

CITY OF WHITEHORSE
REGULAR Council Meeting #2015-24

DATE: Monday, November 23, 2015
TIME: 5:30 p.m.

Mayor Dan Curtis
Deputy Mayor Samson Hartland
Reserve Deputy Mayor Betty Irwin

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA: Adoption

PROCLAMATIONS: International Day of Person with Disabilities – December 3, 2015
Christmas Kettle Month – December 2015

MINUTES: Regular Council Meeting #2015-23 dated November 9, 2015

DELEGATIONS:

PUBLIC HEARING:

COMMITTEE

REPORTS: **Public Health & Safety Committee** – *Councillors Curteanu & Fendrick*
Municipal Offences Bylaw

Development Services Committee – *Councillors Irwin & Boyd*
Environmental Grant Allocations

Corporate Services Committee – *Councillors Boyd & Woodcock*
Third Quarter Capital Variance Report
Third Quarter Operating Variance Report – For Information Only

City Planning Committee – *Councillors Fendrick & Hartland*

City Operations Committee – *Councillors Woodcock & Irwin*

Community Services Committee – *Councillors Hartland & Curteanu*
Syrian Refugee Crisis – For Information Only
Joint Use Agreement – Francophone School Board

NEW & UNFINISHED Notice of Motion (Reconsider 2nd Reading of Bylaw 2015-08)
BUSINESS: Authorize Council Travel – 2016 FCM Annual Conference

BYLAWS: 2015-31 Municipal Offences Bylaw 1st & 2nd Reading

ADJOURNMENT:



PROCLAMATION

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

December 3, 2015

WHEREAS persons with disabilities face physical, social, economic and attitudinal barriers that exclude them from participating fully and effectively as equal members of society; and

WHEREAS observance of the International Day of Persons with Disabilities will help to showcase and celebrate the contributions made by persons with disabilities as agents of change and development in our community; and

WHEREAS a major focus of the Day is practical and concrete action to further the participation of persons with disabilities as equal members of the community; and

WHEREAS the Day provides an opportunity to highlight progress in implementing disability-sensitive policies, promote public awareness, break barriers and open doors for an inclusive society for all;

NOW THEREFORE I, Mayor Dan Curtis, do hereby proclaim December 3rd, 2015 to be ***International Day of Persons with Disabilities*** in the City of Whitehorse.

Dan Curtis
Mayor



PROCLAMATION
CHRISTMAS KETTLE MONTH
December 2015

WHEREAS The Salvation Army Christmas Kettle Campaign is one of Canada's most significant and recognizable annual charitable events; and

WHEREAS in addition to the critical fundraising impact of the Campaign, the Christmas Kettles boost the Salvation Army's visibility and awareness; and

WHEREAS the Salvation Army is active in our community in the fight against poverty, in the provision of emergency shelters and emergency disaster services, in giving hope when bad things happen to good people, and in the belief that everyone is worthy of compassion and respect, and

WHEREAS for more than 100 years in communities all across Canada the annual Christmas Kettle Campaign has been a great way for people to help others in need in their local community through the work of the Salvation Army;

NOW THEREFORE I, Mayor Dan Curtis, do hereby proclaim December 2015 to be ***Christmas Kettle Month*** in the City of Whitehorse.

Dan Curtis
Mayor

MINUTES of **REGULAR** Meeting #2015-23 of the council of the City of Whitehorse called for 5:30 p.m. on Monday, November 9, 2015, in Council Chambers, City Hall.

PRESENT: Mayor Dan Curtis
Councillors Dan Boyd – Electronic Participation
Jocelyn Curteanu
Robert Fendrick – Electronic Participation
Samson Hartland
Betty Irwin
Roslyn Woodcock

ALSO PRESENT: Acting City Manager Mike Gau
Director of Community Services Linda Rapp
Acting Director of Development Services Patrick Ross
Director of Infrastructure and Operations Peter O’Blenes
Chief Financial Officer Valerie Braga
Manager of Legislative Services Jeff O’Farrell

Mayor Curtis called the meeting to order at 5:30 p.m.

CALL TO ORDER

2015-23-01

It was duly moved and seconded
THAT the agenda be adopted as presented.

