

**Village of Haines Junction  
Minutes of the Committee of the Whole Meetings  
October 30, 2024**

**Present:**

Mayor Riseborough  
Councillor Busche  
Councillor Mackinnon  
Councillor McPhie  
Councillor Strand

CAO, Fairbank  
Policy and Communications Manager, Ogden

**Call to Order**

The meeting was called to order at 1:35pm

**Acknowledgement of Champagne and Aishihik First Nations Traditional Territory**

Mayor Risenborough acknowledged that we are on the traditional territory of the Champagne and Aishihik First Nations

**Adoption of Agenda:**

- The presiding officer requested the minutes and any motions be recorded, pending a review of the Council Procedural Bylaw.
- The presiding officer also requested the following additions to the agenda
  1. Paper copies
  2. Tablets
  3. Rolling agenda
  4. Signing authorities and spending delegation instrument
  5. PowerPoint presentation on municipal government budgeting
  6. Council oversight of the accounts and the public service accounting board standards that apply
  7. Roberts Rules
  8. Public Works workplan
  9. Trailer in front of ARRC office
  10. Council scheduling
  11. Formation of senior management committee that includes the treasurer and the Public Works Manager with certain members of council
  12. Date for Joint Council meeting with Champagne and Aishihik First Nations
  13. Volunteer for school jello eating competition
  14. Bylaw review – general discussion as well as a specific discussion about a potential legal challenge to the Zoning Bylaw
  15. Housing grant – will be looking for motion at next council meeting
  16. Potential to reschedule date for New Dwelling Construction Grant for Young Residents – would like to bring forward motion at next council meeting to seek legal opinions on whether this grant will pose legal risks with regards to a potential constitutional challenge under the Charter of Rights and Freedoms
  17. Independent financial sustainability review – will be looking for motion to authorize this review at the next council meeting
  18. Interim landfill agreement
  19. Transition binder – two different briefing notes labelled 1.7

### *Discussion*

- Per the Council Procedures Bylaw, council is required to provide public notice of the agenda in advance of the meeting
- Concerns raised that this is a large addition to the agenda for which the public, nor Councillors, were given advance notice. this many items have not been added to the agenda at the start of a council meeting, particularly such large, major discussions. When agenda items are added at a meeting, it is something minor, like seeking a volunteer for the Jello eating competition, not big major conversations for which there is no report in the meeting package.
- it was noted that it is appropriate to make some additions to the agenda, given the fact that council was provided 87 pages of briefing materials last week. It was also noted that we may not get through all this today and suggested that items not addressed today be put on a rolling agenda for discussion at the next Committee of the Whole meeting(s). The desire is to put Council on notice of the intention to bring forward these items for discussion. Not intending necessarily to get into the detail of them; just wanting to amend the agenda to include some other items whether we get to them or not.
- Clarification provided by staff that the transition binder was not intended to be resolved in council's first or second meeting – the intention was to provide background information on key commitments and issues that staff are working on.
- Request made to call the question and to accept the agenda as amended.
  - Clarification made that the Council Procedures Bylaw indicates that calling the question is a motion to end debate on an issue. This motion to call the question needs to be seconded and then voted upon.
  - If two-thirds of the members present approve the motion to call the question, then the motion that was in front of the meeting must then be voted on without any further discussion.
  - A desire to abstain was expressed. It was noted that abstaining isn't an option, Councillors are required to vote on motions<sup>1</sup>.
- A request was made to defer agenda items that require public to be aware that the discussion is taking place.

# 339-24 It was moved and seconded

**THAT** the question be called to end discussion on making additions to the agenda.

Motion #339-24 was **CARRIED**

# 340-24 It was moved and seconded

**THAT** the agenda be accepted as amended with the caveat that if something should be deferred pending public notification of agenda item.

