

A meeting of the Executive Committee was held on Monday, May 12, 2014 at 6:30 p.m. in Scoop Lewry Room, 2nd Floor, City Hall.

PRESENT: Mayor Higgins
Coun. Kirkpatrick
Coun. Eby
Coun. Mitchell
Coun. Boyle
Coun. Swanson
Coun. Luhning

ADMIN: Matt Noble, City Manager
Myron Gulka-Tiechko, City Clerk/Solicitor
Jody Hauta, Director of Parks and Recreation
Brian Acker, Director of Financial Services
Ty Stokes, Director of Engineering Services
Katelyn Soltys, Assistant City Solicitor
Heather Walker, City Council Support

MEDIA: Times Herald
CHAB

The meeting of the Executive Committee was called to order to deal with the following:

1. Report dated May 5, 2014 from the Parks and Recreation Department, **re: Confidential Third Party Matter.**
2. Report dated May 5, 2014 from the Director of Parks and Recreation, **re: Final Design for an Off-Leash Dog Park.**
3. Report dated April 9, 2014 from the City Clerk/Solicitor's Department, **re: Potential Amendments to Procedure Bylaw No. 5176.**

Call to Order

Councillor Boyle, Chairperson, called the meeting to order at 6:30 p.m.

Moved by Mayor Higgins

369

THAT the Executive Committee close the meeting to the public and proceed *in camera* pursuant to section 16(1)(c) of *The Local Authority Freedom of Information and Protection of Privacy Act*, to discuss the confidential third party matter.

Carried

The Executive Committee closed the meeting at 6:31 p.m. to the public with the following persons in attendance: Mayor Higgins, Councillor Eby, Councillor Kirkpatrick, Councillor Boyle, Councillor Mitchell, Councillor Luhning, Councillor Swanson, Matt Noble, City Manager; Myron Gulka-Tiechko, City Clerk/Solicitor; Brian Acker, Director of Financial Services; Jody Hauta, Director of Parks and Recreation; Katelyn Soltys, Assistant City Solicitor; Ty Stokes, Director of Engineering Services; and Heather Walker, City Council Support.

370 Moved by Coun. Eby
THAT the Executive Committee reconvene in open session.

Carried.

The Executive Committee reconvened in open session at 6:39 p.m.

371 Moved by Coun. Eby
THAT City Council authorize City Administration to award the Escalator project for Mosaic Place to Century West Construction Ltd. for \$991,790 + GST by eliminating some of the other capital project enhancements approved for Mosaic Place and Yara Centre to provide additional funding for the escalator; and

THAT the project budget for the escalator project be adjusted to \$1,137,000 which would include design fees, construction costs and a contingency for the project.

Carried.

Re: Final Design for an Off-Leash Dog Park

Considered was a report dated May 5, 2014 from the Director of Parks and Recreation to present the final design and amenities for the Off-Leash Dog Park to City Council for review and to obtain approval to proceed with construction. Also, to obtain approval from City Council for the operation and maintenance costs of the park to be funded from the City's annual Operating Budget.

372 Moved by Coun. Eby
THAT City Administration be authorized to proceed with the construction of the Off-Leash Dog Park at the Hamilton Flats location, based on the design detailed in report dated May 5, 2014 from the Director of Parks and Recreation, at a cost of \$72,000; and

THAT the annual operating and maintenance costs for the off leash dog park be funded from the City's annual Operating Budget; and

THAT City Administration be authorized to amend the lease with the Hamilton Flats Mixed Slo-Pitch League Inc. to allow the development of a dog park on a portion of the property which is leased to this organization; and that the Mayor and City Clerk be authorized to sign this amending agreement; and

THAT City Administration be authorized to amend the Dog Bylaw, No. 4495 to allow off-leash activity to occur in the off-leash dog park; and further

THAT City Administration be authorized to amend the Dangerous Dog Bylaw, No. 5248 by adding a statement that Dangerous dogs will not be allowed in the off-leash area.

Vote Delayed by Amendment.

