

**Village of Haines Junction
Regular Council Meeting Minutes
November 13, 2024**

Present:

Mayor Riseborough
Councillor Busche
Councillor Mackinnon
Councillor McPhie
Councillor Strand

Absent:

CAO, Fairbank
Policy and Communications Manager, Ogden
Project and Asset Manager, Grice

Call to Order

The meeting was called to order at 7:00pm

Acknowledgement of Champagne and Aishihik First Nations Traditional Territory

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

Adoption of Agenda

#341-24 It was moved by Mayor Riseborough

THAT the agenda be adopted as presented.

- A request was made by staff to move the discussion around the minutes to in camera. This request was denied by the presiding officer who has problems with the minutes and expressed a desire to make a statement on them.

Motion #341-24 was **CARRIED**.

#341-24 It was moved by Mayor Riseborough/Councillor Busche and seconded by Councillor Mackinnon

THAT the vote be recorded for the duration of this meeting.

Motion #341-24 was **CARRIED**.

Declaration of Pecuniary Interest

Adoption of Minutes of Regular and Special Council Meetings

Statement on the Minutes

Statement by the Mayor:

- The Mayor read his written statement on the minutes.
- At the previous Council meeting, Council demanded a recorded vote. The minutes have not complied with this request. Would like to give the staff the opportunity to correct this. Would also like the staff to review the transcript from Zoom, from which the minutes have been compiled, to ensure the accuracy of the minutes.
- The minutes from the Committee of the Whole meeting contain an awful lot of editorial opinion. Minutes are very specifically intended to record the actions that come out of the session. They are to be a written summary of the points discussed at a meeting. They are not a vehicle to advance editorial opinion or ridicule.
- Zoom provides an audio transcript. Request that the minutes be redone with the benefit of the record according to that transcript.

Discussion:

- Clarification was sought on what is being requested – is there a motion on the table?
 - Based on the statement just made, would like to give staff the opportunity to correct the minutes in accordance with the transcript that came off Zoom as they are full of editorial opinion, and not particularly reflective of minutes.
- The CAO clarified that the minutes are based on procedural bylaw. According to the bylaw, we don't record who moves a motion unless there is a motion on the table to record votes. The intent of anecdotal minutes is to record the decision process and how the decision is made rather than just the decision itself. The zoom transcripts are done by AI and are not a great transcription, but we do have a great employee here who very carefully records the minutes, both concurrently and with the benefit of an audio recording. The CAO indicated he would be happy to review the minutes to ensure their accuracy but has no doubt as to their accuracy.
 - It was insisted that recorded votes were demanded at both meetings. Staff are asked to go back through the transcript and generate recorded votes.
- So the concern isn't with the quality of the minutes?
 - The concern is that staff didn't record the vote. They also took a lot of literary license which is not what minutes are about. Minutes are to reflect decisions that are made at the meeting.
 - One of them in particular has to do with the parliamentary procedure. When the Chair is satisfied that the discussion has concluded, the Chair asks are you ready for the question? It is not a motion that requires seconding.¹ Asks staff to review that carefully and re-do the minutes.
- Support was expressed by for the way in which the minutes were written.

¹Point of order: Per S32.1 of the Council Procedural Bylaw, the motion to call the question needs to be seconded and then voted upon

- The Mayor asked that this statement, made by Councillor Strand, be recorded in the minutes and asked Council if anyone had any objection to staff being asked to re-do the minutes, noting Councillor Strand's statement which will stand on the record.
- Councillor Strand clarified that she is unclear if she is objecting or not, as she is unclear what the issue is with the minutes. Is a motion required or needed to ask staff to redo the minutes? More discussion is required on what Council would like to see within the minutes.
 - Both sets of minutes required a recorded vote. There was a motion made at the Council meeting and the Committee of the Whole meeting asking for a recorded vote that was not followed in generating the minutes. Asking that the minutes reflect the recorded vote and are reflective of minutes, which are the actual record of what was discussed and decided at the meeting as opposed to literary license.
- Can Council vote in Committee of the Whole meetings?
 - Both sets of minutes reflect that a recorded vote was asked for.
- Staff indicated that a request had been made for a recorded vote but that motions had not been passed at either meeting, Council had not voted on this request. Staff acknowledged that this had been demanded by the Mayor, but this had not been put out to a council vote. Staff offered to provide the transcript, and indicated the transcript was double checked and no motions had been voted on to record the vote at either meeting.
 - Council indicated it will re-review the transcript and take it from there. It was insisted that in both instances Council requested recorded votes.

No motion.

