreation.

Carried

- 11.2.3 ^ Staff Report re: Request for Budget Amendment - Developer Reimbursements for Parkland Over Dedication for a Neighbourhood Park - Ward 6

CW035-2021

1. That the report titled: **Request for Budget Amendment: Developer Reimbursements for Parkland Over Dedication for a Neighbourhood Park - Ward 6**, to the Committee of Council Meeting of January 20, 2021, be received; and
2. That a budget amendment be approved for Project # 216760-001 – Park Land Over Dedication & Opportunity Purchases in the amount of \$4,768,168 with full funding to be transferred from Reserve #2 – CIL Parkland.

Carried

- 11.2.4 ^ Staff Report re: Request to Begin Procurement for Miscellaneous Parks Construction at Various Locations for a Three (3) Year Period

CW036-2021

1. That the report titled: **Request to Begin Procurement for Miscellaneous Parks Construction at Various Locations for a Three (3) Year Period**, to the Committee of Council Meeting of January 20, 2021, be received; and
2. That the Purchasing Agent be authorized to commence procurement for Miscellaneous Parks Construction at various locations for a three (3) year period.

Carried

11.2.5 Staff Report re: Request for Park Naming – “Duncan” or “Norman Duncan” Park
Dealt with under Item 7.3 - Recommendation CW008-2021

11.2.6 Staff Report re: Surplus Declaration for a Long-Term Ground Lease for a Portion of the Lands Located at 8870 McLaughlin Road West, Brampton (Flower City Community Campus) - Ward 4

The following motion was considered.

CW037-2021

1. That the report titled: **Surplus Declaration for a Long-Term Ground Lease for a Portion of the Lands Located at 8870 McLaughlin Road West, Brampton (Flower City Community Campus) - Ward 4**, to the Committee of Council Meeting of January 20, 2021, be received; and
2. That a by-law be passed to declare surplus to the City’s requirements the City’s lands, a portion comprising of an area of approximately five (5) acres, municipally known as part of 8870 McLaughlin Road West, Brampton, for a long-term ground lease(s), identified as Part of PIN 14071-2654.

Carried

11.3 Other/New Business

11.3.1 ^ Minutes - Brampton Community Safety Advisory Committee - December 10, 2020

CW038-2021

That the Minutes of the Brampton Community Safety Advisory Committee Meeting of December 10, 2020, to the Committee of Council Meeting of January

20, 2021, Recommendations BCS015-2020 to BCS022-2020 be approved, as published and circulated.

Carried

The recommendations were approved as follows:

BCS015-2020

That the Agenda for the Brampton Community Safety Advisory Committee Meeting of December 10, 2020, be approved as published and circulated.

BCS016-2020

That the delegation by Jillian McLeod, Family Advocate, Justice 4 Families (Road Safety Advocacy Group), re: **Road Safety Matters Pertaining to the City of Brampton, in Relation to a Petition Being Presented to the House of Commons**, to the Brampton Community Safety Advisory Committee Meeting of December 10, 2020, be received, and that she be invited to attend the Committee of Council meeting on January 20, 2021, to delegate to Committee and present her petition for Council consideration.

BCS017-2020

That a new sub-committee, within the existing sub-committee framework, be established regarding Road Safety matters, comprised of interested members of the Community Safety Advisory Committee, and an invitation be extended to Sargent. Dhillon, Peel Regional Police, Inspector Danos, Peel Regional Police, and Jillian McLeod, Family Advocate, Justice 4 Families, to participate on the sub-committee.

BCS018-2020

That the delegation by Sgt. Paul Dhillon, Peel Regional Police, and Inspector Peter Danos, Peel Regional Police, re: **Road Safety in the City of Brampton**, to the Brampton Community Safety Advisory Committee Meeting of December 10, 2020, be received.

BCS019-2020

That the delegation from Jotvinder Sodhi, Sukhwinder Dhillon, Sukjot Naroo, Sukhvinder Samra, Paul Mann, Adele Mac, Ravi Minhas, Gurpreet Marwaha, Kulwinder Chhina, Syed Abbas, Mohammed Afzal, HOWA CRP Concerned Residents of Brampton, re: **Public and Road Safety to the Brampton Community Safety Advisory Committee Meeting** be referred to the Brampton Community Safety Advisory Committee Meeting of March 25, 2021.

