

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2024-XX

A By-law to amend Procedural By-law 2015-108,
as amended, with respect to the proceedings of
Council and its Committees

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

WHEREAS The Corporation of the Town of Caledon deems it desirable to amend By-law 2015-108, as amended, to update parts related to motions, reconsiderations and voting;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. Procedure By-law 2015-108, as amended, is hereby further amended by:

(1) Adding the following definitions to section 1.1:

“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*.

“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*.

“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*.

(2) The individual definitions of *majority vote* in the Procedure By-law, as amended, specifically sections 5.7.2, 7.2, 8.9.4, 8.13.1, 11.2 c), shall be replaced with the definition of *majority vote* in subsection 1(1) of this By-law.

(3) The individual definitions of *two-thirds vote* in the Procedure By-law, as amended, specifically sections 2.2.2, 7.3, 8.6.1, 11.3 c), shall be replaced with the definition of *two-thirds vote* in subsection 1(1) of this By-law.

2. Procedural By-law 2015-108, as amended, is hereby further amended by deleting and replacing subsections 10.2, 10.3, 10.10, 12.5 and Appendix A with the following:

10.2 In *Council* or *Committee*, a *point of order*, a *point of privilege*, *motion* to close debate and *motion* to adjourn may be introduced verbally, without notice and without leave, except as otherwise provided in this By-law.

10.2.1 When a *member* wishes to raise a *point of order*:

- a) The *member* shall ask leave of the *Presiding Officer* and the *Presiding Officer* shall grant leave.
- b) The *member* shall state the *point of order* to the *Presiding Officer* upon being granted leave.
- c) The *Presiding Officer* shall decide on the *point of order*.
- d) The *member* shall only thereafter address the *Presiding Officer* for the purpose of appealing the decision to *Council* or *Committee*.
- e) The decision of the *Presiding Officer* shall be final If the *member* does not appeal.
- f) *Council* or *Committee* shall decide the question without debate and the decision shall be final if the *member* appeals to *Council* or *Committee*.

10.2.2 When a *member* wishes to raise of a *point of privilege* which directs attention to a matter that affects the integrity, character or reputation of an individual, *members* or the entire *Council* or *Committee*, or the ability of an individual to participate:

- a) The *point of privilege* shall take precedence over any other matter.
- b) A *member* shall not be permitted to enter any debate or introduce any *motion* not related to the point of privilege.
- c) The *Presiding Officer* shall decide upon the point of privilege and advise the *members* of the decision.
- d) The decision of the *Presiding Officer* shall be final unless a member immediately appeals the *Presiding Officers'* decision.
- e) The question "Shall the ruling of the Chair be upheld?" shall be called without debate, and its results shall be final, based on a *majority* vote if the decision of the *Presiding Officer* is appealed.
- f) The *member* shall be afforded an opportunity to propose a motion in relation to a sustained *point of privilege*.

10.2.3 A *motion* to close debate:

- a) Is not debatable or amendable.
- b) Cannot be moved with respect to the main *motion* when there is an amendment under consideration.
- c) Requires a *two-thirds* vote of members present for passage.
- d) The question is to be put forward without debate or amendment when resolved in the affirmative.

10.2.4 A *motion* to adjourn:

- a) Is not debatable or amendable.
- b) Is always in order except as provided by this By-law.
- c) Is not in order when a member is speaking or during the verification of the vote.
- d) Is not in order immediately following the affirmative resolution of a *motion* to close debate
- e) Cannot be made again when the resulting vote is in the negative until after some proceedings have been completed by *Council* or *Committee*.

10.3 In *Council* and *Committee*, motions to suspend the rules of procedure, to table, take up a tabled matter, to postpone definitely (*deferral motion* with a specified date/*meeting*), to postpone indefinitely (*deferral motion* without specifying a date/*meeting*), to refer, to amend and any other procedural *motion* may be introduced without notice and without leave, except as otherwise provided by this By-law.

10.3.1 A *motion* to suspend the *rules of procedure* (waive the rules):

- a) Is not debatable or amendable.
- b) Requires a *two-thirds* vote to carry.
- c) Takes precedence over any *motion* if it is for a purpose connected with that *motion* and yields to a *motion* to table.

10.3.2 A *motion* to table:

- a) Is not debatable or amendable.

- b) Shall be deemed to be a *motion* to postpone if the matter has some condition, opinion or qualification added to the *motion*
- c) Which carried shall not be considered again by *Council* or *Committee* until a *motion* has been made to take up the tabled matter at the same or subsequent *meeting* of *Council*.
- d) Which carried and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

10.3.3 A *motion* to take up a tabled matter:

- a) Is not debatable or amendable.
- b) which was tabled a previous meeting of Council cannot be lifted off the table unless notice thereof is given through a *notice of motion* in accordance with this By-law.

10.3.4 A *motion* to postpone definitely (deferral motion with a specified date/*meeting*):

- a) Is debatable, but only as to whether a matter should be postponed and to what time.
- b) Is amendable as to time and/or date.
- c) Requires a *majority* vote to pass.
- d) Shall have precedence over the *motions* to refer, to amend, and to postpone indefinitely.