Proclamations

Delegations

Public Hearings and Public Input Sessions

Old Business

RTC Housing Accelerator Fund update

Project/Asset Manager Presentation:

- The Village has received in funding from the Canada Mortgage and Housing Corporation to carry out 5 initiatives intended to increase housing supply and certainty in the approvals and building process. The Village has committed to a housing supply growth target of 63 permitted housing units -- within this, 13 units are to be missing middle housing, 10 units are to be multi-unit housing, and 17.3% are to be affordable units
- Some of the funding provided by CMHC is associated with these specific initiatives, but the Village has flexibility in how it spends the rest of the funding.

- The Project/Asset Manager position is fully funded by CMHC for three years to oversee work on this project.
- The status of each of the initiatives, and next steps, is described in the Appendix to the Report to Council.
- The 1.2 million is advanced in four separate disbursements. The last disbursement would be sent until we meet all of the terms and conditions of the agreement. At this point we are proceeding with planning for 75% of the funding, and once we know that we've completed all the requirements, we'll proceed with the last 25% to make sure that we're not overspending, given the fact that the housing supply growth targets are not completely within our control.

Discussion:

- How does Initiative #4, Recreation and Community Services Review fit in?
 - The permitted uses of HAF funds is quite broad, and can be used for initiatives that support housing in general, such as initiatives that contribute to the livability of a community
- Is the Recreation and Events Administrator position that we are looking to hire funded through HAF? Has this position been posted?
 - This position is not funded by HAF, but when staffed it will help work on the Recreation and Community Services Review initiative. We have been waiting from the Union to approve the wage scale, and this approval was just received today.
- Higher density residential development is not defined in the OCP or Zoning Bylaw. What constitutes missing middle housing?
 - Higher density housing is typically moving towards increasing the number of dwelling units on a particular lot, offering tiny lots, multifamily dwellings, etc. Anything that contributes to increasing density in urban areas.
 - Missing middle refers to multi-unit housing including garden suites, secondary suites, duplexes, triplexes, fourplexes, row housing, low-rise apartments. Higher density than single detached housing
- The RTC says the new zoning bylaw allows for zoning as of right for residential and commercial users. What does as of right mean?
 - This means that the permitted uses of the zone are written into the zoning bylaw so there is less of a requirement for people to ask for variances or amendments in order to have a variety of uses on their property. E.g there are several different primary and accessory uses that are now included in the zoning bylaw, like secondary suites. You would no longer have to ask for a variance to install a secondary suite because it is in the zoning bylaw now as a permitted use. As a result there are less barriers to development.
- Would it be fair to say that as of right means an entitlement of the owner of a property to use or develop it without recourse to a public hearing process or a vote of municipal council if the proposed use accords with the zoning bylaw.
 - Yes, this is correct.

- Next steps that will require action are the grant programs. Both application windows have closed, staff have reviewed applications and are ready to move forward with awards.

No motion.

Transition binder – missing and revised notes

CAO Presentation:

- Briefing note 1.1 was updated to include the Recreation and Events Administrator under public works.
- Briefing note 6.2 on the Affordable Housing Construction Grant, and Briefing Note #6-3 on the Municipal Matching Grant were also provided.

No motion.

New Business

Accounts Payable to November 13, 2024

Discussion:

- Was the electrical bill for the arena resolved?
 - In reviewing the bill for the arena over a period of several months we found that 1/6th of the bill was the electrical charges and the remaining 5/6th of the bill were surcharges and other additional fees. We are still following up with ATCO to resolve this.
- What is the Military service recognition book for \$1,155?
 - Prior Council approved the placement of an advertisement for the Village in the Remembrance Day edition.
- Under water and sewer it indicates troubleshooting PH1 and PH3 – does PH refer to pumphouse? And do we have a PH2 or any other pumphouses?
 - Yes this refers to pumphouse. We do have a pumphouse 2; will take this back to our public works manager to provide more information.
- What is a hotshot?
 - A same-day delivery service.
- Does the advanced security for the convention centre include the cameras outside?
 - No we haven't done any work with cameras. The cameras don't work.

#342-24 It was moved by Councillor Strand, seconded by Councillor Mackinnon

THAT the Municipal Accounts Payable to November 13, 2024 be approved as presented.

Motion #342-24 was **CARRIED**.

RTC – AYC Training in Whitehorse

No discussion.

#343-24 It was moved by Councillor Strand, seconded by Councillor Busche

THAT Council will be attending the newly elected officials training hosted by the Association of Yukon Communities in Whitehorse on November 29th and 30th, 2024.

Motion #343-24 was **CARRIED**.