Amendment Moved by Coun. Kirkpatrick
THAT the motion be amended by adding the following:

“THAT a \$2 surcharge be added to each dog license to offset the operational cost of the new off-leash dog park.”

Councillor Kirkpatrick withdrew the Amendment.

Amendment Moved by Coun. Mitchell

THAT the motion be amended by adding the following:

“THAT City Administration establish a \$5 Off-Leash Dog Park User Fee with a token for recipients to identify their pets.”

The Amendment was Defeated.
The Main Motion was Carried.

Re: Potential Amendments to Procedure Bylaw No. 5176

Considered was a report dated April 9, 2014 from the City Clerk/Solicitor’s Department to introduce amendments to the City of Moose Jaw’s existing Procedure Bylaw, No. 5176. Such amendments have been vetted by the members of the Ad Hoc Bylaw and Policy Review Committee. The amendments relate to a variety of suggestions received over time and internal observations from Administration aimed to improve the overall process in the proceedings of City Council.

10(6) New Provision – Meeting through Electronic Means

Moved by Coun. Mitchell

373 THAT subsection 10(6) of Bylaw No. 5176, the Procedure Bylaw, be added as follows:

“10(6) A City Council meeting or committee meeting, as established in section 49(1) herein, may be conducted by telephonic, electronic or other communication method in accordance with section 99 of The Cities Act.”

Vote Delayed by Amendment.

Amendment Moved by Coun. Swanson

THAT the new provision be amended to add the following after the word “may”:

“subject to approval by a majority vote of the members present”

The Amendment was Defeated.
The Main Motion was Carried.

12(1) 8. Reports of Advisory and Other Committees

Moved by Mayor Higgins

374 THAT subparagraph 12(1)8.(a) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

“(a) receive the minutes of any meeting of an advisory committee or other committee of City Council which has occurred since the last regular meeting of City Council as soon as practicable, but not to exceed two (2) ensuing City Council meetings; and”

Carried.

12(1) 13. Response to Written Answers to Enquiries

Moved by Coun. Kirkpatrick

THAT paragraph 12(1)13. of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

“13. Response to Written Answers to Enquiry, during which the presiding Officer acknowledges receipt members of City Council may speak to any matter arising as a result of information provided by City Administration pursuant to section 30 of this Bylaw without debate”

Defeated.

Councillor Mitchell left the meeting at 8:38 p.m.

Councillor Mitchell returned to the meeting at 8:40 p.m.

12(1) 14. New Provision – Public Forum

Moved by Coun. Eby

375 THAT paragraph 12(1)14. be added to Bylaw No. 5176, the Procedure Bylaw as follows:

“14. **Public Forum**, during which members of the public may speak to City Council on matters of civic relevance, which must be presented in a respectful manner. Any person intending to address City Council during this time may do so by registering on a speakers list with the City Clerk’s office by 12:00 p.m. on the Friday previous to the meeting. At the time of registration the member of the public must provide the speaker’s name, the topic of the presentation and main points the speaker will address at the public forum. The list of speakers and topics shall be circulated to City Council once it is available. The presiding Officer of the meeting shall call forward the presenters on the speakers list in the order in which they registered. The total time allowed for a registered speaker or delegation shall not be more than five (5) minutes. Speakers shall proceed without any debate or action by City Council. The total agenda time allotted for this order of business shall be no more than fifteen (15) minutes. Where the allotted fifteen (15) minutes for this portion of the agenda has expired, any remaining registered speakers on the speakers list shall be called at the next ensuing City Council meeting in the order provided on the speakers list. City Council has the right to refuse to hear a speaker and limit the number of submissions by a member of the public.”

Carried.

Councillor Boyle left the meeting at 8:43 p.m.

Councillor Kirkpatrick left the meeting at 8:43 p.m.

Councillor Boyle returned to the meeting at 8:45 p.m.

Councillor Kirkpatrick returned to the meeting at 8:46 p.m.