BCS020-2020

That the Sub-Committee Updates re: **Brampton Community Safety Advisory Committee Worksheets** be **referred** to the Brampton Community Safety Advisory Committee Meeting of March 25, 2021.

BCS021-2020

That the discussion at the request of Razmin Said, Advisor, Community Safety, Fire and Emergency Services, re: **Update On The Overall Year, Analysis Of The Worksheet Feedback And Next Steps** be **referred** to the Brampton Community Safety Advisory Committee of March 25, 2021.

BCS022-2020

That the Brampton Community Safety Advisory Committee do now adjourn to meet again on Thursday, March 25, 2021, at 7:00 p.m., or at the call of the Chair.

11.3.2 Discussion Item at the Request of Mayor Brown re: Naming a Street or Park after Iggy Kaneff

Mayor Brown provided background information on Iggy Kaneff and his significant contributions to the Brampton community. He requested that a City street or park be named in honour of Mr. Kaneff.

The following motion was considered.

CW039-2021

That staff be requested to investigate the possible street or parking naming in honour of Iggy Kaneff, in consultation with appropriate family members, and report back to Council.

Carried

11.3.3 Discussion Item at the request of Regional Councillor Fortini, re: Park, Facilities and Street Naming

Regional Councillor Fortini requested that staff review street and park naming policies in other municipalities and report back with possible amendments to improve the existing policy.

Committee consideration of this matter included a suggestion to review the policy to ensure it reflects the diversity of the City.

The following motion was considered.

CW040-2021

That staff be requested to investigate park and street naming policies and processes in other municipalities, and report back with possible amendments to the policy to ensure the Brampton naming policy and process reflects the diversity of the City.

Carried

11.3.4 Discussion at the request of Regional Councillor Medeiros, re: Request for Support for the Tamil Community in Brampton

Regional Councillor Medeiros provided information to Committee regarding recent events that occurred in Sri Lanka, whereby a Tamil memorial monument was destroyed at a university. Councillor Medeiros advised that Members of the Brampton Tamil community have expressed an interest in erecting a monument in Brampton, in dedication to the contributions of the Tamil community.

A motion was introduced with the following operative clause:

Therefore Be It Resolved that The City of Brampton work with the Brampton Tamil Seniors Association and the Brampton Tamil Association to locate a city park or facility to construct a monument

An amendment to the motion was introduced and accepted by the mover to add that staff also investigate potential funding contributions from federal and provincial government sources.

The following motion was considered.

CW041-2021

Whereas The City of Brampton is home to a diverse population deserving of recognition; and

Whereas according to the 2016 census, Brampton is home to more than 4660 Tamils; and

Whereas Brampton's Tamil community has made significant contributions to the City of Brampton's growth in the areas of business, arts, and culture; and

Whereas by constructing a monument, the City of Brampton recognizes the contributions of the Tamil community and celebrates its rich culture;

Therefore Be It Resolved that The City of Brampton work with the Brampton Tamil Seniors Association and the Brampton Tamil Association to locate a city park or facility to construct a monument; and

That staff also investigate potential funding contributions from federal and provincial government sources.

Yea (11): Mayor Brown, Regional Councillor Santos , Regional Councillor Vicente , City Councillor Whillans, Regional Councillor Palleschi, Regional Councillor Medeiros, City Councillor Bowman, City Councillor Williams , Regional Councillor Fortini , City Councillor Singh, and Regional Councillor Dhillon

Carried (11 to 0)

11.4 Correspondence

Nil

11.5 Councillors Question Period

Nil

11.6 Public Question Period

The public was given the opportunity to submit questions via e-mail to the City Clerk's Office regarding any decisions made under this section of the agenda. P. Fay, City Clerk, confirmed that no questions were submitted regarding decisions made under this section.