AGENDA

Carried Unanimously

2015-23-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated October 13,
2015 be adopted as presented.

MINUTES

October 13, 2015

Carried Unanimously

2015-23-03

It was duly moved and seconded
THAT the minutes of the special council meeting dated October 26,
2015 be adopted as presented.

MINUTES

October 26, 2015

Carried Unanimously

COMMITTEE REPORTS

Public Health and Safety Committee

2015-23-04

It was duly moved and seconded
THAT the 2015 Christmas Food for Fines Program be approved; and
THAT a grant not exceeding \$10,000.00 for parking meter ticket fines
issued between December 4th and December 11th, 2015 be approved
to the Food Bank and Kaushee's Place as part of the Christmas
Food for Fines promotion.

CHRISTMAS FOOD
FOR FINES PROMOTION

Carried Unanimously

Activity reports for August to October 2015 were received from Bylaw
Services and the Fire Department.

ACTIVITY REPORTS
For Information Only

Development Services Committee

Activity reports for August to October 2015 were received from the
Director of Development Services and the Economic Development and
Environmental Sustainability Departments.

ACTIVITY REPORTS
For Information Only

Corporate Services Committee

2015-23-05

It was duly moved and seconded
THAT per diem expenses be authorized for Councillors Curteanu,
Irwin and Woodcock to attend the Association of Yukon Communities
Newly Elected Officials Orientation meetings to be held in
Whitehorse in November, funded from their individual councillor-
initiated accounts.

AUTHORIZE PER DIEMS
AYC Newly Elected
Officials Orientation

Carried Unanimously

2015-23-06

It was duly moved and seconded
THAT council member appointments to various ad hoc committees
be approved as follows:

Association of Yukon Communities

Mayor Curtis
Councillor Hartland

COUNCIL MEMBER
APPOINTMENTS TO
AD HOC COMMITTEES

CCMARD Advisory Committee

Councillor Fendrick

Federation of Canadian Municipalities

Mayor Curtis

.../continued

2015-23-06 (Continued)

Persons with Disabilities Advisory Committee	Councillor Curteanu	COUNCIL MEMBER APPOINTMENTS TO AD HOC COMMITTEES (Continued)
Trail and Greenways Committee	Councillor Woodcock	
Whitehorse Chamber of Commerce	Councillor Boyd	
Whitehorse Housing Advisory Board	Councillor Irwin	

Carried Unanimously

2015-23-07

It was duly moved and seconded
THAT council member appointments to various special committees
be approved as follows

Budget Committee	Mayor and all Council	COUNCIL MEMBER APPOINTMENTS TO SPECIAL COMMITTEES
City Manager's Evaluation	Mayor and all Council	
Emergency Measures Commission	Mayor and Deputy Mayor	

Carried Unanimously

2015-23-08

It was duly moved and seconded
THAT staff appointments to various ad hoc committees be approved
as follows:

CCMARD Advisory Committee	Linda Rapp	STAFF MEMBER APPOINTMENTS TO AD HOC COMMITTEES
Persons with Disabilities Advisory Committee	Christine Smith	
Planning Group on Homelessness	Linda Rapp	
Reciprocal Insurance Exchange	Valerie Braga	
Trail and Greenways Advisory Committee	Douglas Hnatiuk Dave Pruden Darcy McCord	
Yukon Energy Partners	Shannon Clohosey	
Yukon Housing Action Plan Implementation Committee	Mike Gau	

Yukon Intergovernmental Committee on
Environmental Sustainability

Shannon Clohosey

Carried Unanimously

2015-23-09

It was duly moved and seconded
THAT Lillian Nakamura Maguire, Fumi Torigai and Rod Snow be re-appointed to the Canadian Coalition of Municipalities Against Racism and Discrimination Advisory Committee for a term to expire on October 31, 2017; and

CITIZEN APPOINTMENTS
TO CCMARD ADVISORY
COMMITTEE

THAT Reem Girgrah be appointed to the Canadian Coalition of Municipalities Against Racism and Discrimination Advisory Committee for a term to expire on October 31, 2017.

