

CITY COUNCIL MEETING NO. 08-2010

The Special Meeting of City Council was held on Tuesday, February 23, 2010, and was called to order at 6:00 pm in the Council Chamber, City Hall. Regular business commenced at 6:00 pm. His Worship Mayor Harvey Rosen presided. The meeting recessed at 10:43 pm, and reconvened on Monday, March 22, 2010 at 6:00 pm. The meeting recessed at 8:40 pm, and reconvened on Tuesday, April 27, 2010 at 7:00 pm. His Worship Mayor Harvey Rosen presided.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison (arrived at 7:17 pm), Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Meers, Councillor Schmolka, Councillor Smith (10)

Absent: Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic (3)

(Council Chamber)

Administrative Staff Present:

Ms. J. Amini, Committee Clerk
Ms. C. Beach, Commissioner, Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mr. J. de Hoop, Director, Community and Family Services
Mr. G. Hunt, Chief Administrative Officer
Ms. K. Irwin, Administrative Assistant
Mr. D. Leger, Commissioner, Corporate Services
Mr. H. Linscott, Director, Legal Services
Ms. S. Powley, Committee Clerk
Mr. J. Thompson, Committee Clerk
Mr. D. Wells, Director, Public Works

DISCLOSURE OF PECUNIARY INTEREST

None.

REPORTS

Report No. 35 the Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference For Committees

Moved by Councillor Gerretsen

Seconded by Councillor Meers

THAT Report No. 35 of the Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference For Committees be received and adopted.

Report No. 35

To the Mayor and Members of Council:

The Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference For Committees Reports and Recommends as follows:

REPORTS (CONTINUED)

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Report No. 35 the Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360
Composition & Terms of Reference For Committees

January 13, 2010

1. **Approval of New Procedural By-Law and Related Directions**

- a) **THAT** By-Law No. 2010-01, "Council Procedural By-Law", be presented to Council for enactment;
- b) **THAT** By-Law No. 2010-XX, "A By-Law To Repeal By-Law No. 98-1 (Council Procedural By-Law)", be presented to Council for enactment;
- c) **THAT** the Clerk be directed to monitor the time allotted to delegations to make their presentation at Standing Committee and/or Council meetings;

- and further -

THAT the Clerk be further directed to advise the Chair when the delegation's allotted time has expired.

- d) **WHEREAS** the Procedural By-Law currently indicates that Councillors' motions deviating from existing policy shall be accompanied by a report from the appropriate Administrator; and that the Councillors' motions recommending policy revisions shall be referred to the Committee of the Whole; and,

WHEREAS Council has adopted a motion whereby Councillors' motions with a budget impact require a staff report;

THEREFORE BE IT RESOLVED THAT the motion as listed below that was approved by Council on January 10, 2006, be rescinded:

"THAT any motions resulting in a budgetary impact are to be referred to staff or the appropriate standing committees for a report and recommendation before being debated at Council."

- e) **THAT**, in the event staff recommend Council give a by-law all three readings at the same meeting, staff be required to provide an explanation for their request.

(Note: A copy of the draft by-law, highlights of significant changes within the by-law, and a consolidated copy of By-Law No. 98-1 were attached as Schedule Pages 1-77)



COMMITTEE OF THE WHOLE

- (1) Moved by Councillor Foster
Seconded by Councillor Glover

THAT Council resolve itself into the Committee of the Whole.

CARRIED



Note: A copy of all written motions received by the Deputy City Clerk, were distributed. Mayor Rosen suggested, and Council concurred, that the by-law be reviewed section by section and that as each section was discussed, motions

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relating to that section would be heard. Mayor Rosen also ruled that new sections of the draft Procedural By-Law, recommended by the Ad Hoc Committee would be divided and voted on separately. Motions that are CARRIED would result that the particular section being included in the draft by-law. Motions that are LOST would result in the section being deleted from the draft by-law.