RTC – Potential Dates for Reconciliation Training

CAO Presentation:

- The Council Remuneration Bylaw requires meetings / training outside of regular meetings be approved by motion in order for Council to receive payment for their attendance.
- A motion would also indicate that Council wishes to undertake this particular training.
- Tentative dates suggested by IRP: December 4, 2024, February 5, 2025 and March 5, 2025. Council has discussed and agreed to the December 4th date, but not the others.
- Training to be held in Haines Junction (not Whitehorse as noted in the report).

#344-24 It was moved by Councillor Strand, seconded by Councillor Mackinnon

THAT Council will attend the reconciliation training on December 4th and other scheduled dates, subject to change.

Motion #344-24 was **CARRIED**.

RTC – Potential meeting dates for Joint Council

Discussion:

- December 16, 17 or 18th were identified as potential meeting dates that work for CAFN Council.
- CAFN Council suggested these dates because they are having meetings in Haines Junction on those days and will likely only be available in the evening.
- The evening of December 17th has just been set aside for a community meeting at Da Ku, so CAFN Council is not likely available any more on that evening.
- CAFN will be hosting this Joint Council meeting.

#345-24 It was moved by Councillor Strand, seconded by Councillor Mackinnon

THAT Council directs staff to confirm the date of December 16th with CAFN for the Joint Council Meeting

Motion #345-24 was **CARRIED**.

RTC – Deputy Mayor Rotation

#346-24 It was moved by Mayor Riseborough/Councillor McPhie, seconded by Councillor Busche
THAT the Deputy Mayor rotation be approved with Councillor Strand from November 15th to February 28th, Councillor McPhie from March 1st to June 15th, and Councillor Busche from June 16th to September 30th, and Councillor Mackinnon from October 1st to December 31st.

Motion #346-24 was **CARRIED**.

RTC – AYC Board Delegate

#347-24 It was moved by Mayor Riseborough/Councillor Mackinnon, seconded by Councillor McPhie
THAT Councillor Strand be the AYC Delegate and that Councillor Busche be the alternate delegate.

Motion #347-24 was **CARRIED**.

RTC – Council Orientation and Training

CAO Presentation:

- At the October 30th Committee of the Whole meeting, Council discussed the possibility of working with Christina Benty to do some training in advance of the November AYC meetings. Unfortunately, Christina is not available until well into December.
- Michael Pealow, a local and highly qualified consultant who has worked with various boards and committees in the community, is available to provide training on the Council Procedural Bylaw and to review principles of effective meetings. This would be an estimated cost of \$2,200 for two half-day sessions and \$4,000 for two full-day sessions.
- This training would give Council an opportunity to talk about why you decided to run for council, what you would like to see accomplished during your term, review governance principles, and practice the procedural bylaw until everyone feels really comfortable with the process.
- This sort of training is standard for incoming councils.

Discussion:

- Council identified this as a medium-term priority at the Committee of the Whole meeting. At this meeting Council reviewed the 58 briefing notes and identified those of higher priority. Would it be a more appropriate use of Council's time right now to schedule a Committee of the Whole to look at the high priority briefing notes to determine which ones of those we want to tackle first?
- Preference for doing some orientation and training on the procedure bylaw was expressed. This would be a helpful team building exercise before rolling up our sleeves on

the priority list. Would like to engage Christina Benty to assist Council with its strategic planning exercise later on.

- A request was made to defer this discussion until Council has had a chance to discuss the procedural bylaw, due to some perceived difficulties with the Bylaw that should be resolved first.

#348-24 It was moved by Councillor Strand, seconded by Councillor McPhie

THAT Council defer the Council training and orientation discussion in-camera.

Motion #348-24 was **CARRIED**.

RTC – Financial Status

Discussion:

- Since Council has had a chance to review the report, does Council want a presentation?
 - Typically for a substantive report like this, staff would have an opportunity to present the report and then allow time for discussion. Providing a summary of the report also gives context to anyone who may be listening in on the meeting.

CAO Presentation:

- This report was prepared by our Treasurer and reviews the annual operating and capital budgets.
- It explains that our main sources of operating revenue are the Comprehensive Municipal Grant (CMG), property tax revenues, utilities and fees and other government operating grants.
- The Municipal Finance and Community Grants Act provides for the CMG and how it may be used – municipalities must spend or reserve at least 50% for capital expenditures, and Councils may, by bylaw, decide to spend as little as 0% on capital projects, and up to 100% on operation and maintenance expenses
- The current budget format records the full amount of the CMG in the operating budget. The operating budget surplus is then carried over to the capital budget. Some capital items may be funded by restricted reserves.
- While budgets initially may estimate a net deficit, year end financials have consistently posted surpluses for the past several years due to lower than estimated operating expenses. Historically, the end of the year surplus go into unrestricted reserves.
- Total reserves in 2012 was 1.77 million. Total reserves grew to \$9.34 million in 2023.
- Restricted reserves means Council has specifically earmarked certain reserves for a specific project. Prior Council allocated \$1 million dollars towards the recreation facility, moving this funding from the unrestricted reserve to restricted.
- The CMG is typically received at the beginning of the year. The bulk of this funding is immediately transferred into the investment account where it earns interest.
- Property tax revenue begins to be received in early May which carries us through to September / October before funds need to be withdrawn from the investment account. The investment account funds should not be confused with reserves.