12(4) New Provision – Adding or Removing Agenda Items

Moved by Mayor Higgins

376 THAT subsection 12(4) be added to Bylaw No. 5176, the Procedure Bylaw, as follows:

(4) By a two-thirds vote of City Council, an item may be added or removed from the agenda prepared by the City Clerk as set forth in subsection (2). Such vote shall occur immediately following the Call to Order.

Vote Delayed by Amendment.

Amendment Moved by Coun. Swanson

376a THAT the provision be amended by deleting the words: “two-thirds” and replacing it with the words: “unanimous consent”.

The Amendment was Carried.
The Motion, as Amended, was Carried.

The new provision reads as follows:

“(4) By a unanimous consent vote of City Council, an item may be added or removed from the agenda prepared by the City Clerk as set forth in subsection (2). Such vote shall occur immediately following the Call to Order.”

15(1) Absence of Quorum

Moved by Coun. Luhning

377 THAT subsection 15(1) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

“15(1) Unless a majority of the members of City Council are present within fifteen (15) minutes of the hour appointed for that meeting, the meeting shall stand adjourned until the next regular meeting of City Council, unless a special meeting is called in the interim.”

Carried.

Councillor Eby left the meeting at 8:48 p.m.

Councillor Eby returned to the meeting at 8:50 p.m.

17(2)(c) Member’s Privilege, re: Speaking

Moved by Coun. Kirkpatrick

THAT paragraph 17(2)(c) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

“(c) more than two (2) times with respect to the same question and:
(i) in the case of the first opportunity to speak, for more than seven (7) minutes;
(ii) in the case of the second opportunity to speak, for more than four (4) minutes.”

Vote Delayed by Amendment.

Amendment Moved by Coun. Mitchell
THAT paragraph 17(2)(c) be amended to read:

- “(c) more than three (3) times with respect to the same question and:
 - (i) in the case of the first opportunity to speak, for more than seven (7) minutes;
 - (ii) in the case of the second opportunity to speak, for more than five (5) minutes;
 - (iii) in the case of the third opportunity to speak, for more than three (3) minutes;”

The Amendment was Defeated.

Amendment Moved by Coun. Swanson
THAT paragraph 17(2)(c) be amended by adding the following as part (iv):

- “(iv) THAT the mover of a motion have the opportunity to initiate and close debate.”

The Amendment was Defeated.
The Main Motion was Defeated.

17(3)(b) Member’s Privilege, re Speaking

Moved by Coun. Eby

378 THAT paragraph 17(3)(b) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

- (b) stand when the Mayor is presiding over the business of City Council (with the exception of moving and seconding motions).

Carried.

20(3) and (4) Preservation of Order

Moved by Mayor Higgins

379 THAT subsections 20(3) and (4) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

- (3) In the event a member of City Council resists or disobeys the decision of the presiding Officer or of City Council, the presiding Officer may order that member to:
 - (a) apologize to City Council for his/her conduct; or
 - (b) leave his/her seat for the remaining part of that meeting.
- (4) In the event a member of City Council refuses to leave his/her seat when ordered to do so by the presiding Officer pursuant to subsection (3), the meeting shall be temporarily adjourned until the member voluntarily leaves his/her seat or is removed by a peace officer and order is restored.

Carried.

27(1) Procedure, re: Consideration of New Matters

Moved by Coun. Eby

380 THAT subsection 27(1) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

27(1) Subject to subsection 12(4), no motion pertaining to any matter, other than the business of City Council placed on the agenda by the City Clerk, shall be received or open to debate except in accordance with this section.

Carried.

27(3)(a) and (b) Procedure, re: Consideration of New Matters

Moved by Coun. Kirkpatrick

381 THAT paragraphs 27(3)(a) and (b) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(3) The notice referred to in subsection (2) shall be read into the record and given at a regular meeting of City Council.

Carried.

27(7) New Provision – Preparation of Background by Administration for a Notice of Motion

Moved by Coun. Eby

382 THAT subsection 27(7) be added to Bylaw No. 5176, the Procedure Bylaw, as follows:

(7) If City Council requires further information on a motion City Administration will be directed to prepare a background report.

Carried.

Councillor Luhnning left the meeting at 9:39 p.m.

Councillor Luhnning returned to the meeting at 9:40 p.m.

30 Enquiries

Moved by Mayor Higgins

383 THAT section 30 of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

- 30(1) Under the order of business entitled “Enquiries”, members of City Council may:
- (a) ask questions of City Administration respecting the affairs of the City of Moose Jaw, provided that such questions may be answered directly, without research; or
 - (b) submit questions, in writing, respecting the affairs of the City of Moose Jaw.
- (2) The enquiry must be within the administrative responsibility or be for information in the possession of City Administration.
- (3) A member of City Council shall read into the record and submit the enquiry to the City Clerk.
- (4) Unless an enquiry from a member specifies that he or she wishes the answer to appear on a subsequent City Council agenda, the City Manager shall send or give the answer

- directly to the member making the enquiry, with a copy being provided to all members.
- (5) When the enquiry of a member involves a written answer to be given at a future meeting and it appears to the City Manager that the cost to the City which would be incurred by reason of:
 - (a) time of City employees which must be taken from performance of their regular duties or overtime which must be worked,
 - (b) the need to hire additional employees, or
 - (c) the necessities of obtaining and paying for the information from other than City employees,is likely to be more than One Thousand Dollars (\$1,000.00) and no appropriation has been made for such expenditure in the budget of any department, the City Manager shall report at the next meeting of City Council the anticipated cost before undertaking the enquiry.
 - (6) When the City Manager has reported to City Council pursuant to subsection (5), City Council may:
 - (a) direct that the City Manager proceed with the investigation necessary to answer the enquiry and provide in a supplementary budget or otherwise for the payment of the costs thereof; or
 - (b) direct that the City Manager not proceed with the enquiry.
 - (7) When in the opinion of the City Manager an answer to an enquiry would contain information of a confidential nature, including information, in which access might be denied pursuant to Parts III or IV of The Local Authority Freedom of Information and Protection of Privacy Act, the City Manager shall submit a confidential report to the Executive Committee of City Council, and shall identify that information which is deemed confidential and the basis of the claim for confidentiality.
 - (8) Upon receipt of a report pursuant to subsection (7), the Executive Committee of City Council shall direct the City Manager with respect to the disposition of all or any portions of the report.
 - (9) All responses to enquiries shall be supplied within four (4) weeks from the date the enquiry is lodged.
 - (10) Notwithstanding anything contained in this section or elsewhere in this Bylaw, the subject matter of an enquiry is not debatable at a meeting of City Council.

Vote Delayed by Amendment.

Amendment Moved by Coun. Swanson

383a

THAT subsection 30(5) be amended to add the words: "*provide a detailed*" after the words: "*the City Manager shall*".

The Amendment was Carried.
The Motion, as Amended, was Carried.

The Motion, as Amended, reads as follows:

- "30(1) Under the order of business entitled "Enquiries", members of City Council may:
- (a) ask questions of City Administration respecting the affairs of the City of Moose Jaw, provided that such questions may be answered directly, without research; or
 - (b) submit questions, in writing, respecting the affairs of the City of Moose Jaw.
- (2) The enquiry must be within the administrative responsibility or be for information in the possession of City Administration.

- (3) *A member of City Council shall read into the record and submit the enquiry to the City Clerk.*
- (4) *Unless an enquiry from a member specifies that he or she wishes the answer to appear on a subsequent City Council agenda, the City Manager shall send or give the answer directly to the member making the enquiry, with a copy being provided to all members.*
- (5) *When the enquiry of a member involves a written answer to be given at a future meeting and it appears to the City Manager that the cost to the City which would be incurred by reason of:
 - (a) *time of City employees which must be taken from performance of their regular duties or overtime which must be worked,*
 - (b) *the need to hire additional employees, or*
 - (c) *the necessities of obtaining and paying for the information from other than City employees,*is likely to be more than One Thousand Dollars (\$1,000.00) and no appropriation has been made for such expenditure in the budget of any department, the City Manager shall provide a detailed report at the next meeting of City Council the anticipated cost before undertaking the enquiry.*
- (6) *When the City Manager has reported to City Council pursuant to subsection (5), City Council may:
 - (a) *direct that the City Manager proceed with the investigation necessary to answer the enquiry and provide in a supplementary budget or otherwise for the payment of the costs thereof; or*
 - (b) *direct that the City Manager not proceed with the enquiry.**
- (7) *When in the opinion of the City Manager an answer to an enquiry would contain information of a confidential nature, including information, in which access might be denied pursuant to Parts III or IV of The Local Authority Freedom of Information and Protection of Privacy Act, the City Manager shall submit a confidential report to the Executive Committee of City Council, and shall identify that information which is deemed confidential and the basis of the claim for confidentiality.*
- (8) *Upon receipt of a report pursuant to subsection (7), the Executive Committee of City Council shall direct the City Manager with respect to the disposition of all or any portions of the report.*
- (9) *All responses to enquiries shall be supplied within four (4) weeks from the date the enquiry is lodged.*
- (10) *Notwithstanding anything contained in this section or elsewhere in this Bylaw, the subject matter of an enquiry is not debatable at a meeting of City Council.”*

33(2) Communications and Petitions

Moved by Coun. Eby

384

THAT subsection 33(2) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

- (2) Subject to subsections (3), (4), (5) and (6), the City Clerk shall place all original communications and petitions on the agenda of the next ensuing regular meeting of City Council where reasonably practicable and not to exceed two (2) ensuing City Council meetings, which are to be considered by Committee of the Whole.

Carried.

33(4)(b) Communications and Petitions

Moved by Coun. Kirkpatrick

THAT paragraph 33(4)(b) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(b) with respect to a communication, the purpose of which is to request an opportunity for a delegation to be heard, that communication does not contain a full description of the issue or issues to be addressed by the delegation, including a full printed, type written or legibly written script of their presentation and any visual presentation they intend circulated, as well as a clear statement of the action or actions to be requested of City Council by the delegation;

Defeated.

33(5) New Provision – Communications and Petitions

Moved by Coun. Eby

385 THAT subsection 33(5) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(5) All communications or petitions must be received in the form required by this section at the City Clerk's office by 12:00 p.m. on the Monday of the week prior to the meeting at which the individual or delegation wishes to address City Council and/or a committee of City Council. Where the Monday falls on a statutory holiday, the Communication or petition must be received by no later than 12:00 p.m. on the following day.

Carried.

34(3) Delegations before Committee of the Whole

Moved by Mayor Higgins

386 THAT subsection 34(3) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(3) Unless the presiding Officer provides additional time to the speaker, all presentations shall be limited to ten (10) minutes in duration, unless extended by a majority vote of City Council.

Carried.

34.1 New Provision – Decorum in the Public Gallery

Moved by Coun. Kirkpatrick

387 THAT section 34.1 be added to Bylaw No. 5176, the Procedure Bylaw, as follows:

Decorum in the Public Gallery

34.1(1) Members of the public who constitute the gallery in Council Chambers during a City Council meeting:

- (a) shall respect the decorum of City Council and refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of City Council; and
- (b) shall not address City Council without permission of City Council.

(2) The Mayor or presiding Officer may cause to be expelled or excluded, any person who creates any disturbance or acts improperly during a meeting and every person who refuses to leave when requested to do so may be removed.

(3) The public shall comply with City Council's established policy with respect to protocol as may be amended from time to time.

(4) No member of the public shall bring into Council Chambers a cellular phone or similar electronic device, unless the phone or device is programmed and remains programmed so as to prevent an audible tone or ring.

Carried.

43(7) New Provision – Executive Committee Established

Moved by Coun. Eby

388 THAT subsection 43(7) be added to Bylaw No. 5176, the Procedure Bylaw, as follows:

(7) Where an aggrieved citizen wishes to appeal an action of the City and no other appeal forum is available, the forum for the appeal shall be the Executive Committee.

Carried.

49(5) New Provision – Advisory and Other Committees

Moved by Mayor Higgins

389 THAT subsection 49(5) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(5) All board or committee members once appointed by City Council shall be entitled to vote at their respective board or committee. Third party incorporated agencies shall be permitted to designate an alternate representative to attend a meeting where their appointed representative is unavailable to attend. The name of that alternate shall be provided at time of nomination and shall be so designated by a motion of City Council. Such designated substitute shall have full speaking and voting rights.

Carried.

Moved by Coun. Eby

390 THAT City Council authorize the City Solicitor to bring forward the motions contained in the attached "Schedule A" (motions that received two-thirds majority approval) to City Council as amendments to the Procedure Bylaw, No. 5176; and

THAT the motions contained in the attached "Schedule B" (motions that did not receive two-thirds majority approval) be received and filed.

Carried.

391 Moved by Coun. Mitchell
THAT the meeting be adjourned.

Carried.

The meeting adjourned at 10:21 p.m.

Respectfully submitted,
(Sgd.) Coun. Boyle
Chairperson

SCHEDULE “A”

(Approved Amendments – Received two-thirds majority)

10(6) New Provision – Meeting through Electronic Means

“THAT subsection 10(6) of Bylaw No. 5176, the Procedure Bylaw, be added as follows:

“10(6) A City Council meeting or committee meeting, as established in section 49(1) herein, may be conducted by telephonic, electronic or other communication method in accordance with section 99 of *The Cities Act*.”

12(1) 8. Reports of Advisory and Other Committees

“THAT subparagraph 12(1)8.(a) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

“(a) receive the minutes of any meeting of an advisory committee or other committee of City Council which has occurred since the last regular meeting of City Council as soon as practicable, but not to exceed two (2) ensuing City Council meetings; and”

12(1) 14. New Provision – Public Forum

“THAT paragraph 12(1)14. be added to Bylaw No. 5176, the Procedure Bylaw as follows:

“14. **Public Forum**, during which members of the public may speak to City Council on matters of civic relevance, which must be presented in a respectful manner. Any person intending to address City Council during this time may do so by registering on a speakers list with the City Clerk’s office by 12:00 p.m. on the Friday previous to the meeting. At the time of registration the member of the public must provide the speaker’s name, the topic of the presentation and main points the speaker will address at the public forum. The list of speakers and topics shall be circulated to City Council once it is available. The presiding Officer of the meeting shall call forward the presenters on the speakers list in the order in which they registered. The total time allowed for a registered speaker or delegation shall not be more than five (5) minutes. Speakers shall proceed without any debate or action by City Council. The total agenda time allotted for this order of business shall be no more than fifteen (15) minutes. Where the allotted fifteen (15) minutes for this portion of the agenda has expired, any remaining registered speakers on the speakers list shall be called at the next ensuing City Council meeting in the order provided on the speakers list. City Council has the right to refuse to hear a speaker and limit the number of submissions by a member of the public.”

12(4) New Provision – Adding or Removing Agenda Items

“THAT subsection 12(4) be added to Bylaw No. 5176, the Procedure Bylaw, as follows:

“(4) By a unanimous consent vote of City Council, an item may be added or removed from the agenda prepared by the City Clerk as set forth in subsection (2). Such vote shall occur immediately following the Call to Order.”

15(1) Absence of Quorum

“THAT subsection 15(1) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

“15(1) Unless a majority of the members of City Council are present within fifteen (15) minutes of the hour appointed for that meeting, the meeting shall stand adjourned until the next regular meeting of City Council, unless a special meeting is called in the interim.”

17(3)(b) Member’s Privilege, re Speaking

“THAT paragraph 17(3)(b) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(b) stand when the Mayor is presiding over the business of City Council (with the exception of moving and seconding motions).”

20(3) and (4) Preservation of Order

“THAT subsections 20(3) and (4) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(3) In the event a member of City Council resists or disobeys the decision of the presiding Officer or of City Council, the presiding Officer may order that member to:

- (a) apologize to City Council for his/her conduct; or
- (b) leave his/her seat for the remaining part of that meeting.

(4) In the event a member of City Council refuses to leave his/her seat when ordered to do so by the presiding Officer pursuant to subsection (3), the meeting shall be temporarily adjourned until the member voluntarily leaves his/her seat or is removed by a peace officer and order is restored.”

27(1) Procedure, re: Consideration of New Matters

“THAT subsection 27(1) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

27(1) Subject to subsection 12(4), no motion pertaining to any matter, other than the business of City Council placed on the agenda by the City Clerk, shall be received or open to debate except in accordance with this section.”

27(3)(a) and (b) Procedure, re: Consideration of New Matters

“THAT paragraphs 27(3)(a) and (b) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(3) The notice referred to in subsection (2) shall be read into the record and given at a regular meeting of City Council.”

27(7) New Provision – Preparation of Background by Administration for a Notice of Motion

“THAT subsection 27(7) be added to Bylaw No. 5176, the Procedure Bylaw, as follows:

(7) If City Council requires further information on a motion City Administration will be directed to prepare a background report.”

30 Enquiries

- “30(1) Under the order of business entitled “Enquiries”, members of City Council may:
- (a) ask questions of City Administration respecting the affairs of the City of Moose Jaw, provided that such questions may be answered directly, without research; or
 - (b) submit questions, in writing, respecting the affairs of the City of Moose Jaw.
- (2) The enquiry must be within the administrative responsibility or be for information in the possession of City Administration.
- (3) A member of City Council shall read into the record and submit the enquiry to the City Clerk.
- (4) Unless an enquiry from a member specifies that he or she wishes the answer to appear on a subsequent City Council agenda, the City Manager shall send or give the answer directly to the member making the enquiry, with a copy being provided to all members.
- (5) When the enquiry of a member involves a written answer to be given at a future meeting and it appears to the City Manager that the cost to the City which would be incurred by reason of:
- (a) time of City employees which must be taken from performance of their regular duties or overtime which must be worked,
 - (b) the need to hire additional employees, or
 - (c) the necessities of obtaining and paying for the information from other than City employees,
- is likely to be more than One Thousand Dollars (\$1,000.00) and no appropriation has been made for such expenditure in the budget of any department, the City Manager shall provide a detailed report at the next meeting of City Council the anticipated cost before undertaking the enquiry.
- (6) When the City Manager has reported to City Council pursuant to subsection (5), City Council may:
- (a) direct that the City Manager proceed with the investigation necessary to answer the enquiry and provide in a supplementary budget or otherwise for the payment of the costs thereof; or
 - (b) direct that the City Manager not proceed with the enquiry.
- (7) When in the opinion of the City Manager an answer to an enquiry would contain information of a confidential nature, including information, in which access might be denied pursuant to Parts III or IV of The Local Authority Freedom of Information and Protection of Privacy Act, the City Manager shall submit a confidential report to the Executive Committee of City Council, and shall identify that information which is deemed confidential and the basis of the claim for confidentiality.
- (8) Upon receipt of a report pursuant to subsection (7), the Executive Committee of City Council shall direct the City Manager with respect to the disposition of all or any portions of the report.
- (9) All responses to enquiries shall be supplied within four (4) weeks from the date the enquiry is lodged.
- (10) Notwithstanding anything contained in this section or elsewhere in this Bylaw, the subject matter of an enquiry is not debatable at a meeting of City Council.”

33(2) Communications and Petitions

“THAT subsection 33(2) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(2) Subject to subsections (3), (4), (5) and (6), the City Clerk shall place all original communications and petitions on the agenda of the next ensuing regular meeting of City Council where reasonably practicable and not to exceed two (2) ensuing City Council meetings, which are to be considered by Committee of the Whole.”

33(5) New Provision – Communications and Petitions

“THAT subsection 33(5) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(5) All communications or petitions must be received in the form required by this section at the City Clerk’s office by 12:00 p.m. on the Monday of the week prior to the meeting at which the individual or delegation wishes to address City Council and/or a committee of City Council. Where the Monday falls on a statutory holiday, the Communication or petition must be received by no later than 12:00 p.m. on the following day.”

34(3) Delegations before Committee of the Whole

“THAT subsection 34(3) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(3) Unless the presiding Officer provides additional time to the speaker, all presentations shall be limited to ten (10) minutes in duration, unless extended by a majority vote of City Council.”

34.1 New Provision – Decorum in the Public Gallery

“THAT section 34.1 be added to Bylaw No. 5176, the Procedure Bylaw, as follows:

Decorum in the Public Gallery

34.1(1) Members of the public who constitute the gallery in Council Chambers during a City Council meeting:

- (a) shall respect the decorum of City Council and refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of City Council; and
 - (b) shall not address City Council without permission of City Council.
- (2) The Mayor or presiding Officer may cause to be expelled or excluded, any person who creates any disturbance or acts improperly during a meeting and every person who refuses to leave when requested to do so may be removed.
- (3) The public shall comply with City Council’s established policy with respect to protocol as may be amended from time to time.
- (4) No member of the public shall bring into Council Chambers a cellular phone or similar electronic device, unless the phone or device is programmed and remains programmed so as to prevent an audible tone or ring.”

43(7) New Provision – Executive Committee Established

“THAT subsection 43(7) be added to Bylaw No. 5176, the Procedure Bylaw, as follows:

- (7) Where an aggrieved citizen wishes to appeal an action of the City and no other appeal forum is available, the forum for the appeal shall be the Executive Committee.”

49(5) New Provision – Advisory and Other Committees

“THAT subsection 49(5) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

- (5) All board or committee members once appointed by City Council shall be entitled to vote at their respective board or committee. Third party incorporated agencies shall be permitted to designate an alternate representative to attend a meeting where their appointed representative is unavailable to attend. The name of that alternate shall be provided at time of nomination and shall be so designated by a motion of City Council. Such designated substitute shall have full speaking and voting rights.”

SCHEDULE “B”
(Defeated Amendments)

12(1) 13. Response to Written Answers to Enquiries

“THAT paragraph 12(1)13. of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

“13. Response to Written Answers to Enquiry, during which the presiding Officer acknowledges receipt members of City Council may speak to any matter arising as a result of information provided by City Administration pursuant to section 30 of this Bylaw without debate”

Defeated.

17(2)(c) Member’s Privilege, re: Speaking

“THAT paragraph 17(2)(c) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

“(c) more than two (2) times with respect to the same question and:
(i) in the case of the first opportunity to speak, for more than seven (7) minutes;
(ii) in the case of the second opportunity to speak, for more than four (4) minutes.”

Vote Delayed by Amendment.

Amendment Moved by Coun. Mitchell

THAT paragraph 17(2)(c) be amended to read:

“(c) more than three (3) times with respect to the same question and:
(i) in the case of the first opportunity to speak, for more than seven (7) minutes;
(ii) in the case of the second opportunity to speak, for more than five (5) minutes;
(iii) in the case of the third opportunity to speak, for more than three (3) minutes;”

The Amendment was Defeated.

Amendment Moved by Coun. Swanson

THAT paragraph 17(2)(c) be amended by adding the following as part (iv):

“(iv) THAT the mover of a motion have the opportunity to initiate and close debate.”

The Amendment was Defeated.
The Main Motion was Defeated.

33(4)(b) Communications and Petitions

Moved by Coun.

THAT paragraph 33(4)(b) of Bylaw No. 5176, the Procedure Bylaw, be amended to read:

(b) with respect to a communication, the purpose of which is to request an opportunity for a delegation to be heard, that communication does not contain a full description of the issue or issues to be addressed by the delegation, including a full printed, type written or legibly written script of their presentation and any visual presentation they intend circulated, as well as a clear statement of the action or actions to be requested of City Council by the delegation;

Defeated.