Moved by Councillor Glover

Seconded by Councillor Gerretsen

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be amended, by inserting the words "as amended, as follows:" so that it now reads "**THAT** By-Law No. 2010-01, "Council Procedural By-Law", as amended be presented to Council for enactment;"

and further by deleting the word "include" from Section 1, Definitions, Time Sensitive Items, as outlined of By-Law 2010-01 so that the Definition for Time Sensitive Items now reads as follows:

"Time Sensitive Items

Those items on the agenda or addendum where action must be taken prior to the next regularly scheduled meeting of Council."

CARRIED



Moved by Councillor Foster

Seconded by Councillor Smith

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, by inserting a new Section 3.4 (a) in By-Law 2010-01, which reads as follows:

"3.14 **THAT** Members of Council are required to sit on at least one Standing Committee of Council."

LOST



Moved by Councillor Foster

Seconded by Councillor Smith

THAT the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" determine a minimum number of Council committees, in addition to standing committees, on which councillors are required to serve.

RULED OUT OF ORDER DUE TO LOST ACCOMPANYING MOTION ABOVE



Moved by Councillor Hector

Seconded by Councillor Glover

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended to include the specific section number in the Municipal Act, 2001 so that Sections 4.7, 4.8, 4.9, 4.10 and 5.1 in By-Law 2010-01 now read as follows:

Closed meetings allowed to advance the business of Council, a Standing Committee, or other Committee

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- 4.7 As required in Section 239 of the Municipal Act, 2001, all meetings must be open to the public, except that a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- a) the security of the property of the municipality or local board;
 - b) personal matters about an identifiable individual including municipal or local board employees;
 - c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - d) labour relations or employee contract negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or,
 - g) a matter in respect of which Council, board or a committee has authorized a meeting to be closed under any Act;
 - h) a matter relating to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, board, commission or other body is the head of an institution for the purpose of the Act.

Closed meetings for training purposes

- 4.8 As outlined in Section 239 of the Municipal Act, 2001, a meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
1. the meeting is held for the purpose of educating or training the members, and,
 2. at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board, or committee.
- 4.9 Before holding a training meeting or part of a meeting that is to be closed to the public, Council or the committee must pass a resolution stating the fact that a closed meeting is taking place and the general nature of its subject-matter and the section of the Municipal Act that allows the meeting to be closed to the public.
- 4.10 No voting may take place at a closed meeting held for training purposes.

Public information on closed meeting business

- 5.1 Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them must state by resolution,:
- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
 - (b) in the case of a meeting under Section 239 (3.1) of the Municipal Act, 2001, the fact of the holding of the Closed meeting, the general nature of its subject-matter and that it is to be closed under that section. If a member of Council wishes to introduce new business at a closed meeting, it must be introduced in open session after roll call while Council is still in the Chambers. When the Council resolves into a closed session, the Council member will expand further on the nature of the new business and the majority of Council must determine, by vote, as to whether the matter will be dealt with in closed session that evening. No debate on the issue will take place until the motion to deal with the new business has been decided in the majority.

CARRIED



Moved by Councillor Gerretsen
Seconded by Councillor Glover

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THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended by deleting the word "Mayor" and inserting the word "Clerk", therefore in Section 4.16 so that Section 4.16 of By-Law 2010-01 now read as follows:

"4.16 A majority of members of Council may petition the Clerk to hold a Town Hall meeting."

CARRIED



Moved by Mayor Rosen
Seconded by Councillor Hector

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, so that Section 5.4 of By-Law 2010-01, now reads as follows:

- 5.4 (a) If a member of Council believes or knows that he/she has a pecuniary interest, the member must return the envelope unopened to the Clerk. The Clerk will note in the official record that the envelope was returned unopened and then destroy the material.
- (b) If a member of Council determines that he/she has a pecuniary interest after reading the material, that material shall be returned to the Clerk as soon as possible.'

CARRIED



Moved by Mayor Rosen
Seconded by Councillor Hector

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, by replacing in By-Law 2010-01, all references to "Section 5.8 or Section 5.9" with "Section 5.2, Section 5.7 or Section 5.8"; and further by amending Section 5.11 by deleting the reference to "Section 5.8 or Section 5.9" with "Section 5.2, Section 5.7 or Section 5.8"; and further by deleting the words "of either section" with the word "of those sections", so that Sections 5.10 and 5.11 shall now read as follows:

- 5.10 (a) Any member who contravenes section 5.8 or section 5.9 is guilty of an offence and upon conviction may be liable to a fine or penalty as provided for in the Provincial Offences Act.
- (b) Any decision to prosecute a member of Council may only be made after Council has met to consider the matter, at which time the member of Council proposed to be prosecuted may be present and has the option of attending with legal counsel. The member under investigation has the option of the meeting being held in public or being closed to the public.
- (c) No prosecution for a contravention of section 5.8 or section 5.9 may be commenced except on the direction of Council, expressed in a resolution of Council.