- While the budget projected a small deficit of \$71,000, we are not projecting no deficit. We are noting a \$708,000 drawdown from the capital reserve for the landfill front of house project of which \$650,000 is due to be replenished next year by YG through the landfill regionalization agreement.

Discussion:

- Did previous Council make a bylaw indicating that 100% of the CMG will be used for operating funds, as opposed to allocating 50% to capital?
 - Council approved the 2024 Budget bylaw. Our interpretation [of the Municipal Finance and Community Grants Act] is that a separate bylaw, other than the Budget bylaw, is not required to make this allocation.
- Does all revenue go into the O&M budget?
 - There is always a surplus that spills into the capital budget. The capital budget is drawn down from the surplus. There has never been a situation, historically or planned, where a surplus is used for O&M

#349-24 It was moved by Councillor Strand, seconded by Councillor Mackinnon
THAT Council receive and file the Financial Status RTC

Motion #349-24 was **CARRIED**.

RTC – Request for Financial Sustainability Projection

Policy/Communications Manager Presentation:

- This report explains what a financial sustainability projection is. It is an assessment of an organization's ability to meet its financial objectives. There are 3 key pillars to this assessment:
 1. Assessing an organizations broader financial and strategic plan – outlining what you are hoping to achieve over the course of your term, and then allocating resources to those priorities and ensuring you've got adequate resources to meet your objectives. Council hasn't yet done this work, but this assessment could provide advice to Council in the preparation of its financial strategic plan.
 2. Ensuring there are sound administrative and financial system and procedures and controls. This is something the Village does assess on an annual basis through the auditor's report.
 3. Having an asset management plan. The Village has hired an asset manager to develop our asset management plan. This position is funded by the Canadian Mortgage and Housing Corporation, so this work is getting underway.
- We reached out to our auditor at the Metrix group to get more information on what would be involved in doing an assessment and they indicated it would cost \$5,000 for a relatively straightforward assessment. If there were additional variables that we wanted the assessor to look at the cost could double.

- We also reached out to YG and learned that YG may be initiating some work to look at financial health indicators for all Yukon communities. This would be a backwards looking assessment, not a forward-looking assessment or projection as requested.
- Council could decide to:
 1. Proceed with requesting an independent financial sustainability projection
 2. Defer the request until Council has more time to work on its asset management plan and financial strategic plan
 3. Do not request an assessment at this time because the Village is in a very healthy financial situation, as indicated in the previous report.
- Staff advise proceeding with a fairly simple assessment as this could be useful for your financial and strategic planning and also in advising on some of the asset management planning and recommend that the Metrix group, who is familiar with the Village's budget and reserves and our commitments, carry out this work.

Discussion:

- A preference was expressed to defer this request for now, given Council hasn't done it's strategic planning yet. Knowing where this Council is at, and what its desires are, for example do we want to get a pool built? It seems that this kind of discussion would be useful first before requesting a financial sustainability projection. What information would come out of this that would help with strategic planning?
- Can see the other side too -- this assessment could tell us where we are at before we get a wish list going.
- As noted in the Committee of the Whole, our financial situation is the envy of everybody in Canada. The audit was great; however, it is backward looking. It assessed where we were at as of December 31, 2023. On April 10, 2024 we added approximately 1 million dollars to the budget much of which included staffing commitments, most of which are likely bargaining unit staff, and so are a long-term commitment. Concerned that given the CMG has been allocated all to O&M, giving a benchmark figure in salary cost of 62%. Many of those positions have only been recently filled. Some have not been filled. These are commitments that we are responsible for moving forward. And this is why we are asking for this study.
- Given we don't know what variables we want to be studied, we should defer until we decide what we want the report to assess. If a strategic plan is done first, we would have more information on what we'd like them to focus on.
- The strategic plan may or may not add additional expenses. A concern was expressed was with the expenses we are committed to now, and whether we can sustain those.
- It was posited that the assessment will indicate that the Village has long-term sustainability. Would we plan to spend another \$5,000 after strategic planning?
- The output of a study like this would be to show how much of the Village's dollars are committed and how much are uncommitted. We need a sense of where we are now with the commitments made up to this point to be able to show much latitude we have left.
- How long will it take for this assessment to be completed?

