

STUDENTS' COUNCIL VOTES & PROCEEDINGS

Tuesday November 15, 2005
Council Chambers 2-1 University Hall

VOTES & PROCEEDINGS (SC 2005-15)

- 2005-15/1 CALL TO ORDER
- The meeting was called to order at 6:00 p.m.
- 2005-15/2 SPEAKER'S BUSINESS
- 2005-15/2a Announcements – The next meeting of Students' Council will take place on November 29, 2005.
- 2005-15/2a (I) New Councillor Orientation on November 21, 2005 at 6:00 p.m. in Room 6-06 SUB. An information session on the procedures of Council. If you are interested in attending please contact aasc@su.ualberta.ca.
- 2005-15/3 APPROVAL OF THE ORDERS OF THE DAY
- KIRKHAM/CROSSMAN MOVED TO approve the orders of the day.
- Main Motion: CARRIED
- 2005-15/4 PRESENTATIONS
- 2005-15/4a TOBIAS/CROSSMAN MOVED TO table the presentation until Bill Smith arrives.
- Motion to table: CARRIED
- 2005-15/6 REPORTS
- 2005-15/6a Graham Lettner, President
- 2005-15/6b Mathieu Johnson, Vice President (Academic)
- 2005-15/6c Samantha Power, Vice President (External)
- 2005-15/6d Justin Kehoe, Vice President (Student Life)
- 2005-15/6e Jason Tobias, Vice President (Operations and Finance)

2005-15/6f

Adam Cook, Undergraduate Board of Governors Representative

TOBIAS/CROSSMAN MOVED TO lift from the table, the presentation on SU Budget.**Motion to lift from the table: CARRIED****2005-15/4****PRESENTATIONS****2005-15/4a**

Bill Smith, General Manager and Jason Tobias, Vice President (Operations and Finance) give a presentation regarding the SU Budget.

LEWIS/KIRKHAM MOVED THAT Students' Council re-consider the approval of the order paper.**Motion to re-consider: CARRIED****LEWIS/KIRKHAM MOVED TO** add item 7b (ii) to the order paper.**Motion to add item 7b (ii): CARRIED****Main motion to approve the order paper: CARRIED****2005-15/7****BOARD AND COMMITTEE REPORTS****2005-15/7a****Executive Committee****LETTNER /POWER MOVED THAT** based on the recommendation of the Executive Committee, Students' Council adopt the following elements, to apply to a Memorandum of Understanding regarding the proposed Physical Activity Complex (PAC), to potentially be negotiated between the Students' Union and the Faculty of Physical Education and Recreation:

- 1) There shall be an advisory committee whose mandate shall encompass the planning, design and management of the PAC
- 2) The committee shall be comprised of students and faculty representatives and may also include representatives from other groups who have a financial stake in the PAC.
- 3) The undergraduate student composition of the advisory committee shall be based upon the undergraduate student contribution to the project.
- 4) The Students' Union may participate in specified business and service arrangements within the PAC.

Speaker's List (mm): Lettner

KIRKHAM/LEWIS MOVED TO amend the main motion by adding new point 5 "A final draft of the MoU will be approved by Students' Council before it is signed"

Speaker's List (am): Kirkham

Amendment to main motion: FRIENDLY

Speaker's List (mm): Kirkham

COOK/KIRKHAM MOVED TO amend the main motion by striking the words "advisory" (from points 1 and 3) and changing to "governance"

Speaker's List (am): Cook, Khanna, Lettner, Lewis, Kelly

Amendment to main motion: CARRIED

LEWIS MOVED TO amend the main motion by adding the word "financial" before "contribution" in point 3

Amendment to main motion: FRIENDLY

Speaker's List (mm): Power

CROSSMAN/KAWANAMI MOVED THAT Students' Council refer the main motion back to the Executive Committee

Speaker's List (ref): Crossman, Lettner, Lewis

Motion to refer: DEFEATED

Main Motion: CARRIED

2005-15/7b

Bylaw Committee

2005-15/7b (i)

LEWIS/KELLY MOVED THAT Bill #14 be read a first time.

Bill #14 Access to Students' Union Information Amendment Bill (sponsor; KIRKHAM)

Principles (1st Reading)

1. Every Students' Union document or record is strictly confidential that has been specifically designated as such in the Standing Orders of Students' Council.
2. Strictly confidential information is available to those individuals specifically designated in the Standing Orders of Students' Council
3. Signing a non-disclosure agreement will no longer be a requirement that must be completed prior to assuming office.
4. No member of Students' Council, the Executive Committee, The Discipline, Interpretation, and Enforcement Board, or a committee thereof may access confidential or strictly confidential information until they have signed a non-disclosure agreement.
5. The SU is forbidden from entering into any agreement that would require it to be strictly confidential.

Speaker's List (mm): Lewis/Kirkham, Kawanami, Lewis, Lettner

KIRKHAM/SCHNEIDER MOVED TO amend the main motion by striking the work "agreement" and replace with "contract: in point 5

Amendment to main motion: FRIENDLY

Speaker's List (mm): Lewis, Chapman

KIRKHAM/KELLY MOVED TO amend the main motion by striking point 3

Speaker's List (am): Kirkham, Lewis

Amendment to main motion: CARRIED

CROSSMAN/KELLY MOVED THAT Bill #14 be divided such that points 1, 2, and 4 are Bill #14 A (Access to Students' Union Information Amendment Bill) and point 5 will become new point 1 in Bill #14 B (Strictly Confidential Contracts)

Speaker's List (am): Crossman

Point of Order: Lewis – "I appreciate the points the councillor is trying to make but I don't believe it is a point of parliamentary inquiry that the speaker would be answering"

Speaker: Point of order well taken. Points of Parliamentary Inquiry deal with procedural issues

Speaker's List (am): Kirkham

Amendment to divide main motion: CARRIED

Bill #14 A: CARRIED, unanimous consent

KIRKHAM/SCHNEIDER MOVED THAT Bill #14 B be read a first time.

Bill #14 B – Strictly Confidential Contracts

Principle

1. The SU is forbidden from entering into any agreement that would require it to be strictly confidential.

Speaker's List (mm): Kirkham, Kawanami, Lewis, Lettner

KIRKHAM/TOBIAS MOVED TO amend the main motion by adding new point 2 which reads "If there are more than two parties entering into such contract any portions not related to the SU could be marked as "strictly confidential"".

Speaker's List (am): Kirkham, Kawanami

Amendment to main motion: DEFEATED

Speaker's List (mm): Kirkham, Crossman, Power, Cook, Schneider

CHAPMAN/KHANNA MOVED TO amend the main motion by replacing it with the new phrase "Confidentiality Agreements may only be entered into by the SU upon the approval of Students' Council, upon Council being informed of the general benefits/costs of the agreement. Said agreements must be advantageous/beneficial to students and adhere to the principles of the Students' Union.

Speaker's List (am): Chapman

Amendment to main motion: DEFEATED

LEWIS/KIRKHAM MOVED THE previous question.

Motion to move previous question: CARRIED

Main Motion: DEFEATED, 10/11 (*note division)

2005-15/7b (ii)

LEWIS/KIRKHAM MOVED THAT Students' Council approve the following petition question:

Do you support that Students' Union bars charge \$2.00 for all pints of draught beer, effective May 1, 2006 through April 30, 2007, subject to the following conditions?

1. Students' Union bars will sell draught beer in pint volumes whenever alcohol is being served.
2. Students' Union bars may sell other volumes of draught beer at any price.
3. Students' Union bars will continue to carry their existing selection of draught beers.

Point of Order: Tobias – "Mr. Speaker, I'd like to argue that this motion is in fact out of order because it would, although no put us in breach of something that is strictly codified in provincial legislation as we spoke to last meeting, it would put us in contravention of what our University regulations, namely those set out by the Alcohol Policy Review Committee. I would argue that we have just as much of an obligation to live by those rules, as we have an obligation to live by any other set of Laws of the Land. And on the basis I'd ask that you rule this out of order".

Speaker: The chair asks for more clarity. Specifically what rules we're going to be in violation of.

Tobias: Basically selling pints of beer at \$2 each is what they call "Inducement to Intoxication". We basically set out prices in conjunction with APRC.

Point of Order: Lewis – "I respect the Vice President Operations and Finance's point of order, you ruled this out of order last meeting, why go through this a second time?"

Speaker: Point of order not well taken, I haven't had a chance to rule yet.

Tobias: Mr. Speaker, I apologize if I wasn't exactly clear. Last meeting I made the point of order based upon the Alberta Gaming and Liquor Commissions guidelines, which we're also bound by. You ruled because there is a certain realm of interpretation that you could go through there that my point of order was not well taken. I accept that. I didn't say anything about APRC at that time, I'm saying it now with an obligation to live by their rules and we're not allowed to set our prices in such a ways that would encourage over consumption or would encourage inducement to intoxication, as they so call it.

Speaker: Because you do not have the actual rule here today I'm going to have to rule that your point of order is not well taken. Idea of what's legal or not is too vague.

Speaker's List (mm): Lewis, Tobias

Point of Order: Lewis – "Mr. Speaker, one, he's not actually debating the 3 things we're allowed to debate, two, if he doesn't have any supporting documentation there's no reason for him to be wasting Councils time".

Speaker: Point of order not well taken. He is making comments related to the intent of the petition and I think it is in scope.

Point of Order: Tobias – “If we continue to sell all of our selections of draught beer at \$2 that puts us in breach of provincial bylaw because although not all of our beers cost 42 a pint, some of our beers cost more than \$2 a pint and selling alcohol below cost for anything other than a short duration of time, other than the purpose of a very short “special” I believe is illegal and is a breach of provincial law”.

Point of Order: Chapman – “The point of order is addressing a legal concern but the petition question doesn’t actually restrict SU bars from selling beers at a price proportional to the price of pints, it’s just allowing its flexibility”.

Speaker: (to Tobias) Is this your understanding?

Tobias: What we pay for the beer, that’s what the cost is so when I say selling below cost that would mean we buy a pint of Guinness for approximately \$2.10 and then we’d be selling it at \$2 which means we’d be selling it below what it cost it to buy it and that is illegal.

Speaker: The chair rules to invite comments from the floor that would provide some illumination on the VPOF’s point of order. Will this motion (petition question) make us sell at less than cost?

Lewis: The question submitted by the member is that all draught beer is to be sold for \$2 whether over \$2 or not at cost.

Speaker: In that case, the chair’s very minimal understanding of the law is that you cannot sell alcohol at less than cost. In that respect, on the advice of the Bylaw Committee chair who drafted this question, the chair rules that the point of order is well taken.

KIRKHAM/LEWIS APPEAL THE decision of the chair.

Kirkham: Mr. Speaker, first, it is not common knowledge. I would argue that it is common knowledge that it is okay to sell liquor below cost, why? Filthy McNasty’s Wednesday nights at 5 o’clock, sells liquor, pints of beer, for \$1. Here we’re proposing to sell pints of beer for \$2. I don’t pretend that Filthy McNasty’s has some sort of “magical” deal with all the “magical” breweries because it’s all beer that we somehow don’t know about in some secret bar deal. Clearly they’re selling it below cost. They’re an establishment that has been around a long time. We can assume that the AGLC is being negligent here when bars are acting like this and it’s packed every Wednesday night. We have to assume that AGLC has taken reasonable precautions to enforce their own guidelines just like we’re trying to be reasonable here with interpreting our common knowledge of the legislation that exists. Therefore, I would argue that it is not illegal based on that same anecdotal evidence that you ruled it was illegal. I’d argue that it’s not illegal to sell at below cost. Additionally, in the 264 page AGLC Handbook that I have here in front of me that I analyzed one month ago when we first were

looking at this issue. This is a month ago on the October 25 meeting of Bylaw Committee I believe, downloaded it, no internet now, still had a copy. There was actually no mention of it being illegal to sell at below cost. The only mention of anything was having it at a "special" below cost and advertising that special. So this is how Filthy McNasty's gets away with it. They don't advertise \$1 pints. People just happen to show up and by word of mouth they get this special. So the key here is that the only limitation here is advertising a special rate. First off, this would not be a special rate, it's a permanent across the board for a year. If anyone wants to argue that it's a special rate for a year, fine it's a special rate for a year, we just don't advertise it. We would still be conforming with SU legislation. Nowhere in this question does it say that the SU shall advertise \$2 pints, that's fine. If we're going to be breaking the law by advertising it, we just won't advertise it. There's no problem there.

President: Mr. Speaker, upholding your decision, in favour. All we can do here and this is what I can advocate for is that we pass this motion. We don't have the necessary documents in front of us to refute or sustain. I think Councillor Baniulis had the best idea in the beginning in that "I'm going to vote in favour so I can bring it back and reconsider it at another time when we have some more evidence"

Point of Order: Kirkham – "Sorry I'd just like to clarify here, the President said he was speaking in favour, isn't he actually speaking opposed? Because it's an affirmative vote I just want it to be clear when people eventually vote on it, if they're speaking in favour or opposed by upholding the rule of the chair".

Speaker: Point of Order not well taken.

President: What I advocated for in action I'm going to vote for in consequence.

Lewis: Mr. Speaker, the only actual physical evidence that has been presented to you and us this evening is the evidence in the AGLC Handbook which does not indicate selling pints of beer for under cost on a normal every day occasion is illegal. We have absolutely no evidence that this is illegal and therefore there is no reason why, one, we should rule this out of order, and two, that we should get rid of the petition that was submitted by an honest student trying to make a change to the way the SU operates.

Tobias: Mr. Speaker, the reason that the AGLC Guidelines don't specifically say that you can't sell alcohol below cost indefinitely. Well it's because that would lead to what we've come to know in Council as an absurd conclusion, which is, if you follow this business policy your business goes out of business. I think that's important to note when talking about the legalities of the situation. I don't think that AGLC ever said someone's going to run a business for the sake of subsidizing public drunkenness. Just to note, Council, this is foolishness. Uphold the ruling of the chair.

Shall the decision of the chair be sustained? SUSTAINED, 10/8

2005-7b (ii)

Removed from the Order paper.

KIRKHAM/BLAIS MOVED TO adjourn.

Motion to adjourn: DEFEATED, 8/12

2005-15/7c

External Policy Committee

2005-15/7c (i)

KAWANAMI/LEWIS MOVED THAT upon the recommendation of the External Policy Committee, Students' Council approve the amendments to the Political Policy "Board of Governors".

WHEREAS student representation on the Board of Governors is not proportional to the contribution of students to institutional revenues in the form of tuition.

WHEREAS the quality of education received by undergraduate students is directly impacted by decisions made by the Board of Governors.

BE IT RESOLVED THAT The Students' Union, The University of Alberta, lobby the provincial government to increase undergraduate student representation on the Board of Governors to be proportional to students' contribution to institutional revenues.

Point of Order: Kelly – "Quorum?"

Speaker: Point of order well taken.

Quorum is re-established.

Speaker's List (mm): Kawanami

Council repealed political policy (Board of Governors) and pass the new political policy (Board of Governors)

Speaker's List (mm): Lettner, Lewis

Main Motion: CARRIED

LEWIS/CROSSMAN MOVED TO adjourn.

Motion to adjourn: CARRIED

This meeting of Students' Council was adjourned at 9:48 p.m.

ATTENDANCE (SC 2005-15)

Faculty/Position	Name	Early Attendance	Late Attendance	Division
President	Graham Lettner	√	√	X
VP Academic	Mathieu Johnson	√	√	
VP External	Samantha Power	√		√
VP Finance	Jason Tobias	√	√	X
VP Student Life	Justin Kehoe	√	√	X
BoG Undergrad Rep.	Adam Cook	√	√	X
Agriculture, Forestry and Home Economics	Miranda Baniulis	√	√	X
Agriculture, Forestry and Home Economics	Amanda Rajotte	√		

Arts	Catrin Berghoff	√	√	√
Arts	John Chandler	√		
Arts	Michelle Kelly	√		√
Arts	Bryce Kustra	√		
Arts	Cameron Lewis	√	√	√
Arts	Tim Schneider	√	√	√
Arts	Shad Thevenaz			
Arts	Heather Wallace			
Augustana	Jonathan Friesen			
Business	Chris Young			
Business	Ryan Payne			
Education	Lillian Patz			
Engineering	Brian Ceelen	√	√	
Engineering	James Crossman	√	√	X
Engineering	Prem Eruvs	√		√
Engineering	Jamaal Montasser			
Law	Kyle Kawanami	√	√	X
Medicine and Oral Health Sciences	Suneil Khanna	√		X
Native Studies	Matt Wildcat			X
Nursing	Nadia Ickert	√	√	√
Faculté Saint-Jean	Joseph Blais	√	√	√
Open Studies	Sabine Stephan			
Physical Education and Recreation	Philip Goebel			
Science	Sheena Aperocho	√		
Science	Jack Gordon	√		
Science	Abbeir Hussein	√		
Science	Stephen Kirkham	√	√	√
Science	Sylvia Shamanna	√	√	X
Science	Omer Yusuf	√	√	x
Science	Yuan Hao			

Science	Chris Le	√		
Science	Theresa Chapman	√	√	√
General Manager	Bill Smith	√		
Speaker	Gregory Harlow	√	√	

Guests of Council:

Position	Name
Chief Returning Officer	Rachel Woynorowski
The Gateway	Ross Prusakowski
Bellerose Comp. High School	IB Students interested in Council