5.11 Despite section 5.8 and section 5.9, no member may be convicted of a contravention of either section if the contravention was through inadvertence."

CARRIED



Moved by Councillor Schmolka
Seconded by Councillor Glover

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THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, by deleting in By-Law 2010-01 the second sentence in Section 7.4 which reads "A member present may appeal the Chair's ruling.", since the matter is covered in Section 14.38, so that Section 7.4 now reads:

"7.4 The Chair of a meeting preserves order and decorum, and decides questions of order."

CARRIED



Moved by Mayor Rosen
Seconded by Councillor Gerretsen

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, by replacing in Sections 8.1 and 8.2 of By-Law 2010-0,1 the the words "conflict of interest" with "pecuniary interest".

DEFERRED
(See Motion to Defer Which Was CARRIED)



Moved by Councillor Schmolka
Seconded by Councillor Hutchison

THAT the Motion of Mayor Rosen and Councillor Gerretsen, including all sections where conflict of interest is mentioned, be deferred and referred to the City Solicitor for advice as to wording in the by-law, with a report back to the Committee in March.

CARRIED



Moved by Councillor Smith
Seconded by Councillor Hector

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended by, referring Section 9.6 of By-Law 2010-01 back to the Committee with the understanding to allow more flexible use.

WITHDRAWN



Moved by Councillor Smith
Seconded by Councillor Hector

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended by seperating Section 9.6 as outlined in By-Law 2010-01.

CARRIED

Moved by Councillor Schmolka
Seconded by Councillor Hector

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THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360, "Composition and Terms of Reference for Committees" be further amended, by referring back Section 9.6 as outlined in By-Law 2010-01, to the Ad Hoc Committee in order to prepare wording and give direction, having regard to Councillor Hutchison's comments.

CARRIED

Note: Councillor Hutchison suggested that Section 9.6 be amended to read "No member of Council or Committee may use a communication device to conduct Council business. During Council and Committee meetings, the communication device must be on vibrate and be out of sight. Councillors must leave a meeting to respond to communication device messages.



Moved by Councillor Hector
Seconded by Councillor Schmolka

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, by referring back Section 9.7 outlined in By-Law 2010-01, to the Committee in consultation with the Chief Administrative Officer.

LOST



Moved by Councillor Hutchison
Seconded by Councillor Schmolka

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended by adding in Section 9.7 of By-Law 2010-01, the words "at the request of the Chair", so that Section 9.7 now read as follows:

"9.7 Every member of Council and every member of staff attending a closed meeting must turn off their communication devices and surrender them at the request of the Chair, for the duration of the meeting to the Clerk in accordance with arrangements made by the Clerk."

CARRIED



Moved by Councillor Garrison
Seconded by Councillor Schmolka

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360"Composition and Terms of Reference for Committees" be further amended by adding in Section 10.13 of By-Law 2010-01, the words "After a motion has been passed to extend the Council meeting" at the beginning of the sentence, so that Section 10.13 now read as follows:

10.13 After a motion has been passed to extend the Council meeting, if a member of Council wishes to defer debate on an item to the next meeting of Council, a motion put forward and duly seconded for such a deferral must immediately be forthcoming. No debate will be allowed and the majority of Council will decide.

CARRIED



Moved by Councillor Smith
Seconded by Councillor Foster

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THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended by amending Section 11.1 (a) (x) in By-Law 2010-01 by adding the words "the first two" to the beginning of the sentence so that Section (x) shall read "(x) The first two Motions deferred from the previous meeting due to a lack of time to complete the agenda";

- and further -

THAT following Subsection (xii) a new section be added to provide that the balance of motions deferred from the previous meeting due to a lack of time to complete the agenda be dealt with following Reports.