10.3.5 A *motion* to postpone indefinitely (deferral *motion* without specifying a date/*meeting*):

- a) Is debatable, and debate may go into the merits of the main question, which effectively stops a motion and avoids a direct vote on the question.
- b) Is not amendable.
- c) Requires a *majority* vote.

10.3.6 A *motion* to refer (to *Committee* or *Staff*) is debatable and amendable.

10.3.7 A *motion* to amend:

- a) Is debatable and amendable.
- b) Shall be relevant and not contrary to the principle of the report or *motion* under consideration.
- c) May propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue, which was the subject matter of the question.
- d) Is in order and followed by a vote on the main *motion*, as amended if voted in the affirmative.
- e) An amendment to the main *motion* shall only be allowed one at a time.
- f) An amendment to the main *motion* shall be in order and followed by a vote on the *motion* to amend, as amended if voted in the affirmative.

3. Procedure By-law 2015-108, as amended, is hereby further amended by:

- (1) Reordering Appendix B to Appendix A.
- (2) Replacing Appendix B in subsection 3.8.8 with the reordered Appendix A.
- (3) Replacing 'Appendix "A"' with 'subsection 10.2.1' in subsection 6.2.6.

4. Procedure By-law 2015-108, as amended, is hereby further amended by:

(1) Deleting subsection 11.1 and replacing with the following:

11.1 A *motion* to reconsider shall be made to consider bringing back a previously voted on *motion* made at *Council* or *Committee* during its current term.

(2) Adding the words “or *Committee*” after “*Council*” to subsection 11.2

(3) Adding the following subsection 11.9 to Part 11 (Reconsideration):

11.9 *Council* decisions that have already been acted upon and cannot be reversed or suspended cannot be reconsidered, such as the execution of any agreements or legally binding documents, expenditures of funds, or any other action that may have a significant impact on operations, the financial position or liability of the Town of Caledon.

5. Procedure By-law 2015-108, as amended, is hereby further amended by deleting the remaining balance of Part 12 (Voting) in its entirety and replacing it with the following:

Part 12

Voting Procedures

12.1 Every *member* present at a meeting shall vote on every motion, unless prohibited by legislation.

12.2 Any *member* may request that the vote be taken separately on each proposition (through splitting the question) and no vote shall be required to be taken on a matter as a whole.

12.3 Except as provided in the *Municipal Act, 2001*, votes taken by ballot or by any other method of secret voting, is of no effect.

12.4 A *motion* shall be put to a vote immediately after all *members* desiring to speak on the *motion* have spoken in accordance with the rules of Speaking/Debate as outlined in section 6.2 of this By-law.

12.5 A *motion* shall be put to a *recorded vote* by the *Clerk* upon a *Member's* request, in accordance with the *Municipal Act, 2001*, and the following procedures:

a) A *Member* may call for a *recorded vote* immediately prior to or immediately after the taking of the vote.

b) The *Clerk* shall call out the name of each *Member* to record their vote.

c) If a *Member* is present, their name is called and no response is given to indicate the vote, the *Clerk* shall ask one more time, and if no vote is given, the vote shall be deemed to be a negative vote.

d) The *Clerk* shall announce the results, record the names of the *members* who voted for or against the *motion* and who requested the *recorded vote* in the minutes.

12.6 A *motion* shall be put to vote by the *Chair* if there are no *Member* requests for a *recorded vote* immediately prior to the taking of the vote in accordance with the following procedures:

a) The *Chair* shall ask for all *members* in favour; and then all *members* opposed.

b) *Members* shall indicate their vote by showing of hands.

c) Failure to vote shall be deemed to be a negative vote unless prohibited by legislation.

d) The *Chair* may seek confirmation of the votes by the *Clerk*, shall announce the results of the vote, and may direct the *Clerk* to record in the minutes any unanimous vote outcomes.

- 12.7 A *motion* requiring a *majority vote* shall be deemed to have been carried when a majority of the members present and voting have voted in favour of the *motion*.
- 12.8 A *motion* requiring a *majority vote* upon which there is a tied vote shall be deemed to have been defeated, in accordance with the *Municipal Act, 2001*.
- 12.9 A *motion* requiring a *two-thirds vote* shall be deemed to have been carried when two-thirds of the members present and voting have voted in favour of the *motion*.
- 12.10 A *motion* requiring a *two-thirds vote* upon which exactly two-thirds of the *members* voted in the affirmative shall be deemed to have been carried, in accordance with this By-law.
- 12.11 If a *member* disagrees with the announcement of the result of any vote, the *member* may object immediately to the announcement and require that the vote be retaken.
6. Subject to the amendments made in this By-law, in all other respects, By-law 2015-108 is hereby confirmed unchanged.

Enactment

This By-law shall come into full force and effect on the day of its passing.

Enacted by the Town of Caledon Council this 22nd day of October, 2024.

Annette Groves, Mayor

Kevin Klingenberg, Municipal Clerk