12. **Referred Matters List**

Nil

13. **Public Question Period**

Nil

14. **Closed Session**

Nil

15. **Adjournment**

The following motion was considered.

CW042-2021

That the Committee of Council do now adjourn to meet again on Wednesday, February 3, 2021 at 9:30 a.m. or at the call of the Chair.

Carried

Regional Councillor P. Vicente, Chair
Public Works and Engineering Section

City Councillor H. Singh, Chair
Corporate Services Section

Regional Councillor R. Santos, Chair
Community Services Section

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FEBRUARY 24, 2021

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ROWENA SANTOS: Our next item is 7.2 a delegation from [REDACTED], President of the Sri Lanka Canada Association of Brampton regarding a peace monument for all Sri Lankans. Welcome [REDACTED], you have five minutes.

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[REDACTED]: Thank you very much. Good morning Your Worship, Major Patrick Brown and the members of the Council. I thank you for this opportunity to speak to you today. I timed the presentation to be just over six and a half minutes, I hope that is okay with you.

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First I want to thank Mayor and Councillors for their actions taken to counter COVID. Like everyone else I am also looking forward to the day that we can start with the normal life we all used to.

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ROWENA SANTOS: Sorry, [REDACTED], I am sorry to interrupt you. You do have a maximum of five minutes for this presentation.

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[REDACTED] Okay. My name is [REDACTED]
[REDACTED], I am the President of Sri Lanka Canada Association Brampton. We are a community

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organization for Bramptonians of Sri Lankan origin. I am here to voice the Sri Lankan community's concern about the motion passed by the City Council to support the erecting of a monument to recognize the contribution made by the Sri Lankan Tamil community to Brampton.

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Sri Lankan community in Brampton consists of Singhalese, Muslims, Tamils, Burgers and Malays. We are all Sri Lankans. We all have contributed to the culture and the economic prosperity of the spirit of the City. The armed conflict Sri Lanka has impacted all of us the same way irrelevant of our race, religion or any other difference. We migrated to live peacefully not to reopen old wounds. We are here to promote co-existence, reconciliation and harmony in the beautiful flower City of Brampton.

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I like to read a quote directly from Brampton's 240 Vision Executive Summary. "The essence of Brampton is diversity. Seen and celebrated as a mosaic of people".

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I like to highlight a few key points of Brampton's diversity. City of Brampton has fourth largest visible minority population. There is 234 ethnic origins and (inaudible) 89

languages. 52.5 percent population are born outside Canada.

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Here you can see the top ten places of birth for immigrants and Sri Lanka is in top ten places with 11,900 living in Brampton. It is on record that there is 4,650 Tamils, so that leaves around 7,300 approximately Sri Lankans and Muslims being in Brampton.

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So there is the armed conflict in Sri Lanka. All ethnic groups, Tamils, Singhalese, Muslims were equally affected by the three decades of conflict. The armed conflict brought tremor and destructions to all, Tamils, Singhalese, Muslims and other minority groups all over Sri Lanka.

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LTTE (ph) terrorists has (inaudible) 126,000 Singhalese and Muslims (inaudible) as part of ethnic (inaudible). Additionally 81,000 Singhalese and Muslims died as results of (inaudible) terrorists (inaudible). Tens of thousands of Tamil Syrians also died during the armed conflict.

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As Sri Lankans we mourn all loss of life from this unfortunate conflict. Constructing a monument for only one ethic group is not reflecting the City of Brampton Mission 2014

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5 leaving the (inaudible). It brings back turmoil to the Singhalese and Muslims who have experienced three decades of suffering along with their Tamil brotherance. As you know Brampton is a shining symbol of Canadian culture and (inaudible) where all ethnic groups are living peacefully by enjoying their cultures, so let's keep it that way.

10 So this slides (inaudible) inclusivity, we are stronger together. (Inaudible) request to (inaudible) the peace monument inclusive of all ethnic groups from Sri Lanka, Singhalese, Tamils, Muslims and others affected by armed
15 conflict who have made Brampton as their home and who also made significant contributions to the City of Brampton's growth in the areas of business, arts and culture.