LOST



Moved by Councillor Smith
Seconded by Councillor Hector

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended by adding in Section 11.1 (a)(x) in By-Law 2010-0, the words "the first two" to the beginning of the sentence.

LOST



Moved by Councillor Schmolka
Seconded by Councillor Meers

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1 "Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, by adding in Section 11.4 of By-Law 2010-01, the words "or before 4:00 p.m. on the day before a Standing Committee or other committee is to meet", so that Section 11.4 shall now read as follows:

"11.4 All delegations must provide a written note setting out the subject matter of the delegation to the Clerk on or before 4:00 p.m. on the day prior to the Council meeting or before 4:00 p.m. on the day before a Standing Committee or other Committee is to meet."

CARRIED
See Recorded Vote

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Hector, Councillor Hutchison Councillor Meers, Councillor Foster, Councillor Gerretsen, Councillor Glover, Mayor Rosen, Councillor Smith (8)

NAYS: Councillor Garrison, Councillor Schmolka (2)

ABSENT: Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic (3)



Moved by Councillor Hutchison
Seconded by Councillor Foster

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THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360"Composition and Terms of Reference for Committees" be further amended, by adding in Section 11.7 of By-Law 2010-01 the words "and are matters of municipal policy or governance" to the end, so that Section 11.7 now read as follows:

"11.7 A maximum of two delegations may address Council per Council or Committee of the Whole meeting on items not on the meeting agenda and that are matters of municipal policy or governance.

CARRIED
See Recorded Vote

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Hector, Councillor Hutchison Councillor Meers, Councillor Foster, Councillor Gerretsen, Councillor Glover, (6)

NAYS: Councillor Garrison, Mayor Rosen, Councillor Schmolka, Councillor Smith (4)

ABSENT: Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic (3)



Moved by Mayor Rosen

Seconded by Councillor Hector

PART A **THAT** Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, by separating Section 11.7, as amended, and voted on.

CARRIED

PART B **THAT** Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, to include Section 11.7, as amended, which reads "A maximum of two delegations may address Council per Council or Committee of the Whole meeting on items not on the meeting agenda and that are matters of municipal policy or governance."

LOST
See Recorded Vote

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor Meers, Councillor Schmolka (5)

NAYS: Councillor Gerretsen, Councillor Hector, Mayor Rosen, Councillor Smith, Councillor Foster (5)

ABSENT: Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic (3)

Note: The result of the vote provides that Section 11.7 is deleted from By-Law 2010-01.



Moved by Mayor Rosen

Seconded by Councillor Hector

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THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, by separating Section 11.8, By-Law 2010-01, which reads "11.8 add here " and voted on.

RULED OUT OF ORDER DUE TO LOST ACCOMPANYING MOTION ABOVE

Note: This means that Sections 11.8 is deleted from By-Law 2010-01.



Moved by Councillor Schmolka

Seconded by Councillor Meers

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, in Section 11.9 of By-Law 2010.01, by adding the words "during the meeting" following the words "only once", so that Section 11.9 shall now read as follows:

- 11.9 "Delegations may speak on a matter before Council only once during the meeting, unless new information has come forward, an error was made in the documentation presented, or incorrect statements were made during the previous debate."

CARRIED



Moved by Councillor Garrison

Seconded by Councillor Schmolka

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, in Section 11.10 of By-Law 2010-01, by deleting the word, "No" so the title shall now read: "11.10 Delegations from City Staff".

CARRIED



Moved by Councillor Hector

Seconded by Councillor Hutchison

THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, in Sections 11.11 and 11.12 of By-Law 2010.01, by deleting the word, "No" from the titles, so that the titles shall now read: "11.11 Delegations on Planning Matters" and "11.12 Delegation when matter has already been decided".

CARRIED



Moved by Mayor Rosen

Seconded by Councillor Hector

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THAT Clause 1 (a) of Report No. 35 of the Ad Hoc Committee to Review By-Law 98-1"Council Procedural By-Law" and By-Law 2004-360 "Composition and Terms of Reference for Committees" be further amended, in Section 11.25 a of By-Law 2010-01, by adding "provided that the staff report with respect to the matter has been distributed to Council with the Agenda" immediately after the words "make a decision" in the 6th line.

