

## Staff Report 2024-0526

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Meeting Date: October 8, 2024

Subject: Procedure By-Law Review Part 11 (Reconsideration)

Submitted By: Kevin Klingenberg, Municipal Clerk, Corporate Services

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### RECOMMENDATION

That the Procedure By-Law 2015-108, as amended, be further amended to update parts related to reconsideration, as outlined in sections 4 of the proposed amending By-law attached as Schedule A of Staff Report 2024-0526.

### REPORT HIGHLIGHTS

- Reconsideration timeframes are proposed to be updated to within the current term of Council and further clarity is proposed on the current broad interpretation of when a reconsideration is required.
- Committees are proposed to allow for reconsidering decisions previously made at the same meeting.
- Clarity is proposed to be provided on Council decisions which cannot be reconsidered through the addition of a subsection to Part 11.

### 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 11 regarding Reconsideration.

#### Issues Statement

The review of Part 11 identified the following issues:

- Inconsistent and unclear determination of a reconsideration which does not align with proper parliamentary procedures,
- Reconsiderations of Committee decisions within the same meeting are ineligible to occur,
- Lack of clarity on reconsidering Council decisions acted upon by Council.

The issues within Part 11 are primarily identified within subsections 11.1 and 11.2. The balance of Part 11 were determined operational and without material issue.

### **Analysis/Options – Determining Reconsideration Parameters**

Procedure By-law subsection 11.1 currently states a reconsideration as follows:

- 11.1 Any proposal to reconsider, amend or rescind a previous decision of Council made within one year of the current term shall require a motion of reconsideration.

There are three components that were analyzed with this reconsideration statement. ‘Any proposal to reconsider, amend or rescind a previous decision’ can be broadly interpreted, expanding the potential for reconsiderations beyond typical reconsideration statements or definitions. For example, amending previous decisions does not necessarily mean it is being reconsidered. The previous decision could be amended to be built on without any intention to rescind or reconsider. Reconsiderations should indicate a Council’s desire to vote again on a previous motion, whether in-whole or in-part or if it was carried or defeated.

‘Made within one year of the current term’ is easy to misinterpret. The currently practiced interpretation is Council decisions within one year *within* the term of Council are to be considered. Interpreting ‘within one year of the current term’ can also be interpreted as all Council decisions from the current term, and the last year of the previous term.

Parliamentary procedures typically require decisions within a current term of Council which has the same composition and members to reconsider previously voted on motions which they voted on together as the same group. Peel Region and the City of Brampton follow this model in their Procedure By-law; however, Mississauga’s Procedure By-law requires a reconsideration motion within one year of a previous decision. Most of Halton Region’s lower-tier municipalities do not specify a time frame for reconsidering previous voted on motions, and York Region’s lower tier municipalities reconsideration timeframes also vary.

It is proposed to clarify the broad interpretation of the current reconsideration statement and align the reconsideration timeframe with typical parliamentary procedures, Peel Region, and the City of Brampton through deleting subsection 11.1 and replacing it 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.

Alternative options may be presented by Committee to adjust the timeframe for a reconsideration of a previously voted on motion.

### **Analysis/Options – Reconsiderations of Committee Decisions within the same meeting**

Committee decisions during the meeting are currently ineligible for reconsideration. It is proposed to add reconsideration eligibility at the same Committee meeting for the purpose of reconsidering votes on procedural motions which only impact meeting proceedings. For example, Committees currently do not have the ability to reconsider adding delegates later in the meeting after approving the agenda. The purpose of this proposed change is to maximize Council's ability to manage their meeting proceedings at the Committee level.

**Analysis/Options – Ineligibility to Reconsider Irreversible Council decisions**

The following subsection is proposed to be added to Part 11:

- 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.

The purpose of this proposed change is for added clarity. Some Council decisions, as itemized in the proposed clause, cannot be reconsidered if they are acted upon. If for example Council desired to reverse entering into an executed agreement, it cannot be reversed by reconsidering a previous motion voted on, rather, Council could instead without a reconsideration motion decide to cancel or exit the executed agreement, providing a reversing effect with reconsidering a previously voted on motion.

**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](http://caledon.ca/strategicplan).

**ATTACHMENTS**

Schedule A: Procedure By-Law Amendment