Motion #340-24 was **CARRIED**

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<sup>1</sup> *Note: The Municipal Act requires all members vote on the matter before Council unless that member is excused (Council may, by motion, excuse a member from voting) or is prohibited from voting due to a pecuniary interest.*

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## Council Procedures Review

### Mayor presentation:

- Serious concerns were expressed with the Council Procedural Bylaw.
- Bylaw is statutory law. Statutory law is intended to provide certainty for the public, Council and staff.
- When there is provision for discretion within a bylaw, run the risk of reducing certainty.
- Mayor will ask for authority to review Procedural Bylaw at the next Council meeting.
- Want this bylaw reviewed so keep Council out of trouble; the purpose of bylaws is to outline the rules, and if we follow the rules, we should be okay.
- Want bylaw reviewed by someone familiar with Administrative Law.

### Discussion

- What statement is the cause of concern?
  - S10.2 gives CAO the discretion on where to post things. This does require public posting of a paper copy at the Post Office<sup>2</sup>.
- Are there other clauses?
  - Want a review to identify whether there are any additional issues.

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<sup>1</sup> Note Section 10.1 of the Council Procedural Bylaw requires that CAO provide public notice of council meetings by posting on the Village website at least 5 days prior to the meeting. Section 10.2 gives the CAO discretion to also provide public notice on local bulletin boards, social media, or other media sources. Council approved administrative procedures for communicating public notices in December 2023 that provides direction to staff, and the public, on where notices will be posted, that includes the post office bulletin board.

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## Council Transition Binder Review

### Mayor presentation:

- Council was asked to review binder for their priority items.
- Mayor would like to present his priorities for Council to agree or disagree.
- Mid-term priority indicates will be addressed within the next 3 months. Longer term priority means will be discussed within the next 3-6 months.

#	Title	Priority	Action Items
1-1	Org chart	High priority	Would like to discuss with budget discussion
1-2	Council roles and responsibilities	For information only	
1-3	CAO roles and responsibilities	For information only	
1-4	Committees	For information only	Will request further info on terms and conditions down the road
1-5	Volunteer fire department	Mid-term priority	
1-6	Fire chief	Mid-term priority	
1-7	Council remuneration	Mid-term priority	This ties in with council procedures bylaw discussion. Would like to consider change to not get paid for not being at meetings
1-8	Unionized staff (in camera)	For information only	Staffing is an in-camera discussion

#	Title	Priority	Action Items
1-9	Joint council priorities	High priority	Bring back for discussion when date is set for meeting with CAFN. Council requested copy of project charter
2-1	Operating and capital budgets	High priority	Need to approve provisional budget for FY2025 by end of fiscal
2-2	Reserves	High priority	
2-3	Comprehensive municipal grant	For information only	
2-4	Canada community building fund (CCBF)	For information only	
2-5	Procurement policy	Mid-term priority	
2-6	Property tax minimums	Mid-term priority	
3-1	Council meeting procedures	High priority	
3-2	Official community plan (OCP)	For information only	
3-3	Zoning bylaw	High priority	
3-4	Public communications procedures	High priority	
3-5	Emergency management planning	Mid-term priority	The note is confusing two types of emergency planning. One has to do with disasters, the other have to do with different types of emergencies. Need to separate issues.
3-6	Municipal boundary	High priority	Requested copy of AYC resolution and briefing note.
3-7	Outstanding council motions	TBD	Motions carry over from previous council unless annulled by incoming council. Staff keep a running log of motions issued by council for periodic review. Council requested a list of these motions to be provided to Council
3-8	Strategic planning	Mid-term priority	
3-9	Funding opportunity – youth substance use prevention	High priority	Desire to discuss whether this is the mandate of a municipality.
3-10	Potential service agreement bylaw	Lower priority	
3-11	Potential short-term rentals (STRs) bylaw	Mid-term priority	This was a big issue in public engagements around the 2024 Zoning Bylaw. Previous council decided to remove any regulation of STR's from the 2024 Zoning bylaw to be addressed through a separate bylaw dedicated to STRs.
3-12	Potential property maintenance bylaw	Lower priority	
3-13	Potential vacant lot tax policy	Mid-term priority	Desire to address prior to setting mil rates (deadline April 15, 2025)
3-14	Mobile homes in R-1	High priority	Zoning is about land use planning and compatibility. Have to treat as high priority, potential legal challenge coming