Carried Unanimously

2015-23-10

It was duly moved and seconded
THAT Lisa Rawlings Bird and Jenny Roberts be re-appointed to the Persons with Disabilities Advisory Committee for a term to expire on October 31, 2016; and

CITIZEN APPOINTMENTS
TO PERSONS WITH
DISABILITIES ADVISORY
COMMITTEE

THAT Alan Macklon, Christine Spencer, Colette Acheson and Hans Herdes be appointed to the Persons with Disabilities Advisory Committee for a term to expire on October 31, 2016.

Carried Unanimously

2015-23-11

It was duly moved and seconded
THAT Mike Ivens, Mark Daniels and Ken Sylvestre be re-appointed to the Whitehorse Trail and Greenways Advisory Committee for a term to expire on October 31, 2016; and

CITIZEN APPOINTMENTS
TO TRAIL & GREENWAYS
ADVISORY COMMITTEE

THAT Craig Van Lankveld be appointed to the Whitehorse Trail and Greenways Advisory Committee for a term to expire on October 31, 2016.

Carried Unanimously

Activity reports for August to October 2015 were received from the City Manager and the Business and Technology Systems, Financial Services, Human Resources, Legislative Services and Strategic Communications Departments.

ACTIVITY REPORTS
For Information Only

Administration provided details with respect to the innovations implemented at the municipal election and noted that the changes resulted in an 18% increase in the number of electors who voted at the municipal level.

Issues Arising from the
Activity Reports
For Information Only

City Planning Committee

2015-23-12

It was duly moved and seconded
THAT the contract for the preparation of a Chadburn Lake Park
Management Plan be awarded to 3Pikas Development Studio Inc. in
the amount of \$33,243.60.

CONTRACT AWARD
CHADBURN LAKE
MANAGEMENT PLAN

Carried Unanimously

An activity report for August to October 2015 was received from the
Planning and Building Services Department.

ACTIVITY REPORT
For Information Only

Administration advised that the Miles Canyon Suspension Bridge is
the responsibility of the Territorial Government and is not included in
the planning process for the area.

Issues Arising from the
Activity Reports
For Information Only

The schedule for the replacement of the Schwatka Lake boat launch
is subject to the availability of external funding sources such as Gas
Tax Funds.

City Operations Committee

Activity Reports for August to October 2015 were received from the
Engineering, Operations, and Water and Waste Services Departments.

ACTIVITY REPORTS
For Information Only

Administration advised that the infrastructure improvements for the
Hillcrest area are a work in progress at this time and the project is not
yet funded. It is anticipated that it will be some years before
construction can begin.

Issues Arising from the
Activity Reports
For Information Only

Community Services Committee

2015-23-13

It was duly moved and seconded
THAT the allocation of \$36,100.00 for Category 1 Recreation Grants
be approved as recommended by the Recreation Grant Task Force;
AND THAT any unexpended recreation grant funds, as well as any
refunds received prior to year-end, be authorized for re-budgeting to
2016.

RECREATION GRANT
FALL ALLOCATIONS

Grant Recipient Grant Amount

Arctic Edge Skating Club
Yukon Championships / Test Day \$5,180.00

.../continued

2015-23-13 (Continued)

<u>Grant Recipient</u>	<u>Grant Amount</u>
Chickadees Playschool Association Supplies / Field Trips	\$1,920.00
Fiddleheads Performance Group Youth Music Lessons, Workshops, Performances	\$2,500.00
Learning Disabilities Association of Yukon Camp Raven	\$10,000.00
Nakai Theatre Ensemble 24 Hour Playwriting Competition and Cabaret	\$4,500.00
Yukon Art Society Arts Underground Recreation–Education Program	\$12,000.00
Total	<u>\$36,100.00</u>

RECREATION GRANT
 FALL ALLOCATIONS
 (Continued)

Carried Unanimously

2015-23-14

It was duly moved and seconded
 THAT Festival and Special Events grant allocations for January to
 June, 2016 be approved as presented in the amount of \$77,422.00,
 including both cash and in-kind support, funded by the 2016
 Operating Budget:

<u>Grant Recipient</u>	<u>Cash Grant</u>	<u>In-Kind Grant</u>
Chinese Canadian Association of Yukon 2016 Chinese New Year Party	\$1,000.00	
D60 Collective Whitehorse Nuit Blanche	\$950.00	
Gwaandak Theatre Society Magnetic North Theatre Festival	\$2,100.00	\$3,200.00
Yukon Anti-Poverty Coalition Whitehorse Connects	\$1,600.00	
Yukon Educational Theatre Society Burning Away the Winter Blues	\$1,850.00	\$4,490.00
Yukon Film Society Available Light Film Festival	\$3,000.00	
Yukon Literacy Coalition Family Literacy Day	\$1,000.00	\$330.00

FESTIVAL AND SPECIAL
 EVENT GRANTS
 January to June 2016

.../continued

2015-23-14 (Continued)

<u>Grant Recipient</u>	<u>Cash Grant</u>	<u>In-Kind Grant</u>
Yukon Quest International Association Canada (Signature Event)		
Yukon Quest Race and Finish Week	\$5,000.00	\$7,000.00
Yukon Sourdough Rendezvous Society (Signature Event)		
Sourdough Rendezvous Festival	\$8,700.00	\$37,202.00
Totals:	<u>\$25,200.00</u>	<u>\$52,222.00</u>

FESTIVAL AND SPECIAL
EVENT GRANTS
January to June 2016
(Continued)

Carried Unanimously

Activity Reports for August to October 2015 were received from the Director of Community and Recreation Services, Parks and Community Development, Recreation and Facility Services, and the Transit Services Department.

ACTIVITY REPORTS
For Information Only

Administration provided an update on discussions with the Government of Yukon with respect to Handy Bus operations. Taxi-script is being considered as an alternative to the traditional model, and options for the future are being explored

Issues Arising from the
Activity Reports
For Information Only

There being no further business, the meeting adjourned at p.m.

ADJOURNMENT

Mayor

City Clerk

ADOPTED by resolution at Meeting #2015-



Minutes of the meeting of the Public Health and Safety Committee

Date	November 16, 2015
Location	Council Chambers, City Hall
Committee Members Present	Councillor Jocelyn Curteanu – Chair Councillor Robert Fendrick – Vice Chair Deputy Mayor Samson Hartland Councillor Dan Boyd – Electronic Participation Councillor Betty Irwin Councillor Roslyn Woodcock
Absent	Mayor Dan Curtis Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services
Staff Present	Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Valerie Braga, Chief Financial Officer Jeff O’Farrell, Manager of Legislative Services Dave Pruden, Manager of Bylaw Services

Your Worship, the Public Health and Safety Committee respectfully submits the following report:

1. Municipal Offences Bylaw

The Yukon *Summary Convictions Act* has been revised and is expected to come into force and effect on January 1, 2016. The Municipal Offences Bylaw, which provides for the enforcement of the City’s bylaws, needs to be updated in response to the changes in the Act. The existing bylaw is significantly out of date. A new bylaw has been drafted that meets the requirements of the Act and provides guidance and clarity on ticketing.

Recommendation

THAT Bylaw 2015-31, a bylaw to provide for the enforcement of the bylaws of the City of Whitehorse, be brought forward for due consideration under the bylaw process.



Minutes of the meeting of the Development Services Committee

Date	November 16, 2015
Location	Council Chambers, City Hall
Committee Members Present	Councillor Betty Irwin – Chair Deputy Mayor Samson Hartland Councillor Dan Boyd – Electronic Participation Councillor Jocelyn Curteanu Councillor Robert Fendrick Councillor Roslyn Woodcock
Absent	Mayor Dan Curtis
Staff Present	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Valerie Braga, Chief Financial Officer Jeff O’Farrell, Manager of Legislative Services Glenda Koh, Environmental Coordinator

Your Worship, the Development Services Committee respectfully submits the following report:

1. Environmental Grant Allocations

The City allocates \$25,000 annually for Environmental Grants to assist community groups, non-profits, and commercial organizations with environmental projects that advance the Whitehorse Sustainability Plan. The Environmental Grant Policy, last reviewed in 2011, governs the allocation of grants. An internal committee reviewed the seven applications received. In accordance with the policy, applications are evaluated based on how they support the Sustainability Plan, public and community benefit, eligible costs, likelihood of success, and other criteria. Three projects are recommended for full funding and two for partial funding. The review committee deemed two projects to be ineligible for funding under existing criteria.