LOST



Adjournment

- Mayor Rosen advised that if Council adjourns, it will be necessary to readvertise, however if Council chooses to recess to a new date, that meets notice provisions.
- Mr. Bolognone reviewed the calendar and suggested March 22, 2010 at 6:00 p.m.

Moved by Councillor Glover

Seconded by Councillor Hector

THAT Council recess special meeting No. 08-2010 at 10:45 p.m. and reconvene on Monday, March 22nd, 2010 at 6:00 p.m.

CARRIED

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March 22, 2010

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Garrison, Councillor Gerretsen Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane (arrived 7:15 pm), Councillor Matheson (withdrew at 7:25 pm), Councillor Meers, Councillor Schmolka, Councillor Smith (11)

Absent: Councillor Foster, Councillor Osanic (2)

(Council Chamber)

Administrative Staff Present:

Mrs. C. Downs, City Clerk

Ms. S. Powley, Committee Clerk

Moved by Councillor Schmolka

Seconded by Councillor Smith

THAT references within the by-law to 'conflict' and 'conflict of interest' be removed and replaced with a reference to 'pecuniary interest', and that references to 'declarations of interest' be removed and replaced with 'declarations of pecuniary interest'.

CARRIED



Moved by Councillor Glover

Seconded by Councillor Hector

THAT Section 10.10 of the proposed by-law dealing with quorum be amended to remove a reference to 'conflict of interest' and to replace it with 'pecuniary interest', and to remove 'or because they must remove themselves for reasons set out in the Municipal Act', so the section reads as follows:

'When members are not able to participate in a meeting or part of a meeting because they have a pecuniary interest, and the remaining members would not ordinarily be sufficient in number to constitute a quorum, then, despite any other general or special Act, the remaining members may carry on with the business of the meeting and will be deemed to constitute a quorum, provided that there are at least two members able to vote on the matter.'

CARRIED



Moved by Councillor Garrison

Seconded by Councillor Matheson

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to allow Mr. Matthew Gventer to speak regarding the process for delegations and town hall meetings.

CARRIED

(A 2/3 Vote of Council Was Received)



Moved by Councillor Schmolka

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Seconded by Councillor Meers

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 14.3 which currently reads:

'The mover of a motion may speak first and may also speak last',

be amended as follows:

THAT the mover of the motion may speak first or at any time during the course of debate and may also reserve the right to speak last.

CARRIED
(With Agreed To Amendments)
(See Motion To Amend Which Was LOST)

Moved by Councillor Glover

Seconded by Councillor Gerretsen

THAT the motion of Councillors Schmolka and Meers be amended to add the words 'in reply' to the end of the sentence.

LOST



Moved by Mayor Rosen

Seconded by Councillor Hector

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 14.3 be amended by adding the words, "in reply only" at the end of the section.

LOST



Moved by Councillor Hector

Seconded by Councillor Smith

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 14.3 be amended by adding the following:

- a) If a mover of a motion declines to speak first to present their argument, then they may not speak last, except to urge adoption of the motion.
- b) When the mover of a motion speaks last to address issues raised in debate, no new argument or information may be introduced.

LOST



Moved by Councillor Hector

Seconded by Councillor Gerretsen

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THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 14.4 be amended to add "and to speak last after the mover of the motion" after the sentence, "When a motion or issue is being debated that relates specifically to one district, the district representative must be given the opportunity to speak to the issue immediately after the mover of the motion."

LOST



Moved by Councillor Schmolka
Seconded by Councillor Garrison

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 14.4 be amended to add the words, 'or first if the mover decides not to speak first' at the end of the sentence, so the sentence now reads:

'When a motion or issue is being debated that relates specifically to one district, the district representative must be given the opportunity to speak to the issue immediately after the mover of the motion, or first if the mover decides not to speak first.'

CARRIED



Council consented to separate part 1 and 2 of the following clause.