20 We also request the City of Brampton to work with Sri Lanka Canada Association in Brampton and other community organizations to look at the sufficient large park or facility including
25 consideration of Chinguacousy Park if feasible, to construct a peace monument to recognize the end of armed conflict on May 18, 2009 and the (inaudible) of peace in Sri Lanka.

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These are rare moments in Brampton's history to bring a lasting peace upon the Sri Lankan community living in Brampton. If you take the right steps towards peace and harmony today I am sure it will be leadership by example to all communities across the world. I request you to take that action with connection and pride, with your support we can unite the community in Brampton and not divide.

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On behalf of Sri Lankans living in Brampton, I thank you for your time. I am happy to answer any questions. Thank you.

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ROWENA SANTOS: Thank you very much, [REDACTED], I have questions from Counsel Medeiros, Mayor Brown and Councillor Singh. Councillor Medeiros, go ahead.

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COUNCILLOR MEDEIROS: Thank you very much and I do understand after a delegation that we should be limited to questions, and certainly I want to say thank you for your presentation. I guess then in the form of a question I do appreciate you know what you have said. I do appreciate your delegation. Just as a reminder as well, and maybe I am not sure, I don't want you to comment as well, but if we think about the fact

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5 that not only this council but up to the
Canadian Prime Minister, parliamentarians from
the Federal Government and Provincial
Government, they have all condemned what
happened at Jaffna and with the destruction of
the Tamil genocide monument. There are numerous
UN reports, very startling reports who speak to
human rights violations and the policies and
practices in place, and this is from the UN high
10 commissioner for human rights, and that is very
concerning as well. And just lastly, I would
just say that as you know the City of Brampton,
you rightfully suggested, in terms of what we
represent here in the City of Brampton, our
15 effort of building the Tamil monument, it is not
about creating division. It is really about
letting people heal their wounds, it is about
building a better society, it is a strong
message that authoritarian regimes and their
20 supporters in terms of strengthening Canada's
efforts towards protesting human rights; and we
do that right here in the City of Brampton, and
we will always speak up, I think, against these
forms of tyranny, specifically, and the most
25 important aspect of this was that truly this
really impacted our local Brampton Tamil
community in such a way that I was moved and I
think this counsel was very moved as well

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knowing what the pain and suffering they went through. So again, this is not about creating division, it is about respect and support for a community that clearly feels the pain of what has happened over and beyond in another country. So, I do appreciate your presentation, your delegation, and certainly everyone who lives in the City of Brampton has an opportunity to come to council and provide us with any forms of consideration that is important to the community, and that is what this council represents, and we will always respect diversity and inclusion. I thank you very much for your delegation. Thank you.

██████████: Okay. I take a few seconds to answer that. First of all that monument was actually not destroyed it has to be demolished because (inaudible) part of the expansion plans, and now it is being again reconstructed as a peace monument. So, it is being again - will be a symbol of peace. And other allegations against Sri Lanka has been addressed at the appropriate forums, so I am not going to go there, and I am more than happy to meet Mr. Medeiros to explain the facts about Sri Lanka, then he can decide for himself.

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ROWENA SANTOS: Thank you, Councillor Medeiros and Sena. Mayor Brown, you are next.

5 MAYOR BROWN: Thank you, Chair Santos. I have read the letter from Sena. [REDACTED], are you a Brampton resident?

[REDACTED]: Yes, I am.

10 MAYOR BROWN: Okay. And how long has the Sri Lankan Canadian Association of Brampton been around for?

[REDACTED]: We have not been functioning as the Brampton Association for long, but we

15 MAYOR BROWN: Because this is the first time I have heard of it.

[REDACTED]: Yes, that's correct.

MAYOR BROWN: So, [REDACTED], how many members do you have of the Sri Lankan Canadian Association of Brampton?

20 [REDACTED]: Okay, right now we are having about 500 members, but we are very young, we are still expanding, so we will be getting more members, but at the moment we don't have that much.

25 MAYOR BROWN: Okay, now [REDACTED], reading your letter it uses the same language as a letter that I got recently from the Sri Lankan High Commission. Um do you work with the Sri - do

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you have a collaborative relationship with the Sri Lankan High Commission?

