

Staff Report 2024-0525

Meeting Date: October 8, 2024

Subject: Procedure By-Law Review Part 10 (Motions) and Appendix A

Submitted By: Kevin Klingenberg, Municipal Clerk, Corporate Services

RECOMMENDATION

That the Procedure By-Law 2015-108, as amended, be further amended to update parts related to motions, as outlined in sections 1, 2 and 3 of the proposed amending By-law attached as Schedule A of Staff Report 2024-0525.

REPORT HIGHLIGHTS

- Two-thirds vote, majority vote, and procedural motion are proposed to be defined once within the Procedure By-law for additional clarity, consistency, and readability.
- Appendix A is proposed to be integrated into Part 10 for a more user-friendly Procedure By-law.

DISCUSSION

Background

This report is presented as a part of the continuing Procedure By-law review approved by Council at its March 26, 2024 meeting through the approval of [Staff Report 2024-0167](#). Parts 10 (Motions) and 11 (Reconsideration) were scheduled for review in September, and Part 12 (Voting) and Appendix A were scheduled for review in October as part of the work plan. After initial review of the upcoming sections, it was determined that a stronger fit would be to complete these four closely connected sections together in October due to the significant overlap between these parts. This report addresses the completed review of Part 10 and Appendix A which cites use of procedural motions.

Issues Statement

The review of Part 10 and Appendix A identified the following issues:

- Variance of definition throughout the by-law of two-thirds votes and lack of definition in a (simple) majority vote,
- No definition and over-application of the term 'procedural motion,'
- Difficult to follow, read, or understand Part 10 with Appendix A:
 - Having to toggle between Part 10 regarding motions and Appendix A regarding specific motion types,
 - The order of listed motions stated in Part 10 are in a different order presented in Appendix A.

The issues within Part 10 are primarily identified within subsections 10.2, 10.3, and Appendix A. The balance of Part 10 were determined operational and without issue.

Analysis/Options – Two-thirds vote definition

Two-third votes are individually defined each time they are referenced in the Procedure By-law, without any corresponding definition within the definitions section. It is proposed to include a two-thirds vote definition within the Part 1 Definitions to replace the variance of two-third definitions throughout the Procedure By-law. The proposed definition as follows is how two-thirds votes have been consistently practiced at the Town of Caledon:

“Two-thirds vote” or **“two-thirds majority vote”** means a vote where at least two-thirds (2/3) of the *members* present and eligible to vote, vote in the affirmative for the motion to carry as a decision of *Council* or *Committee*.

Majority vote is also defined each time it is used in the Procedure By-law. The term is however consistently defined the same way. It is proposed to also add Majority Vote into Part 1 Definitions to coincide with the approach to defining two-third votes. This proposed definition as follows also provides for a more consistent, easier to read and subsequently user-friendly Procedure By-law:

“Majority vote” means a vote where more of the *members* present and eligible to vote do so in the affirmative for the *motion* to carry as a decision of *Council* or *Committee*.

Analysis/Options – Procedural Motion term

Appendix A currently includes a list of all types of motions to be considered ‘procedural motions,’ whereas in other municipal procedure by-laws a list of motion types are referred to as ‘common motions.’ The term procedural motion has been used as a reference to motions with affect to meeting proceedings in previous updates to the Town of Caledon’s Procedure By-law, which would exclude referral and deferral motions as they would have impacts at subsequent meetings. It is proposed to define the term ‘procedural motion’ within Part 1 as follows to align with how it is intended to be interpreted to avoid any uncertainty:

“Procedural motion” means a *motion* which relates to *meeting* proceedings and does not require further action or implementation upon *meeting* adjournment if the vote is in the affirmative for the motion to carry as a decision of *Council* or *Committee*.

Analysis/Options – Integrating and Reorganizing Appendix A into Part 10

Subsection 10.2 currently itemizes motions which may be introduced verbally, without notice and without leave. Subsection 10.3 currently itemizes which (written) motions may

be introduced without notice and without leave. These itemized motions in 10.2 and 10.3 are presented separately in Appendix A, in an unorganized way to how it is presented in Part 10. The current approach is hard to navigate particularly in a moment where it is needed to rely on for effective advice on meeting proceedings, and difficult to interpret in general. It is proposed to integrate and reorder Appendix A into subsections within 10.2 and 10.3 with the same ordering for greater understandability, easier reference, and readability.

Wording from Appendix A is also proposed to be updated as a component of the integration into Part 10 to be more clear, succinct, and concise.

Section 12.5 itemizes the order required for processing motions to amend, which is proposed to be included with the rules of order for motions to amend.

Appendix A is referenced throughout the By-law and subsequent editorial updates are required to account for the proposed changes to delete it from the By-law.

All proposed section integrations, reordering and wording updates do not change the existing technical components of motions within the Procedure By-law. The proposed changes intend to make one of the most technical Parts of the By-law as user-friendly and easy to follow as possible.

FINANCIAL IMPLICATIONS

None.

COUNCIL WORK PLAN

Strategic Plan 2023-2035

This report is directly related to the following priority in Caledon's 2023-2035 Strategic Plan:

Implement improvements to the Town's governance framework by updating the Procedural By-law.

Service Excellence and Accountability

Details about Caledon's 2023-2035 Strategic Plan can be found at caledon.ca/strategicplan.

ATTACHMENTS

Schedule A: Proposed Procedure By-Law Amendment