Moved by Councillor Schmolka
Seconded by Councillor Meers

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 14.9, be amended by deleting the first sentence and changing the second sentence to read, "Questions must be stated concisely and courteously and relate to the subject at hand'.

CARRIED

- and further -

THAT Section 14.9, be further amended by changing the second sentence to add a third sentence to read 'They may be directed to staff or Council members for the purpose of clarification.', so Section 14.9 now reads:

"Questions must be stated concisely and courteously and relate to the subject at hand. They may be directed to staff or Council members for the purpose of clarification."

CARRIED

(With Agreed To Amendments)



Moved by Councillor Schmolka
Seconded by Councillor Meers

THAT Clause 1., of Report No. 35, be amended as follows:

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THAT Section 14.15 be amended by deleting the sentence, "When a member raises a point of order, any member who had the floor must sit down and be quiet" as this is specifically covered by Section 14.24, so Section 14.15 now reads:

"To raise a point of order, a member must ask the Chair for permission to speak. Once recognized, the member must state immediately the reason for raising a point of order. The member has 1 minute in which to speak.",

- and further -

THAT Section 14.22 which reads as follows, "When a member raises a point of privilege, any member who had the floor must sit down and be quiet" be deleted in its entirety as this is specifically covered by Section 14.24.

CARRIED



Moved by Councillor Glover

Seconded by Councillor Schmolka

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 14.30 be amended by renaming 'Section 14.30' to 'Section 14.30 (i)' and by adding a new section 'Section 14.30 (ii), and

THAT the proposed amendment as follows:

"Section 14.30

(e) expel the person for the balance of that Council meeting, "

be further amended to be "Section 14.30 (ii) to read as follows:

'If previous attempts to call the member to order have failed, the Chair may expel the person for the balance of that Council meeting'.

So that Sections 14.30 (i) and 14.30 (ii) will now read:

"14.30 (i) The Chair may take one or more of the following actions:

- (a) ask the person in breach of the rules to stop the behaviour;
- (b) ask the person to withdraw what was said
- (c) ask the person to apologize, or
- (d) decide that there was no breach of the rule.

14.30 (ii) 'If previous attempts to call the member to order have failed, the Chair may expel the person for the balance of that Council meeting' . "

CARRIED
(With Agreed To Amendments)



Moved by Councillor Glover

Seconded by Councillor Schmolka

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 14.30 be amended to add the following two new Subsections:

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- (f) expel the person for the balance of that Council meeting and until the person apologizes for their behaviour at a future Council meeting. In the interim, that person is deemed to have been expelled from all Committees and Boards to which they have been appointed by Council. During the period of such expulsion, the number of members of the Committee or Board of which the person is a member, for the purposes of calculating quorum, shall be deemed to have been reduced by one,

WITHDRAWN

- (g) any person ruled against by the Chair in accordance with this section may on announcement of the ruling, challenge the ruling of the Chair in accordance with Section 14.38.

CARRIED

Moved by Mayor Rosen
Seconded by Councillor Hector

THAT a proposed amendment for Clause 1., of Report No. 35, as follows:

THAT Section 14.33 be amended by removing the words, "that person" and replacing them with the words, "the Chief Administrative Officer, or failing him/her, the Commissioner of the City Department."

be further amended as follows:

'THAT Section 14.33 be amended by removing the words, "that person" and replacing them with the words, "the Chief Administrative Officer, the Commissioner of the appropriate City Department", so that Section 14.33 will now read as follows:

'When the Chair considers that the personal integrity of any member of staff has been impugned or questioned by a member of Council, the Chair may permit the the Chief Administrative Officer, the Commissioner of the appropriate City Department to make a statement to Council'.

CARRIED
(With Agreed To Amendments)

It was agreed that the wording within Section 14.38 would be changed from 'shall' to 'must'.

Moved by Councillor Hutchison
Seconded by Councillor Garrison

THAT Council reconsider the following motion:

Moved by Mayor Rosen
Seconded by Councillor Hector

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THAT Clause 1., of Report No. 35, be amended as follows:

14. Section 11.5 be amended by adding the word 'action' before the word 'items' in the second line of the said section.

CARRIED

Moved by Mayor Rosen
Seconded by Councillor Hector

THAT Clause 1., of Report No. 35, be amended as follows:

14. Section 11.5 be amended by adding the word 'action' before the word 'items' in the second line of the said section.

DEFERRED



A discussion took place regarding #12 on the green sheet and #5 on the pink sheet. The Clerk advised she would have to consult with the Deputy Clerk regarding the accuracy of the report because she was not in attendance at the last meeting.