#	Title	Priority	Action Items
4-1	Landfill front of house	High priority	CAO asked to set meeting with Minister Mostyn
4-2	Tipping fees	High priority	Desire to discuss with Minister Mostyn
4-3	End-of-life vehicles (ELVs)	High priority	Desire to discuss with Minister Mostyn
4-4	Animal control	Mid-term priority	
4-5	Service levels	High priority	Staff to locate detailed workplan in place during Dave Hatherley's tenure
4-6	Swallows	Mid-low priority	Swallows return May, recognize this is a big issue in community
5-1	Housing accelerator fund	High priority	
5-2	Housing needs assessment	High priority	
5-3	Phase 4 infrastructure upgrades	For information only	
5-4	Recreation needs assessment	Mid-high priority	Desire to review recommendations
5-5	GIS Platform	For information only	
5-6	Trail app and signage committee	Mid-term priority	
5-7	Village-led community events	For information only	
5-8	Youth recreation	High priority	Decisions required
5-9	New recreation centre	High priority	
5-10	Dhāl Gähly (Mountain) ridge subdivision	For information only	
5-11	Asset management	Mid-term priority	
5-12	Area 3 country residential lot development	Mid-term priority	
5-13	Area A industrial area development	Mid-term priority	This is a multi-year process, led by YG, there will be decision points for Council on how much they want to push YG to move this forward
6-1	New dwelling construction grant for young residents	High priority	Mayor wants legal opinion on validity
6-2	Affordable housing construction grant		Missing from binder, will circulate to council at next meeting
6-3	Matching municipal grant		Two versions of BN in binder, will circulate correct version to Council at next meeting
6-4	Community lotteries grant	For information	
6-5	Donated refundables fund	For information	
7-1	Emergency services building lease agreement	For information	
7-2	Interim landfill regionalization agreement	High priority	Defer signing renewal until meet with Minister
7-3	Water license MOU	For information	
7-4	ROW mowing agreement	For information	
7-5	Emergency response MOU	High-med priority	
7-6	CAFN sewer/water agreement	High priority	Put on agenda for next regular council meeting
ADD	CAFN landfill agreement	High priority	Briefing note / report to Council requested

#	Title	Priority	Action Items
8-1	Reconciliation training	High priority	Dates have been suggested, bring forward to next Council meeting for decision
8-2	Annual events	For information	

### Re-Signing Oath of Office

#### *Mayor presentation:*

- Oath of offices sworn the other day were invalid due to a procedural irregularity.
- A Justice of the Peace invited to attend today to swear in Mayor and Council.

#### *Discussion:*

- Two oaths need to be sworn by incoming Council -- the Oath of Allegiance and the Oath of Office
- The oaths shall be taken before a Justice of the Peace, a notary public or a designated municipal officer. A signature alone does not constitute administration of the oath, the Justice has to ask the question, and the Councillor has to swear that the oath is true to the best of their knowledge.
- The CAO not a designated municipal officer until he is sworn in, can't administer oath to Council members until he himself is sworn in.
- Instead of swearing the oaths, Councillors may affirm the prescribed affirmations of office and allegiance.
- Two oaths of allegiance were circulated for signing -- one from 1973 that references Queen Elizabeth, and one from YG that references King Charles -- as there was some uncertainty as to which one was the correct one to use.
- Concern was expressed that signing two oaths of allegiance would be confusing -- was this requested by YG?
- Advice from Community Services was to use the forms that YG sent the Municipality recently, that references King Charles
- Councillor McPhie, Councillor Busche, Mayor Risenborough, Councillor Mackinnon and Councillor Strand were sworn into office. The Justice also swore in the CAO.