- It isn't a huge contract, so it will depend on how busy the consultants are and how they can fit it into their workplanning.

#350-24 It was moved by Councillor Strand, seconded by Councillor Mackinnon

THAT Administration work with Metrix Group to carry out an independent financial sustainability projection.

Motion #350-24 was **CARRIED**.

RTC – Legality of Age-Dependent Bylaw

Presentation by Project/Asset Manager:

- This report is intended to provide context for the motion that was requested on October 30th for a legal opinion on whether our New Dwelling Construction Grant for Young Residents, funded under Canada Mortgage and Housing Corporation's Housing Accelerator Fund, poses any legal risks with regards to a charter challenge under the Canadian Charter of Human Rights and Freedoms
- Section 15 of the Charter establishes that everybody should get equal benefit and protection under the law. It also describes when affirmative action programs might be appropriate to improve the condition of disadvantaged individuals or groups.
- Canada's National Housing Strategy recognizes that young people face housing inequities when compared to other age groups. The draft Housing Needs Assessment for Haines Junction concurs that young people do face housing inequity. Our grant program is intended to help address that inequity.
- The concern about the potential for such programs to face a charter challenge was raised with the Municipal liaison team at CMHC. They pointed us to many examples of housing programs targeting disadvantaged groups across Canada and raised no concerns with ours.
- Given there are no concerns from CMHC and that this program addresses both local and national needs, staff do not recommend allocating money or staff resources to a legal review and instead focus on supporting innovative programs that address housing inequities in our community.
- We do have six applicants for this program that are awaiting notification of awards.

Discussion:

- Concerns were expressed that this program pose a potential liability for the Village. Seniors and homeowners programs are income dependent, not age dependent. Legal interpretation is extremely difficult, and so it would be prudent for us to have a legal opinion on whether this program is going to be a liability for us. Frankly, people chatting about it is not the same as legal advice.
- If the Young Residents Grant program were cancelled, would we lose the \$1.2 million from the CMHC Housing Accelerator Fund?
 - Potentially some of our funding would be in jeopardy. The contribution agreement requires us to deliver on five initiatives, this is one of those initiative. If we modify

the scope or delete an initiative they will re-evaluate our funding. A request to modify the agreement could result in losing some of the funding.

- If we identify age dependency is a hurdle, a more important question may be whether income dependency is part of [the housing inequity in Haines Junction]. Looked at CMHC website, didn't see anything on age dependency.
- Prior Council specifically wanted support targeted towards youth in the community, and this is why our application included youth as one of our targets. CMHC hasn't been very supportive of making changes to the funding agreement until we've completed the funded initiatives and met our housing target requirements. After that, we have more freedom to do what we would like to develop housing.
- What legal advice did prior council have that we are not flying in the face of the Charter of Rights and Freedoms?
 - As mentioned in an earlier meeting, there was legal advice sought on the policy writ large but we didn't approach the lawyer and say we were worried about a charter challenge based on this being ageist.
- Would it not be prudent then to get an opinion that we can do this based on the age dependency, and if it's not prudent then could we not look at modifying the program to make it income dependent so that it is in line with something that is more defensible?
 - The concern is that the applications have been received. The proposed date to announce the award of these applications was today.
- It was noted that this was done in the absence of due diligence.
 - The CMHC legal team has also reviewed this program, and they had no concerns with it either. It would be surprising if CMHC approved funding for a project that was not constitutional.
- Has a program of this nature been offered anywhere else in Canada?
 - CMHC does run youth-based initiatives, e.g. for at-risk youth in Vancouver.
- There are levels of legal review. A conversation with our lawyer could occur within a week. An opinion is more onerous, and this could take a month. The entire program runs on a timeframe. We are asking folks to maintain a fairly tight schedule to complete their builds. If Council is supportive of doing extra due diligence, then seeking advice as opposed to an opinion is an option.
- Could we be in any trouble now that we have folks who have applied with stalling things out?
 - This risk is seen to be low.
- Is asking a lawyer for an opinion going to cover us?
 - That depends on the response. If the response is that we're fine, then that should be adequate. If it is a hedged response, this could be reported back to Council so discussions can continue.
- How should we proceed with the applications we have in hand? Applicants are wondering what kind of timeline to expect for a response.
 - If the lawyer does not have concerns with the program, staff will send an email to Council with this information and requesting permission to proceed with awarding the grants.