RECESS

Moved by Councillor Hector
Seconded by Councillor Gerretsen

THAT Council do now recess.

CARRIED

Council recessed at 8:40 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor

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April 27, 2010

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane (withdrew at 7:40 pm), Councillor Schmolka, Councillor Smith (10)

Absent: Councillor Matheson, Councillor Meers, Councillor Osanic (3)

(Council Chamber)

Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk
Mrs. C. Downs, City Clerk
Mr. G. Hunt, Chief Administrative Officer

Moved by Councillor Hutchison
Seconded by Councillor Foster

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to allow Jim Neill to appear as a delegation to speak to the Procedural By-Law.

CARRIED
(A 2/3 Vote of Council Was Received)



Moved by Mayor Rosen
Seconded by Councillor Hector

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 11.5 be amended by adding the word 'action' before the word 'items' in the second line of the said section.

LOST
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Hector, Mayor Rosen, Councillor Smith (5)

NAYS: Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Schmolka (5)

ABSENT: Councillor Matheson, Councillor Meers, Councillor Osanic (3)



Moved by Councillor Schmolka

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Seconded by Councillor MacLeod-Kane

THAT Clause 1., of Report No. 35, be amended as follows:

THAT a new Section 4.17 be added that reads as follows:

"4.17 A petition with names, addresses and signatures of 50 Kingston residents may request that a Town Hall meeting be held if a Town Hall meeting has not yet been held in the calendar year;

- and further -

THAT the remaining sections be re-numbered accordingly."

LOST



Councillor Hutchison withdrew from the meeting.

Moved by Councillor Gerretsen

Seconded by Councillor Hector

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 11.5 be amended to include "items on the agenda other than items of correspondence", so that Section 11.5 reads:

"11.5 A maximum of three delegations may address Council per Council or Committee of the Whole meeting regarding items on the Agenda other than items of correspondence."

CARRIED
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Gerretsen, Councillor Glover, Councillor Hector, Mayor Rosen, Councillor Smith, Councillor Foster (6)

NAYS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Schmolka (3)

ABSENT: Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic (4)



Moved by Councillor Schmolka

Seconded by Councillor Hector

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 9.6 be deleted and replaced with the following:

"9.6 No member of Council or Committee may use a communication device to conduct Council or Committee business during Council and Committee meetings. The communication device must be on vibrate and be out of sight. Councillors must leave a meeting to respond to communication device messages."

LOST

Moved by Councillor Gerretsen

Seconded by Councillor Smith

THAT Section 9.6 be separated from the by-law.

CARRIED

Moved by Councillor Garrison

Seconded by Councillor Gerretsen

THAT Clause 1., of Report No. 35, be amended as follows:

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THAT Section 9.6 be deleted and the following substituted therefore:

"9.6 Every member of Council or Committee must disable the audible signals of their communication devices during a Council or Committee meeting."

CARRIED



Moved by Councillor Garrison
Seconded by Councillor Schmolka

THAT Council reconsider Section 11.7 which reads:

"11.7 A maximum of two delegations may address Council per Council or Committee of the Whole meeting on items not on the meeting agenda and that are matters of municipal policy or governance."

CARRIED

Moved by Mayor Rosen
Seconded by Councillor Hector

THAT Clause 1., of Report No. 35, be amended as follows:

THAT Section 11.7 be further amended, to include Section 11.7, as amended, which reads "A maximum of two delegations may address Council per Council or Committee of the Whole meeting on items not on the meeting agenda and that are matters of municipal policy or governance."

LOST

(See Motion to Amend Below Which Was LOST)

Moved by Councillor Garrison
Seconded by Councillor MacLeod-Kane

THAT Section 11.7 be amended to strike the words 'and that are matters of municipal policy or governance.'