### Scheduling for Training, Staff Social Event, and Village Assets Tour

- Reconciliation training
  - December 4<sup>th</sup> half day in Haines Junction – morning, will confirm with IRP, 9am start
- Staff social
  - Staff social to be a luncheon. Desire to pair luncheon with facility and asset tour
  - Lunch to be 1.5 hours so landfill staff can each participate for 45 minutes.
  - Staff will put together agenda for the tour, will plan for the most knowledgeable operator to be there. Plan on the tour taking 2-3 hours.
  - ACTION: Friday November 8<sup>th</sup> 11:30 to 1pm for lunch, 1-4pm for asset tour.
- AYC elected officials orientation training
  - End of November
  - ACTION: Amanda will look to get agenda circulated
- Last council suggested bringing in Christina Benty for orientation training, team building exercises, how to work as a group – supportive to do this. She will be part of the AYC training at the end of November.
- ACTION: Dave will look into Christina Benty's availability and bring to next council meeting.
- Council expressed a desire for training on municipal legal responsibilities through Community Services. Noted that it would be good if this could be offered to all communities.

### **AYC Board Membership Discussion**

- Need to identify delegates to sit at AYC. Need a delegate and an alternate
- Diane is interested; Deb is interested but would like more information. Sydney may have interest. Rob and Michael are not interested.
- ACTION: Staff to prepare report to council on what the role of a delegate and an alternate entail.
- Discussion deferred pending completion of report to council.

### **Presentation from the Mayor on Council finances**

- The economy is composed of three basic components – the households, the government and the firm. This is true for federal, territorial and municipal governments.
- Firms pay taxes to government. Households pay taxes to government. The government in turn provides goods and services to households and to firms.
- Money flow from firms to households by way of wages, rent, interest and other payments. In return, households provide land, labour and capital to firms.
- Households spend the money they get from the firms on goods and services and in return the firms provide goods and services to households.
- This is the environment in which we work. That is where our taxes come from and that is how they get expended.
- A budget is an estimate of revenue and expenditures for a specific period of time.
- A budget may be one of 3 types. A balanced budget, which may be one of 2 types – type 1 where the incoming revenue matches the outgoing expenses or type 2 where the income and revenue augmented with some other source of funding matches the outgoing expenses, where the other source of funding comes from either debt or depletion of reserves.
- A deficit budget results from an excess of spending over income over a particular period of time. A deficit budget may be balanced when augmented by money from another source. Such budgets can spiral out of control.
- A surplus budget enables one to use money for other purchases
- A deficit budget is generally not sustainable in the long term. Sustainable is defined as something that may be continued, in other words it is potentially infinite - it can go on forever - independent of any limiting factors (such as running out of money!)
- According to our 2023 audited financial statements, we had \$5,736,353 million in our unrestricted surplus (or reserves).
- The 2024 budget calls for taking approximately 1.6 million out of those reserves.
- A financial commitment is something that we are obligated to pay. It is a promise to pay which restricts the use of the already committed money.
- Subject to our commitments and our ability to relinquish commitments, we may find ourselves in financial difficulty.
- We, as a new Council, must from the get-go ensure that we do not inadvertently engage in approving an illegal expenditure.
- Our role is to ensure effectiveness - doing the right thing, and efficiency – doing not only the right thing but doing it as cost efficiently as possible.
- Specifically, dogs, ditches and dumps. Dogs being the regulatory regime that we have, ditches being the infrastructure that we have and dumps being the services that we are obligated to provide under the municipal act.
- The Municipal Act S.254(1) provides that a member of council commits an offence if they vote for a bylaw authorizing the expenditure of money, borrowing or guarantee of money, contrary to the provisions of the Act, and the member is liable to the municipality for the amount borrowed, loaned or guaranteed.

- If we look at our budget, there are three components as we are spending right now
  - A fixed component, which is the comprehensive municipal grant, which amounts to \$2,209,128
  - A variable component, which is comprised of the taxes, fees, licenses, fines, penalties that are charged to citizens of the municipality. It is the only source of revenue over which council has any real control. This amounts to approximately \$1,018,808.
  - The reserve component constitutes a 'depleting fund'. It was comprised of an opening balance of just over \$5 million (unrestricted) and 2.9 million in restricted reserves which are provided for a specific purpose and are generally authorized by bylaw
- The fixed component will not change. The reserve component and the variable component will change.
- The object is to build reserves up, not take them down.
- Would like to engage someone to have a proper look at this, independently.
  - Is this not what the Audit does? We received an incredible management letter, our financial position is the envy of municipalities across Canada because we are in better shape than most of them, because we have reserves.
- Going to request a motion at the next meeting to have an independent assessment.
- The fundamental question we need to ask the question of what our commitments are in the long term, and whether we can afford to meet them.
- If we lose the reserves, the only alternatives are to reduce expenses, borrow, or raise taxes.
- I don't think it is going to be easy to reduce expenses because what we are looking at is expenses associated with staffing costs in a unionized environment where you can't just let people go.
- Want council to think about this carefully.