#351-24 It was moved by Councillor Strand, seconded by Councillor Busche

THAT Council directs staff to contact our lawyer regarding the potential concern on the New Dwelling Construction Grant for Young Residents and to forward the response to Council via email if the response is low concern, for approval, and to bring the response back to a Council meeting for further consideration if the lawyer's response is other than low concern.

Motion #351-24 was **CARRIED**.

RTC – Tipping Fees, FAQ – Tipping Fees, and RTC – Background on Regionalization Agreement

- A request was made to defer discussion on the Tipping Fees FAQ that is proposed to be mailed out to residents in the coming weeks until after Council has reviewed the next RTC on the agenda regarding the regionalization agreement.
- Interest was expressed in meeting with Minister Mostyn about the agreement. Would like some comfort around limitations to liabilities as the current agreement assigns equal cost sharing for closure and post closure costs which accrues a lot of liability to the Village. Who has title to the landfill? This is a regional facility, and taxpayers in Haines Junction have historically been paying for the landfill out of taxes. Some good input has been shared and folks have put forward recommendations that don't want to see lost.
- A Committee of the Whole meeting was recommended before meeting with YG, to give council the opportunity to discuss the deliberations prior Council went through in order to reach the decision point that they did.
- Would prefer meeting with the folk that have written to Council before sending out a FAQ on tipping fees. Have received a number of letters and a paper that was very thoughtful in terms of making suggestions around tipping fees. Sending this out could pre-empt the opportunity for further discussion.
- Once we have a Committee of the Whole meeting, we will plan to meet with those individuals who have offered suggestions, and to meet with Ms. Crosby and Mr. Albisser at YG.

#352-24 It was moved by Councillor Strand, seconded by Councillor Busche

THAT the Tipping Fees FAQ and Report to Council be deferred to the upcoming Committee of the Whole meeting on tipping fees.

Motion #352-24 was **CARRIED**.

RTC – Review of Council Procedural Bylaw

Statement from the Mayor:

- The conversation around reserves took place in two places in the Yukon on the same day, in Whitehorse and in Haines Junction. In Whitehorse this conversation was reported openly, it was a subject of a cartoon in the paper and the CAO in Whitehorse had a full page spread on the danger of reserves.

- The concern with the procedural bylaw as it has been used in the last little while is that it actually fetters Council's discretion to the job we're here to do. We're here to ask questions. We're going to have a discussion around this in the Committee of the Whole. This may not be the right place to have this discussion as this is a financial issue more than a legal issue.
- The bottom line is that our procedural bylaw as it is written actually almost prevents Council from doing its job and I have concerns with that. There is something called fettering discretion in law. Discretion is something that courts do not like. If you have a policy or a rule that says you are going to decide something a particular way, you are not exercising the discretion that you should be exercising.
- So while we will have some discussion around this in the Committee of the Whole, I want people to recognize this for me, and I think for council, should be a very real concern.
- We have been elected to exercise judicial responsibility on your behalf and in order to do that we need to have discretion. It is not my intention to embarrass anybody this evening and I don't proposed to do that. But I do want to have an open discussion with staff and with council on where we're going to be going with this in the future and that it will either take the shape of us rewriting our procedural bylaw or possibly even a legal challenge.
- We must have discretion to do the job that we have been elected to do.
- I am required under the rules, and the rules are quite important here because we keep talking about Robert's Rules of Order, which are written for volunteer groups and not for groups that exercise legislative discretion. In Canada we use Beauchamps which is parliamentary rule. This basically says if I make a statement, just as I have just made, it has to be made publicly.
- So on that note I would like to suggest that we defer further discussion to an in camera discussion. The voters of Haines Junction need to realize that it is my position, and hopefully a position that will be supported by council because they have been elected to exercise fiduciary responsibility on your behalf.

Discussion:

- The Report to Council provides three options for a decision regarding a review of the Procedural Bylaw.
- The recommendation to defer suggests council have a chance to become familiar with the bylaw as written and to gain an experiential understanding in why it was written as it was before making substantive changes. It sounds like the Mayor would prefer the decision be deferred until Council has had a chance to have more discussion?
- A preference for looking at option 2 was expressed – to hire someone familiar with administrative law to review the entire bylaw in detail. Need to look at how the bylaw fetters discretion and whether this is appropriate.

#353-24 It was moved and seconded

THAT Council defer discussion on the Procedural Bylaw to an in-camera discussion.

Motion #353-24 was **CARRIED**.

Motion to extend the meeting past 9:00pm

#354-24 It was moved by Councillor Strand, seconded by Councillor Busche
THAT Council move to extend the meeting beyond 9:00.