5 [REDACTED]: Not at all. Do you mind reading whatever that text you see that it is from whatever, that letter you received from Sri Lankan High Commission, that is in my delegation?

10 MAYOR BROWN: No, just it is the same stats you are using, the same information as the Sri Lankan High Commission. I just wonder have you spoken to the Sri Lankan High Commission; do they agree with your letter?

15 [REDACTED]: I have no reason to contact Sri Lankan High Commission on this, I am representing here as citizen of Brampton.

MAYOR BROWN: Yes, but

[REDACTED]: Citizen living in Brampton.

20 MAYOR BROWN: But have you spoken - have you spoken to the Sri Lankan High Commission?

[REDACTED]: I have not, I have not spoken to any Sri Lankan authority on this regard.

MAYOR BROWN: Okay. You mentioned some stats, about 4,000 Tamils living in Brampton.

25 According to Stats Canada, 12,000 people in Brampton have their mother tongue as Tamil.

What was the reason for not using Stats Canada and ignoring that number?

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██████████: Well, that 4,600 number is in the original motion by Councillor Medeiros, so I went by that, and just to enlighten you, Tamil is a language spoken in many parts of the world. The majority of Tamils living (inaudible) Tamil and Urdu in India, and then many - there are many Tamils migrated from Tamil and Urdu here who speak Tamil as their mother tongue. And other than that there are (inaudible) Malaysia and actually there are many countries there are Tamils who have been migrated over.

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MAYOR BROWN: Okay, and ██████████, in 2013 Canada boycotted the commonwealth and Sri Lanka because of the war crimes that were committed, it was a notable boycott at the time, um did you support the boycott, the Canadian boycott of the commonwealth in Sri Lanka because of the war crimes?

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██████████: There is no - there is allegations of war crimes which has been addressed in their appropriate forums, so I don't want to go there. But

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MAYOR BROWN: No, but - but given that the Canadian Government took a (inaudible) stand, are you in opposition to Canada's foreign policy?

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██████████: I have no reason to be against Canada's foreign policy, I am a Canadian citizen, and I fully support my government.

MAYOR BROWN: Okay, so you support the decision to boycott the commonwealth in Sri Lanka and the war crimes?

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██████████: I do.

MAYOR BROWN: Okay, thank you. And that is important, because understanding that a genocide took place and war crimes took place, is the first step to

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██████████: Mayor Brown, you are mixing up two things. The allegation is about war crimes, not about genocide at that time.

MAYOR BROWN: Okay, so the Canadian Government has also expressed their opposition to the genocide that happened, do you support that Canadian foreign policy position?

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██████████: Canadian Government has not expressly said that genocide happened, what they have done is they have asked the UN to conduct an investigation on that. Now you can see the stark difference between how they - declaration recently (inaudible) mention that, but on the Sri Lankan context, they wanted UN to conduct an investigation.

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MAYOR BROWN: So, both Prime Minister Harper and Prime Minister Trudeau have spoken about the

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genocide in Sri Lanka. Do you support that principled Canadian foreign policy that, just like we have with the Holocaust, just like we have in Serbia, just like we have in Rwanda that Canada foreign policy involves speaking out against atrocities, do you support that fundamental Canadian foreign policy?

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██████████: Absolutely, I am always against

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MAYOR BROWN: Thank you. I just want to move onto another issue, and one of the reasons I really supported Councillor Medeiros who showed real leadership in putting this forward is I believe that cities should be consistent with principled Canadian foreign policy, and one of our - part of our families grieving we all show in that grief. And it is not about numbers; if there was one Tamil speaking person or 4,000 as you say or 12,000 as Stats Canada says, you know I used to represent Barrie at the time, and I spoke about the genocide in the House of Commons at a time when I had two families in Barrie, and people said oh you must just be responding to a big Tamil community in your riding. I said I have two, they said 200,000, I said no, two.

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Because principle is what should be at the heart of Canadian foreign policy, not numbers. And to say that there is less than there is, for really

me is irrelevant, it is about showing solidarity when there has been a major international crime. And so one of the reasons I would oppose changing a genocide (inaudible) to a peace monument is could you imagine after the Second World War when around the world holocaust memorials were built, and if we said we didn't have to have a holocaust memorial, that we didn't want to offend the Nazi Government, that we would have a peace memorial instead of a holocaust memorial, people would have been aghast and rightly so. You can't sweep wrongs under the carpet; you can't ignore the travesty that happened. And part of reconciliation, [REDACTED], part of reconciliation is acknowledging the loss of life, the murder, the rape, the mass graves, and that is part of reconciliation. So, my first question, [REDACTED], is would you - following this, would you suggest that it is not appropriate to have a holocaust memorial?

[REDACTED]: I think you are making an insinuation there because holocaust is an established fact and it is nothing to do with what is going on in Sri Lanka, and to have that memorial to represent everybody the grief of Tamil, the grief of Singhalese, grief of a Muslim, anybody who has gone through that conflict knows that.

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MAYOR BROWN: So - so

██████████: It doesn't go by any nationality.

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MAYOR BROWN: So, ██████, you don't appear to be aware of Canadian foreign policy and the UN investigations. This is not a matter of debate if the genocide happened, just like it was

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proven that a genocide happened in Serbia, just like a genocide happened in Rwanda, just like a genocide happened in Nazi Germany. To say the sky is not blue, to say that - to pretend

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something is not happening, I actually think exemplifies, it amplifies the hurt that is happening. To say to the 70,000 plus civilians that were murdered and raped that that didn't

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happen, what you are doing is you are bringing hurt from abroad here. And so I take great offence to this suggestion because we don't engage in revisionist history in Canada. In

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Canada people have come from all around the world in the hope of freedom, in the hope of peace. And to say that their history, which is interwoven with Canadian history, doesn't exist, is a slap in the face at their loss, and it is something that I can't abide by or support. You know we have a democracy here and you are allowed to come forward and to oppose a motion that we have made, but I want you to think about

5 those same Tamil families that tried to come forward in Sri Lanka during the genocide, when they came forward to object to a government action, they were murdered. That is the difference between Canada and a dictatorship. That is the difference between Canada and a genocide. I will not be supporting this request and I just want to close by saying there have been examples articulated in the Canadian House of Commons about foreign interference and you know I am worried that this type of revisionist history is being encouraged by the Sri Lankan High Commission. And even though there has been assurances otherwise, I am doubtful because just like we wouldn't stand by holocaust denial, we shouldn't stand behind genocide denial and you know I just think that needs to be on our record, because this is a democracy, we allow deputations to come forward, but this would not have been allowed during the Civil War in Sri Lanka. If this same delegation came forward, the family would have been murdered and raped. Thank you.

25 [REDACTED]: We are not actually asking that a monument to be

COUNCILLOR MEDEIROS: (Inaudible) order.

ROWENA SANTOS: Thank you. Yes, Councillor Palleschi, go ahead.

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COUNCILLOR PALLESCHI: Yes, this is not a debate.

ROWENA SANTOS: Okay, thank you very much.

COUNCILLOR PALLESCHI: Madam Chair, thank you.

5 ROWENA SANTOS: Moving on. Next question is Councillor Singh.

COUNCILLOR SINGH: Thank you, and I do have some questions I want to pick up from Mayor Brown, he asked some similar line of questions. But I did - I know the Mayor asked if [REDACTED] you work or are affiliated with the Sri Lanka High Commission. But was there any communication between the High Commission?

15 [REDACTED]: I have already answered that question, I have not contacted any Sri Lanka authority in that regard.

COUNCILLOR SINGH: And your membership, including your membership.

20 [REDACTED]: Well the membership if they have contacted the High Commission, I can't say for 100 percent certainty, but for this presentation there is no allowance to - no association with Sri Lankan Government.