*Discussion:*

- **ACTION:** Staff to prepare a Report to Council on this topic.
- Are we looking at two different things? The Audit vs. an independent sustainability assessment?
  - Auditors typically look management practices are conducting the business of, in our case, the municipal government. They don't look ahead, they only make decisions based on the information they have. For example, the audit doesn't show contingency for liability at the landfill, this is something that we should have in place, as required by the Public Service Accounting Standards (PSAS). Are we doing things ok? Yes we are.
  - To get the right answer, you have to ask the right question. Concern is whether we are doing things ok in the long run. Want assurance that we're ok.
- What kind of person does an independent sustainability review? What would this cost?
  - Typically, an economist. Cost is \$2-5k
- Not everyone is on the same page.
- Requested the actual reserve account balances right now, this was asked of staff and has not been provided yet. Are we using reserves, and are we borrowing money, to balance our budget, and the budget is an ongoing budget made up of ongoing commitments.
  - Staff clarified that Briefing note 2-2 in the transition binder lists reserve balances.
  - Total restricted reserves ~\$3.6M
  - Total unrestricted reserves ~\$5.7M
- Concern is that these numbers were from the 2023 Audited Financial Statements, and these reserves have since been drawn down.
  - The Capital projects budget includes funding for projects that may or may not occur this year. There is a rationale for this. If external funding becomes available for a capital project and it doesn't exist in the budget, it's very difficult to amend the capital budget to add a new project and get it completed within the same year. Historically,



the actual capital expenditure never meets the budget for capital expenditure as some of the work doesn't happen. This year, the capital project budget is drawing down from reserves in order to complete that work, but some of that work won't happen, so we won't actually draw down the reserves. This practice allows projects to move forward should conditions be favourable or external funds become available. Every year we've had a large surplus. This is historically why the budget, year after year, shows running a zero surplus or even a small deficit, yet at the end of the year we show quite a large surplus.

- We have added \$1M in salary costs. Salary costs going back in time used to be \$700k. This year salary costs are \$1.7k. Where is this coming from, and how do we make this sustainable over the long term if we are using reserves to balance the budget?
  - Don't have the historical numbers here. Can say there has been inflation, and the Comprehensive Municipal Grant is tied to inflation. A lot of that inflation has been driven by an increase in property values which is tied to our property tax revenue.
  - There have been large increases in cost of living which are reflected in increased salary costs through union negotiations.
  - There are also positions that are funded entirely by outside sources that don't actually cost the Village any money.
- Looking for confirmation that budget commitments are sustainable.
  - Prior councils have had different emphasis on service delivery levels. There have been times when surpluses are larger and other times when budgets are closer to being balanced. It is up to this Council to decide how to allocate resources.
- Mayor will be seeking motion at the next council meeting to have a sustainability forecast completed.

## Code of Conduct

### *CAO Presentation*

- It is important for this to be reviewed and signed sooner than later.
- When Council makes a decision, all of Council needs to be behind this publicly. Can't go on Facebook and say that you feel decision should have gone differently.
- Important to not place judgement on a Council decision publicly before it is made, or indicate how you would like it to go, as this potentially undermines Council decisions before it is made.
- Caution against posting anything related to Village operations on social media.

### *Discussion*

- Debate needs to be open and honest prior to a decision, solidarity following the decision.
- Comment from the gallery – no one should use option of anonymous posting on facebook either

## Adjournment

Motion to adjourn at 4:15

  
Deputy Mayor Diane Strand

  
CAO David Fairbank