Motion #354-24 was carried

Bylaws – Reports, Readings and Adoption

Correspondence

Haines Junction Health Centre October 2024 Newsletter

#355-24 It was moved by Councillor Strand, seconded by Councillor Mackinnon
THAT Council receive and file the newsletter.

Motion #355-24 was **CARRIED**.

Letters Requesting Public Engagement on Landfill

#356-24 It was moved by Councillor Strand, seconded by Councillor McPhie
THAT Council defer discussion of the letters pertaining to the landfill to the Committee Meeting on tipping fees.

Motion #356-24 was **CARRIED**.

Letter Request from JAM to Park Trailer at Village Compound

Discussion:

- Council would like to ensure that JAM has liability insurance of their own and that JAM has to assume liability for the storage of the trailer and indemnifies the Village against any damages arising from that storage before agreeing to allow the trailer to be parked in the Village compound.

#357-24 It was moved by Councillor Strand, seconded by Councillor McPhie
THAT the Village provide space in the public works compound for JAM's trailer, and that JAM must assume liability for the trailer and indemnify the village against damages arising from its storage.

Motion #357-24 was **CARRIED**.

Letter from Minister Fraser re Housing Accelerator Fund

Discussion:

- When did this letter come in? The Minister was requesting a response before November 8th.
 - The letter came in on October 30th. They put out a very tight timeline. It is likely they will accept a response if it were to come within the next few days.

#358-24 It was moved by Councillor McPhie, seconded by Councillor Mackinnon

THAT staff draft a response to the letter from Minister Frasier with three points:

- Council has identified the HAF as a High Priority
- Council intends to conduct a due diligence review of the obligations it has inherited including any financial liability consideration, and
- Council cannot speak to federal political concerns.

Motion # 358-24 was **CARRIED**.

Canada Housing Infrastructure Fund Announcement

#359-24 It was moved by Councillor Busche, seconded by Councillor Mackinnon

THAT Council receive and file CHIF letter.

Motion # 359-24 was **CARRIED**.

Request for a Donation from Humane Society Yukon

Discussion:

- Haines Junction has contributed to the problem because our animal bylaw is not being enforced. There are an excess of dogs in the community. Councillor Mackinnon indicated she has personally rehomed 140 dogs from this community and is in full support of making a charitable donation to the Humane Society.
- What is our donation budget? Do we have a donation budget? Have we donated to the Humane Society before? Should we consider putting this on the Village website to invite people to consider making donations as well?
- On average the Humane Society is taking 25-35 puppies per year from the Junction. Each puppy requires spay or neuter which is \$300 to \$400 per dog. A \$2,000 donation would not be unreasonable as we'd be paying that to operate the pound.

#360-24 It was moved by Mayor Riseborough/Councillor Mackinnon, seconded by Councillor McPhie

THAT the Village of Haines Junction donate \$2,000 to the Humane Society.

Motion # 360-24 was **CARRIED**.

Request from AYC for a gift for the Annual Festival of Trees

Discussion:

- AYC is requesting support from all Yukon communities to put a tree in the Annual Festival of Trees event.
- Have we contributed to the AYC tree before?
- Bonnie and Kelsey at AYC offered their assistance with generating ideas for a package from each member community as a give that is included with the tree. For example, items or experiences from local businesses.
- Not sure what amount they are looking for. If Council were to establish an upset price, say \$500, staff could reach out to AYC tomorrow to ask what other communities are giving and keep the purchase in line with other communities, up to the limit established by Council. So if it turned out other communities were buying \$100 gifts, we could follow suit.

#361-24 It was moved by Councillor Strand, seconded by Councillor McPhie

THAT the Village of Haines Junction donate to AYC at the same level that other communities are giving or \$500, whichever is less.

Motion # 361-24 was **CARRIED**.

Letter Requesting 2024 Zoning Bylaw to be Rescinded

#362-24 It was moved by Councillor Strand, seconded by Councillor Busche

THAT Council take the discussion on the Zoning Bylaw letter received from LLB in camera.

Motion #362-24 was **CARRIED**.

LATE ADDITION: JAM Funding Request letter

#363-24 It was moved by Councillor Mackinnon, seconded by Councillor Strand

THAT discussion on the Jam letter be deferred to the November 27th Council Meeting.

Motion #363-24 was **CARRIED**.

Council Reports and Notice of Motion

Councillor Strand

- Recognized the passing of Justice Senator Murray Sinclair, who Chaired the Truth and Reconciliation Commission that created 94 Calls to Action, four of which pertain to municipal governments. Condolences to his family and all across Canada who are feeling this incredible loss.
- Appreciation was expressed to the organizers of the Remembrance Day ceremony

Councillor Mckinnon

- Echoed Councillor Strand's comments.