25 COUNCILLOR SINGH: Okay. Well, I do have similar concerns about obviously the contents of the letters and the similarities. But I just will wrap up, the Major covered a lot of my points, but you know this is consistent with

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foreign policy, as you know I brought up in council too somebody who has members who have survived a genocide and I know the trauma it causes and this - you know monuments and other recognition tools do help with the healing and reconciliation process, especially when a family has faced missing loved ones, physical abuse, sexual assaults. From personal experience I know the value of having these types of monuments so that you know they are not you know evaporated in the dust, those memories are held, and families can attend and memorialize those who have given the ultimate sacrifice. So, I see the recorded vote, I guess has been requested to the delegation, and I will move that as well. Thank you.

██████████: Yes, I would like to add one thing, it is - we are not asking for this monument to be changed, we are asking for another monument for the Sri Lankans who are perished in this conflict, including Tamils.
ROWENA SANTOS: Thank you, Councillor Singh, and ██████, for the delegation the only motion on the floor at the moment is for receipt of the delegation, that motion is moved by Councillor Medeiros to receive the delegation. There is a recorded vote also being called. Mr. Clerk.

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MAYOR BROWN: Can I ask a procedural - can I ask a procedural question?

ROWENA SANTOS: Is that a point of order, Mr. Mayor?

5 MAYOR BROWN: A point of order.

ROWENA SANTOS: Thank you. Yes.

MAYOR BROWN: To the clerk, if council objects to the content of the delegation, if we vote not to accept the delegation, does that delegation - what happens, is it removed from the record or is it just noted that council did not accept the delegation?

10 CLERK: Through you, Madam Chair, if a motion is placed and voted on just to receive the delegation, it is just receiving and acknowledging that the delegation occurred. It is not taking any action, it is not giving any credence to the information, it is just thanking the delegation for coming and noting it on the public record. There is nothing being struck from the public record.

15 MAYOR BROWN: But what happens if we don't receive the delegation?

20 CLERK: There really are only two choices for a delegation for which there is no staff report, it can be received, or it can be referred to staff. So that would be another option should the committee wish to go there, um otherwise

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nothing would happen, and we would move on if it doesn't carry. There is no action to followup.

MAYOR BROWN: Okay, so if it is not received we just move on in the agenda?

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CLERK: That would be correct, unless another member has another motion to move on this item, which could be introduced if a motion for receipt fails, but we will cross that bridge if we come to it.

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ROWENA SANTOS: Any further questions on your point of order, Mr. Mayor?

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MAYOR BROWN: No, I was just thinking of what would be the best approach as I believe many of us object to the content of the presentation, but it sounds like from the clerk it doesn't really matter in terms of this procedural aspect.

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ROWENA SANTOS: And again, just for clarification to my colleagues, this is a motion just to receive the delegation, there has been a recorded vote been called and so I turn this over to the clerk.

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CLERK: Members of the committee, please indicate your approval or opposition to the receipt motion. Councillor Vicente?

COUNCILLOR VICENTE: Yes.

CLERK: Councillor Whillans?

COUNCILLOR WILLANS: Yes.

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5 CLERK: Councillor Palleschi?
COUNCILLOR PALLESCHI: Yes.
CLERK: Councillor Bowman?
COUNCILLOR BOWMAN: Yes.
CLERK: Councillor Medeiros?
COUNCILLOR MEDEIROS: Yes.
CLERK: Councillor Williams?
COUNCILLOR WILLIAMS: Yes.
10 CLERK: Councillor Fortini?
COUNCILLOR FORTINI: Yes.
CLERK: Councillor Singh?
COUNCILLOR SINGH: Yes.
CLERK: Councillor Dhillon? Councillor Dhillon?
We will come back to Councillor Dhillon. Mayor
15 BROWN?
MAYOR BROWN: Yes.
CLERK: Chair Santos?
ROWENA SANTOS: Yes.
CLERK: Thank you. Councillor Dhillon?
20 COUNCILLOR DHILLON: Sorry, yes.
CLERK: Thank you. Madam Chair, the motion to
receive the delegation carries unanimously 11-0.
ROWENA SANTOS: Thank you again, and just to be
clear that was for just receipt and
25 acknowledgment that the delegation had occurred
this morning.