Recommendation

THAT the allocation of Environmental Grants in the amount of \$20,910.00 be approved as recommended by the review committee.



Minutes of the meeting of the Corporate Services Committee

Date	November 16, 2015
Location	Council Chambers, City Hall
Committee Members Present	Councillor Roslyn Woodcock – Chair Deputy Mayor Samson Hartland Councillor Dan Boyd – Electronic Participation Councillor Jocelyn Curteanu Councillor Robert Fendrick Councillor Betty Irwin
Absent	Mayor Dan Curtis
Staff Present	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Valerie Braga, Chief Financial Officer Jeff O’Farrell, Manager of Legislative Services

Your Worship, the Corporate Services Committee respectfully submits the following report:

1. Third Quarter Capital Variance Report

Capital budget projections submitted by department managers were reviewed by the Financial Services Department and a summary was prepared of capital projects that have been identified as complete or under budget. As a result, some funds can remain in the City’s reserves for future use and some outside source funding can be released for potential 2016 applications. Amendments to the capital plan in the amount of \$21,080,868.00 are proposed.

A committee member noted that the postponing of the building consolidation project means that the funding allocated could remain in various reserves rather than in the land bank reserve identified. Administration concurred and the recommendation was changed accordingly.

Recommendation

THAT the following amendments to the 2015 to 2018 Capital Expenditure Plan be approved:

1. Capital Reserve – amend the funding of the following projects with \$35,000 in funding remaining in the Capital Reserve:

Permanent Lane Markings	-\$35,000	Under budget
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2. Equipment Reserve – amend the funding of the following project with \$3,000 in funding remaining in the Equipment Reserve:

Vactor – Whistle Bend	-\$3,000	Under budget
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3. Recreation Facility Reserve – amend the funding of the following projects with \$8,110 in funding remaining in the Recreation Facility Reserve:

Takhini Arena New De-Humidifier	-\$6,000	Under budget
Aquatic Centre Maintenance	-\$2,110	Under budget

4. DCC Reserve – amend the funding of the following projects with \$4,758 in funding remaining in the DCC Reserve:

Hillcrest Reconstruction	-\$4,758	Under budget
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5. Land Bank Reserve – amend the funding of the following projects with \$15,280,000 in funding remaining in Reserves:

Building Consolidation	-\$15,080,000	Delayed until 2016
Downtown South 5 th & Rogers	-\$200,000	Project done by YG

6. Gas Tax – amend the funding of the following project with \$5,750,000 in funding returning to the City’s Gas Tax allocation until project is underway:

Building Consolidation	-\$5,750,000	Delayed until 2016
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2. Third Quarter Operating Variance Report – For Information Only

The Financial Services Department reviewed operating budget projections submitted by department managers and has provided a forecast of operating results to the end of the 20154 fiscal year.

The 2015 Third Quarter Variance projection is that total operating revenues will be over budget by \$453,184 and expenses over budget by \$434,054. Therefore, operating projections to December 31, 2015 as compared to the revised budget indicate an operating surplus of \$19,130 for the corporation.

Overall department spending is controlled and based on the total operating budget of \$70,158,618, a third quarter positive variance of \$19,130 is within 1% of the City’s total operating budget.



Minutes of the meeting of the City Planning Committee

Date	November 16, 2015
Location	Council Chambers, City Hall
Committee Members Present	Councillor Robert Fendrick – Chair Deputy Mayor Samson Hartland Councillor Dan Boyd – Electronic Participation Councillor Jocelyn Curteanu Councillor Betty Irwin Councillor Roslyn Woodcock
Absent	Mayor Dan Curtis
Staff Present	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Valerie Braga, Chief Financial Officer Jeff O’Farrell, Manager of Legislative Services Patrick Ross, Manager of Planning Services

Your Worship, there is no report from the City Planning Committee



Minutes of the meeting of the City Operations Committee

Date	November 16, 2015
Location	Council Chambers, City Hall
Committee Members Present	Councillor Roslyn Woodcock – Chair Councillor Betty Irwin – Vice Chair Deputy Mayor Samson Hartland Councillor Dan Boyd Councillor Jocelyn Curteanu Councillor Robert Fendrick
Absent	Mayor Dan Curtis
Staff Present	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Valerie Braga, Chief Financial Officer Jeff O’Farrell, Manager of Legislative Services

Your Worship, there is no report from the City Operations Committee



Minutes of the meeting of the Community Services Committee

Date	November 16, 2015
Location	Council Chambers, City Hall
Committee Members Present	Councillor Jocelyn Curteanu – Chair Deputy Mayor Samson Hartland Councillor Dan Boyd Councillor Robert Fendrick Councillor Betty Irwin Councillor Roslyn Woodcock
Absent	Mayor Dan Curtis
Staff Present	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Valerie Braga, Chief Financial Officer Jeff O’Farrell, Manager of Legislative Services

Your Worship, the Community Services Committee respectfully submits the following report:

1. 12 Days to End Violence Campaign – For Information Only

Hillary Aitken from the Victoria Faulkner Women’s Centre and Ketsia Houde from Les EssentiElles addressed the Committee to raise awareness of the upcoming “12 Days to End Violence Against Women” campaign. The campaign begins on November 26th and will conclude with the National Day of Remembrance and Action on Violence Against Women on December 6th. Council members were encouraged to attend the various campaign events and act as champions in the fight against gender-based violence.

2. Syrian Refugee Crisis – For Information Only

In response to the Syrian Refugee Crisis, Yukon Cares has indicated that a family of 10 has been tentatively identified for Whitehorse. There is still considerable work to be done before this can be confirmed, and local fundraising efforts to support the family for a year are well underway. The Canadian Coalition of Municipalities Against Racism and Discrimination Advisory Committee discussed potential ways the City may be able to assist, including providing in-kind contributions for the family’s use of the Canada

Games Centre and Transit. These items are currently identified in the budget for fundraising, and if the City could provide these services as an in-kind donation the funds raised in the community would stretch further. A formal request for this type of donation may come forward to Council once the family is confirmed.

Mike Gladish addressed the Committee on behalf of Yukon Cares to provide more information about the project. He explained that projected costs will be in excess of \$100,000.00, and noted that the City will be approached in due course with a request for in-kind contributions.

A committee member noted that Council receives many requests for in-kind donations, and therefore needs to be fair and consistent when dealing with such requests.

3. Joint Use Agreement – Francophone School Board

In August Council approved a new Joint Use Agreement with the Government of Yukon with respect to Whitehorse Schools and City Facilities. A separate agreement is required with the Francophone School Board. The original agreement has now been translated and is ready to be signed. A resolution is required to authorize the Mayor to sign the agreement on behalf of the City.

Recommendation

THAT the Mayor be authorized to sign the Joint Use Agreement with the Francophone School Board with respect to École Émilie-Tremblay for the period from September 1, 2015 through August 31, 2018.

4. Community Events and Activities – For Information Only

City staff was commended for the work done to ensure the high quality of this year's Remembrance Day proceedings.

The Committee extended thoughts and prayers to communities suffering from recent violent events. A moment of silence is planned for 12:15 p.m. on November 17.

There being no further business, the meeting adjourned at 6:45 p.m.

Adopted at the regular council meeting on

Mayor

City Clerk

NOTICE OF MOTION

Monday, November 23, 2015

TAKE NOTICE THAT I, Councillor Samson Hartland, will bring forward at the next regular meeting of Council on December 14, 2015 a motion to reconsider Resolution 2015-09-11 that was defeated by council on April 27, 2015.

The motion to be reconsidered is:

“THAT Bylaw 2015-08, a bylaw to amend the zoning of a parcel of vacant land in Whistle Bend to allow for the development of an outdoor sports complex, be given second reading as amended.”

ADMINISTRATIVE REPORT

TO: Mayor and Council
FROM: Administration
DATE: November 23, 2015
RE: Authorize Council Travel – Federation of Canadian Municipalities

ISSUE

Authorize travel expenses for council members attending the Federation of Canadian Municipalities Annual Conference in Winnipeg.

HISTORY

A council resolution is required to approve all requests for funding or reimbursement of expenses incurred by council members in conjunction with travel outside the City

ALTERNATIVES

Council may authorize or deny the requests for travel and per diem expenses

ANALYSIS

Mayor Curtis and Councillors Curteanu, Hartland and Fendrick have indicated their intention to attend the Federation of Canadian Municipalities Annual Conference in Winnipeg in June.

ADMINISTRATIVE RECOMMENDATION

THAT travel expenses be authorized for Mayor Curtis to attend the Federation of Canadian Municipalities Annual Conference in Winnipeg in June, 2016; and

THAT travel and per diem expenses be authorized for Councillors Curteanu, Fendrick and Hartland to attend the 2016 Federation of Canadian Municipalities Annual Conference in Winnipeg, funded from Councillor-initiated accounts.

CITY OF WHITEHORSE
BYLAW 2015-31

A bylaw to provide for the enforcement of the bylaws of the City of Whitehorse

WHEREAS section 263 of the *Municipal Act*, RSY 2002, c.154, provides broad authority to a council to govern a municipality as council considers appropriate within the jurisdiction given to it under this and other Acts; and enables council to respond to present and future issues in the municipality; and

WHEREAS section 265 provides that council may pass bylaws for municipal purposes respecting the enforcement of bylaws; and

WHEREAS the *Summary Convictions Act*, RSY 2002, c. 210 governs the process of enforcement of municipal offences; and

WHEREAS section 248 of the *Motor Vehicles Act*, RSY 2002, c. 153 provides that an owner of a vehicle is liable for that vehicle;

NOW THEREFORE the council of the municipality of the City of Whitehorse hereby ENACTS AS FOLLOWS:

1. This bylaw may be cited as the "**Municipal Offences Bylaw**".
2. Any person who contravenes, causes, or permits a contravention of a bylaw commits an offence.
3. In this bylaw,

“Appearance date” means the date and time specified in a ticket when a named person may appear in court to plead not guilty to an offence.

“Enforcement Officer” includes a Peace Officer and means an employee of the City of Whitehorse appointed as a Bylaw Enforcement Officer pursuant to the Bylaw Enforcement Officer bylaw, who has been granted authority to enforce municipal bylaws.

“Named person” means the person named in a ticket for a bylaw offence, or the registered owners of a vehicle that is involved in a bylaw offence, which may include a corporation.

“Notice of trial” means written notice to a named person of the date and time scheduled for trial of a specified offence in Territorial Court.

“Notice to appear” means a statement on a ticket that commands the named person to appear in court on the specified date and time.

“Offence date” means the date that a bylaw offence is alleged to have been committed.

“Voluntary fine” means the dollar amount specified in a bylaw and on a ticket for a specified offence, payment of which may be made in lieu of a court appearance, and which admits guilt and registers a conviction for the charge.

Municipal Offences Bylaw 2015-31

TICKETS

4. For the purposes of subsection 2.04(1) of the *Summary Convictions Act*, proceedings in respect of a municipal bylaw offence may be commenced by means of a ticket in accordance with section 10 of the *Summary Convictions Act*.
5. A ticket referred to in section 4 of this bylaw shall be in the form prescribed by the City of Whitehorse, in accordance with the *Summary Convictions Act*.
6. Pursuant to section 10(8) of the *Summary Convictions Act*, a ticket may be issued and signed by electronic means.
7. Pursuant to section 34(d) of the *Summary Convictions Act*, an expression appearing under the heading "Description of Offence" in a bylaw or an expression of similar import is authorized for use on a ticket for the description of an offence under the provision of the bylaw.
8. Pursuant to section 34(b) of the *Summary Convictions Act*, each bylaw shall list the offences and related fine amounts for offences for which a ticket may contain the endorsement referred to in section 9(d) of the *Summary Convictions Act*, whereby a voluntary fine may be paid in lieu of a court appearance.
9. On payment of the voluntary fine, the named person is deemed to be convicted, and no further proceedings shall be taken in respect of the offence alleged in the ticket.
10. Where a ticket contains an endorsement as referred to in section 8 of this bylaw, the amount of the voluntary fine shall be as stated in the applicable bylaw, and set out on the Notice to appear part of the ticket.
 - (1) A fine in respect of an offence committed under a bylaw may be paid before the complaint is registered as a conviction.
 - (2) Payment of fines shall be by cash, money order, certified cheque, debit, or credit card, and shall not be by personal cheque.
11. The Notice to appear part of the ticket shall specify the appearance date that a named person may appear in court to plead not guilty to an offence.
12. Pursuant to section 25 of the *Summary Convictions Act*, an Enforcement Officer may compel a named person to appear in court without the option to pay a voluntary fine by striking out in its entirety, and initialling, the section of the ticket containing the endorsement referred to in section 9(d) of the *Summary Convictions Act*, and serving the ticket on the named person.
13. A named person may plead not guilty to an offence by:
 - (1) Signing the not guilty plea part of the ticket and returning it by mail or in person to the City of Whitehorse before the appearance date specified in the ticket;
 - (2) Attending at the City of Whitehorse to fill in the prescribed form required for a not guilty plea before the appearance date specified in the ticket; or

Municipal Offences Bylaw 2015-31

- (3) Attending court to enter a not guilty plea on the appearance date specified in the ticket.
14. If a named person does not enter a plea of not guilty to an offence, and does not pay the voluntary fine, that person may be convicted of the offence on the appearance date or any date thereafter, in his or her absence, and may have imposed upon that person a fine that is double the voluntary fine.
15. Pursuant to section 248 of the *Motor Vehicles Act*, the registered owner(s) of a motor vehicle involved in a bylaw offence are guilty of the offence, notwithstanding that no names appear on a parking ticket left on a vehicle, unless they can prove to the satisfaction of a justice that at the time of the offence the vehicle was not being driven or was not parked or left by them or any other person with their consent, express or implied.
16. A corporation that is the registered owner of a vehicle may be named in a proceeding by naming the owner/operator of the corporation doing business as the corporation.

SERVICE AND DELIVERY

17. An Enforcement Officer may serve a ticket for a bylaw offence:
 - (1) By delivering it to the defendant personally within 30 days after the day on which the offence described is alleged to have been committed; or
 - (2) If the offence alleged relates to the parking of a vehicle or leaving a vehicle unattended, by attaching the ticket to the vehicle.
18. If a named person pleads not guilty to an offence, a notice of trial indicating the time set for the trial shall be served on the named person by:
 - (1) Delivering it to the person personally; or
 - (2) Delivering it by registered mail to the last known address of the named person.
19. If a conviction for an offence is entered in the absence of the named person, a written notice of the conviction shall be delivered by regular mail to the last known address of the named person.
20. The last known address of a named person shall be deemed to be the most recent address that appears in any record maintained by the Government of Yukon or the City of Whitehorse, or any address that the Enforcement Officer who issued the ticket believes on reasonable grounds to be the address of the named person.

PENALTIES

21. A person who commits an offence under a bylaw is, in addition to any other punishment, liable upon summary conviction to:
 - (1) a voluntary fine, issued in respect of an offence which may be increased for second and subsequent offences; or

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- (2) a fine not exceeding ten thousand dollars (\$10,000.00) plus a fine of up to \$2,500 for each day that the offence continues, pursuant to section 343 of the *Municipal Act*.
22. In any case where a named person is convicted in his or her absence for an offence for which the voluntary fine is \$150 or more, the City of Whitehorse shall request the court to impose an additional \$100 penalty for the offence.
23. Pursuant to section 340 of the *Municipal Act*, where an offence is committed or continues on more than one day, it may be deemed to be a separate offence for each day on which the offence is committed or continued.
24. Pursuant to section 344(2) of the *Municipal Act*, each bylaw may specify that should any person owning or occupying real property within the City refuse or neglect to pay any penalties that have been levied pursuant to that bylaw by the thirty-first day of December on the same year, the penalties shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.
25. Fines which have not been paid by the owner or occupier of property within the City, as required by a court, shall attach to and may be recovered through the property tax account of such owner or occupant, and may be recovered in the same manner as a tax may be collected or enforced under the *Municipal Act* or the *Assessment and Taxation Act*.

BYLAW REPEAL

26. Bylaw 892, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

27. This bylaw shall come into full force and effect upon final passage thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

City Clerk