Mayor Riseborough

- Expressed thanks to those who worked very hard to pull off the Remembrance Day ceremony. This ceremony is personally very important as many family members were lost during the first and second world war and subsequent wars. Thankful was able to go together with Chief Joe to place our wreaths at the cenotaph.

Councillor Busche

- Acknowledged her report may not be the best to follow up on the previous two; participated in the jello eating contest at the school (and did not win!)

Councillor McPhie

- No report

Questions from the Public

Question: Are there discussions underway about the water tower being taken down?

- One of the financial reports indicates asset retirement obligations, which are liabilities that the village is aware of (e.g. the landfill, lagoon, water tower, old community hall and pool). There is a hidden cost to retiring old assets that we need to be planning for, but to be clear there are no immediate plans or conversations around taking down the water tower.
- If it isn't too costly for the town, would like to see the water tower stay and to put some art on it. First Nations artwork would look amazing.

Question: Was there any consideration given to reducing tipping fees for commercial businesses in the public service industry?

- Because these businesses are hosting people all day every day, there is a considerable amount of garbage that comes to us.
- It would be appreciated if consideration could be put to a commercial rate for tipping fees that would be favourable to the public service industry.

Question: Should Mayor and Council be on the Org Chart?

-

Question: Is Council planning to have a public consultation on tipping fees?

- It is premature to make any promises. Public consultation is something council favours, and you've heard this evening how we want to go forward starting with the Committee of the Whole meeting with representatives from Yukon government.
- The Committee of the Whole meeting is open to the public.

Question: How does this Council see creating a productive space for a public input session?

- The previous council did have a lot of public meetings and engaging meetings, particularly when it came to the Zoning bylaw. People were hired to help us with these meetings and other meetings.

Question: Is there an opportunity to support the LTF at the Landfill that could be an opportunity for both Castle Rock and the Village as well as supporting this needed development on a lower risk site?

- Don't have information needed to address this question, would be premature to provide any sort of an answer this evening.

Motion to Close Meeting to the Public

#364-24 It was moved by Councillor Strand, seconded by Councillor Busche
THAT the meeting be closed to the public at 9:32pm.

Motion #364-24 was **CARRIED**.

Motion to Reopen Meeting to the Public

#365-24 It was moved by Councillor Strand, seconded by Councillor Busche
THAT the meeting be reopened to the public at 10:56pm.

Motion #365-24 was **CARRIED**.

Adoption of Minutes of Regular and Special Council Meetings

#366-24 It was moved by Councillor Strand, seconded by Councillor McPhie

THAT the minutes from the October 23rd regular Council meeting and the October 30th Committee of the Whole meeting be tabled to the next Council meeting, pending review and inclusion of the recorded votes.

Motion #366-24 was **CARRIED**.

In-Camera RTC with Options Following the November 20th CoW Meeting

#367-24 It was moved by Councillor Strand, seconded by Councillor Mackinnon

THAT Council directs staff to follow item “D” of the in-camera RTC presented on November

Motion #367-24 was **CARRIED**.

In-Camera RTC on Acting Appointments

#368-24 It was moved by Councillor Strand, seconded by Councillor Busche

THAT Council appoints Aynslie Ogden as Deputy Development Officer and Deputy Chief Administrative Officer. And that staff create a report concerning policy options for acting appointments, procedures, and compensation.

Motion #368-24 was **CARRIED**.

In-Camera RTC on Options for Legal Response to Zoning Bylaw Letter

#369-24 It was moved by Councillor Strand, seconded by Councillor McPhie

THAT Council Direct staff to follow option 2 of the associated RTC presented on November 13th, asking our Lawyers to handle all aspects of the initial response letter regarding our Zoning Bylaw.

Motion #369-24 was **CARRIED**.

Council Orientation and Training

#370-24 It was moved by Councillor Strand, seconded by Councillor Busche

THAT Council directs staff to engage with Christina Benty to find a date for Council orientation and training.

Motion #370-24 was **CARRIED**.

Solid Waste Facility Holiday Hours

#371-24 It was moved by Councillor Strand, seconded by Councillor Bushe

THAT Council directs staff to post a notice of the waste management facility hours over the Christmas period, with the facility open on December 23rd, closed on Dec 24th, 25th, 30th, 31st, and January 1st. And that the facility will open and resume normal operating hours on January 2nd, 2025.

Motion #371-24 was **CARRIED**.

Adjournment

#372-24 It was moved by Councillor Strand, seconded by Councillor McPhie.

THAT the meeting be adjourned at 11:02.

Motion #372-24 was **CARRIED**


Deputy Mayor Diane Strand


CAO David Fairbank