LOST



REPORTS

REPORT NO. 35 OF THE AD HOC COMMITTEE TO REVIEW BY-LAW 98-1 COUNCIL PROCEDURAL BY-LAW AND BY-LAW 2004-360 COMPOSITION & TERMS OF REFERENCE FOR COMMITTEES

Moved by Councillor Gerretsen
Seconded by Councillor Schmolka

THAT Report No. 35 of the Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference For Committees be received and adopted.

Report No. 35

To the Mayor and Members of Council:

The Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference For Committees Reports and Recommends as follows:

January 13, 2010

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Tuesday, February 23, Monday, March 22 and Tuesday, April 27, 2010

1. **Approval of New Procedural By-Law and Related Directions**

a) **THAT** By-Law No. 2010-01, "Council Procedural By-Law", as amended, be presented to Council for enactment. **CARRIED**

b) **THAT** By-Law No. 2010-XX, "A By-Law To Repeal By-Law No. 98-1 (Council Procedural By-Law)", be presented to Council for enactment. **CARRIED**

Council agreed to separate clause c)

c) **THAT** the Clerk be directed to monitor the time allotted to delegations to make their presentation at Standing Committee and/or Council meetings;

- and further -

THAT the Clerk be further directed to advise the Chair when the delegation's allotted time has expired. **LOST**

d) **WHEREAS** the Procedural By-Law currently indicates that Councillors' motions deviating from existing policy shall be accompanied by a report from the appropriate Administrator; and that the Councillors' motions recommending policy revisions shall be referred to the Committee of the Whole; and,

WHEREAS Council has adopted a motion whereby Councillors' motions with a budget impact require a staff report;

THEREFORE BE IT RESOLVED THAT the motion as listed below that was approved by Council on January 10, 2006, be rescinded:

"THAT any motions resulting in a budgetary impact are to be referred to staff or the appropriate standing committees for a report and recommendation before being debated at Council."

LOST

e) **THAT**, in the event staff recommend Council give a by-law all three readings at the same meeting, staff be required to provide an explanation for their request. **CARRIED**

(Note: A copy of the draft by-law, highlights of significant changes within the by-law, and a consolidated copy of By-Law No. 98-1 were attached as Schedule Pages 1-77)

Councillor MacLeod-Kane withdrew from the meeting at 7:40 pm.

Councillor Hutchison returned to the meeting at 7:45 pm.



Moved by Councillor Hector

Seconded by Councillor Gerretsen

THAT Clause 1., of Report No. 35, be amended as follows:

THAT a new Section 13.21 be added which shall read as follows:

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"13.21 **THAT** any Motions, the carriage of which would result in a budgetary impact, are to be referred to staff or the appropriate Standing Committee for a report with regard to the budgetary impact before being debated at Council."

CARRIED



Moved by Councillor Hector
Seconded by Councillor Glover

THAT Council rise from the Committee of the Whole and report on the actions taken.

CARRIED
(See Recorded Vote)

A Recorded Vote was requested by Councillor Schmolka

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Hector, Councillor Hutchison, Mayor Rosen, Councillor Smith,
(6)

NAYS: Councillor Garrison, Councillor Glover, Councillor Schmolka (3)

ABSENT: Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic (4)

The Chair reported on the actions and motions dealt with in Committee of the Whole as outlined in the minutes.

Moved by Councillor Hector
Seconded by Councillor Hutchison

THAT the report of the Committee of the Whole be received and adopted, it being understood that the Repeal of By-Law No. 98-1 and the adoption of the new Procedural By-Law will take place at a future meeting of Council.

CARRIED



BY-LAWS

(A) Moved by Councillor Garrison
Seconded by Councillor Gerretsen

THAT By-Law (1) be given first and second reading.

CARRIED

(B) Moved by Councillor Garrison
Seconded by Councillor Gerretsen

THAT By-Law (1) be given third reading.

CARRIED

BY-LAWS (CONTINUED)

(1) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, February 23, Monday, March 22, and Tuesday, April 27, 2010

THREE READINGS

(Special City Council Meeting No. 08-2010)

PROPOSED NO. 2010-48

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ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Hector

THAT Council do now adjourn.

CARRIED

Council adjourned at 8:30 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor