

CITY OF WHITEHORSE
REGULAR Council Meeting #2021-05

DATE: Monday, March 8, 2021
TIME: 5:30 p.m.

Mayor Dan Curtis
Deputy Mayor Jan Stick
Reserve Deputy Mayor Jocelyn Curteanu

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA Adoption

PROCLAMATIONS

MINUTES Regular Council meeting dated February 22, 2021

DELEGATIONS

PUBLIC HEARING

STANDING COMMITTEE REPORTS

Corporate Services Committee – *Councillors Roddick and Curteanu*

Forthcoming Procurements – For Information Only

Election 2021 Procedures Bylaw

Repeal of Out-dated or Redundant Bylaws

Updating References in Selected Bylaws

City Planning Committee – *Councillors Hartland and Cabott*

City Operations Committee – *Councillors Cabott and Hartland*

Procurement Commencement – Custodial Services – Administrative Buildings

Community Services Committee – *Councillors Boyd and Stick*

Public Health and Safety Committee – *Councillors Stick and Boyd*

Development Services Committee – *Councillors Curteanu and Roddick*

NEW AND UNFINISHED BUSINESS

BYLAWS

2021-09	Amend Write-Off Bylaw 2021-07	3 rd Reading
2021-16	Election 2021 Procedures Bylaw	1 st & 2 nd Reading
2021-17	Repeal of Out-dated or Redundant Bylaws	1 st & 2 nd Reading
2021-18	Updating References in Selected Bylaws	1 st & 2 nd Reading

ADJOURNMENT

MINUTES of **REGULAR** Meeting #2021-04 of the council of the City of Whitehorse called for 5:30 p.m. on Monday, February 22, 2021, in Council Chambers, City Hall.

PRESENT: Mayor Dan Curtis
Councillors Dan Boyd
Laura Cabott
Jocelyn Curteanu
Samson Hartland
Stephen Roddick
Jan Stick

ALSO PRESENT: City Manager Linda Rapp
Director of Community and Recreation Services Jeff O'Farrell
Director of Corporate Services Valerie Braga
Director of Development Services Mike Gau
Acting Director of Human Resources Lindsay Schneider
Director of Infrastructure and Operations Peter O'Blenes
Manager of Legislative Services Catherine Constable

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

CALL TO ORDER

2021-04-01

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

AGENDA

Carried Unanimously

2021-04-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated February 8, 2021
be adopted as amended with the change being that the attendance of
Councillor Hartland indicates his electronic participation.

MINUTES

February 8, 2021

Carried Unanimously

PUBLIC HEARING

Mayor Curtis advised that, since the meeting was closed to in-person public participation due to the COVID-19 pandemic, council would rely on written submissions with respect to Bylaw 2021-11, a bylaw to amend the zoning at 410 Cook Street by reducing the minimum parking requirements to allow for a micro-housing development.

BYLAW 2021-11

ZONING AMENDMENT
410 Cook Street

Fourteen written submissions were received – four in support; eight opposed and/or expressing concerns; plus two general inquiries.

Submissions Received

Mayor Curtis declared the public hearing for Zoning Amendment Bylaw 2021-11 closed and advised that no further submissions would be received on the subject except the report from administration. That report will come forward on March 15, 2021.

Public Hearing Closed

COMMITTEE REPORTS

Corporate Services Committee

2021-04-03

It was duly moved and seconded THAT Bylaw 2021-09, a bylaw to amend Write-off Bylaw 2021-07 to remove an account that has been paid, be brought forward for consideration under the bylaw process.

BRING FORWARD
AMENDMENT TO THE
WRITE-OFF BYLAW

Carried Unanimously

In accordance with the requirements of the Council Procedures Bylaw, summary reports were provided for the 2020 calendar year for each member of council with respect to:

- (1) their attendance record;
- (2) the travel undertaken in the performance of their duties;
- (3) the expense claims submitted, and
- (4) their voting record on issues that came before council for a vote.

COUNCIL SUMMARIES
FOR 2020

For Information Only

A councillor suggested that these reporting requirements do not provide sufficient clarity regarding the activities of council members. He presented a detailed report on the activities in which he participated as a member of council in the past year, and suggested that this type of report more accurately captures the time commitment required of council members.

Administration advised that the Association of Yukon Communities invoice recorded as part of Councillor Roddick's expenses was for a registration fee that has since been refunded. The record of council member expenses has been adjusted accordingly.

Discussion

In response to questions raised regarding funding for City projects from the Investing in Canada Infrastructure Program, administration confirmed that delays in receiving funding approval will negatively impact construction schedules. In the event that a territorial election is called before funding approval is confirmed, alternative funding sources will have to be identified for critical projects.

PROJECT FUNDING
For Information Only

Administration also confirmed that the City expects to be eligible for funding under the recently-announced Permanent Transit Fund, but no details are available at this time.

City Planning Committee

2021-04-04

It was duly moved and seconded THAT Bylaw 2021-14, a bylaw to amend the zoning bylaw with respect to a number of periodic revisions, be brought forward for consideration under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
Periodic Revisions

Carried Unanimously

2021-04-05

It was duly moved and seconded THAT Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road to permit an eating and drinking establishment that includes a drive-through component, be brought forward for consideration under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
107 Range Road

Carried Unanimously

Members of council spoke of some of the pros and cons associated with the development being proposed at this location, and the consensus was that bringing the proposed amendment through the bylaw process will provide an opportunity for public input on the issue.

Discussion

City Operations Committee

There was no report from the City Operations Committee.

No Report

Community Services Committee

A committee member advised that the *Whitehorse Connects* annual event would take place at the Kwanlin Dun Cultural Centre on February 16, 2021.

Community Events
For Information Only

Public Health and Safety Committee

Following completion of the *Second Avenue Corridor Study* in 2020, administration was asked to explore options for safety interventions that would benefit the entire Downtown area. Specifically, council wanted information on whether reduced speed limits would provide a quick and inexpensive way to improve road safety.

DOWNTOWN SPEED
REDUCTIONS AND
SAFETY ISSUES

This led to the development of the *Memorandum on Safety Interventions and Downtown Speed Reduction (2020)*.

For Information Only

.../continued

The *Memorandum on Safety Interventions and Downtown Speed Reduction* provides a literature review and discusses case studies related to setting regulatory speed limits.

Both the literature and case studies suggest that significant road safety benefits can be realized with changes in regulatory speed limits, even in the absence of major infrastructure improvements.

The proposed recommendations are:

- a speed limit of 40 km/hr on the major arterials of 2nd Avenue and 4th Avenue; and
- a speed limit of 30 km/hr on side streets and elsewhere.

The proposed changes align with modern speed management and regulation practices that consider setting regulatory speed limits based on adjacent land use context and the human body’s ability to absorb impacts in the event of a collision.

The proposed regulatory speed limit changes are anticipated to reduce high-end speeding and also to reduce severe injuries and fatalities for all road users.

While regulatory speed limit changes can result in some road safety benefits, eventually these need to be paired with capital improvements to infrastructure in order to realize full road safety benefits. This will ensure that the street design matches the regulatory speed, and ultimately reinforces the target speed of the roadway.

The next steps will see proposed amendments to the Traffic Bylaw and a capital budget request being brought forward for consideration by council.

DOWNTOWN SPEED
REDUCTIONS AND
SAFETY ISSUES
(Continued)

For Information Only

Development Services Committee

There was no report from the Development Services Committee.

No Report

BYLAW READINGS

2021-04-06

It was duly moved and seconded THAT Bylaw 2021-15, a bylaw to authorize a lease agreement for the provision of cold beverage vending services at the Canada Games Centre, having been read a first and second time, now be given third reading.

Carried Unanimously

BYLAW 2021-15

LEASE AGREEMENT
Cold Beverage Service –
Canada Games Centre

THIRD READING

2021-04-07

It was duly moved and seconded
THAT Bylaw 2021-09, a bylaw to amend Write-off Bylaw 2021-07 to
remove an account that has been paid, be given first reading.

Carried Unanimously

BYLAW 2021-09
AMEND WRITE-OFF BYLAW
FIRST READING

2021-04-08

It was duly moved and seconded
THAT Bylaw 2021-09 be given second reading.

Carried Unanimously

BYLAW 2021-09
SECOND READING

2021-04-09

It was duly moved and seconded
THAT Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road
to allow for the development of an eating and drinking establishment with
a drive-through component, be given first reading.

Carried Unanimously

BYLAW 2021-13
ZONING AMENDMENT
107 Range Road
FIRST READING

2021-04-10

It was duly moved and seconded
THAT Bylaw 2021-14, a bylaw to amend the zoning bylaw with respect
to a number of periodic revisions, be given first reading.

Carried Unanimously

BYLAW 2021-14
ZONING AMENDMENT
Periodic Revisions
FIRST READING

There being no further business, the meeting adjourned at 6:15 p.m.



ADJOURNMENT



Minutes of the meeting of the Corporate Services Committee

Date	March 1, 2021	2021-05
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Stephen Roddick – Chair Councillor Jocelyn Curteanu – Vice-Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott Councillor Samson Hartland Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Acting Director of Human Resources Peter O’Blenes, Director of Infrastructure and Operations Catherine Constable, Manager of Legislative Services Gloria Kasigazi, Procurement Supervisor Norma Felker, Assistant City Clerk Will Schenn, Policy Analyst	

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

1. **Forthcoming Procurements** – For Information Only

In accordance with the Procurement Policy that came into effect on January 1, 2021, a list of forthcoming procurements with an anticipated value greater than \$100,000 must be provided to council on a bi-monthly basis. Department managers reviewed their capital projects and operating requirements and have provided a list of anticipated procurements valued at over \$100,000 for March and April 2021. A total of 17 projects are on the list.

Committee members thanked administration for the improved format and level of detail provided. In response to a question regarding sustainable procurements, administration advised that commencement reports will include the sustainability aspects. For other procurements, the sustainability aspects will be included in the semi-annual report.

2. Election 2021 Procedures Bylaw

The *Municipal Act* regulates the conduct of municipal elections and requires council to establish by bylaw election procedures specific to the City of Whitehorse.

In conjunction with the 2018 bylaw adopted to provide for the use of tabulators at City elections, the proposed Election Procedures Bylaw addresses the variables specific to the conduct of the 2021 election in Whitehorse. The bylaw appoints the Returning Officer and delegates to that person the authority to administer the conduct of the election. As required under the Act, the proposed bylaw establishes the time and place for the submission of nomination papers, provides for a Board of Revision, and sets the honorariums to be paid to election officials.

The proposed bylaw also establishes the use of an electronic list of electors to enable a “vote anywhere” system, and provides that eligible voters who are not on the list of electors will be able to swear in at the polls.

Under the emergency provisions of section 265 of the *Municipal Act*, the bylaw provides for contingencies in the event that COVID-19 restrictions will still be in place when the election period commences. Specifically, the bylaw provides that any eligible elector may vote by special ballot or at an advance poll. Expanding the options for special ballot voting will allow for mail-in ballots. Eliminating the restrictions in place for advance poll voting expands the options for electors. Both of these measures should encourage voter turn-out and also increase the City’s ability to provide the protections necessary for electors and for election staff under pandemic restrictions.

The bylaw also allows the Returning Officer to establish additional advance poll days to minimize the crowding and wait times normally experienced at advance polls. As a special contingency measure, the City Manager is delegated the authority to close the polls and set an alternate date for the receipt of mail-in ballots in the event that the Chief Medical Officer of Health imposes new restrictions on polling day.

The recommendation of the Corporate Services Committee is

THAT Bylaw 2021-16, a bylaw to regulate the 2021 municipal election in the City of Whitehorse, be brought forward for consideration under the bylaw process.

3. Repeal of Out-Dated or Redundant Bylaws

Administration is proposing the repeal of ten bylaws that are no longer in use but have not been repealed or replaced. The bylaws recommended for repeal are out-dated or have been rendered redundant by the passage of updated City bylaws or Yukon legislation. Many of the bylaws refer to legislation that has long since been updated, replaced or repealed.

The recommendation of the Corporate Services Committee is

THAT Bylaw 2021-17, a bylaw to repeal out-dated or redundant bylaws, be brought forward for consideration under the bylaw process.

4. Updating References in Selected Bylaws

Administration is bringing forward a bylaw to update the *Municipal Act* references in four current bylaws. These bylaws refer to sections of the *Municipal Act* that were in effect at the time each bylaw was adopted. Amendments to the Act since that time have made the references in these bylaws invalid.

The recommendation of the Corporate Services Committee is

THAT Bylaw 2021-18, a bylaw to update the *Municipal Act* references in various bylaws, be brought forward for consideration under the bylaw process.

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Minutes of the meeting of the City Planning Committee

Date	March 1, 2021	2021-05
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Samson Hartland – Chair Councillor Laura Cabott – Vice Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Jocelyn Curteanu Councillor Stephen Roddick Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Acting Director of Human Resources Peter O’Blenes, Director of Infrastructure and Operations Catherine Constable, Manager of Legislative Services	

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



Minutes of the meeting of the City Operations Committee

Date	March 1, 2021	2021-05
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Laura Cabott – Chair Councillor Samson Hartland – Vice Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Jocelyn Curteanu Councillor Stephen Roddick Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O'Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Acting Director of Human Resources Peter O'Blenes, Director of Infrastructure and Operations Catherine Constable, Manager of Legislative Services	

Your Worship, the City Operations Committee respectfully submits the following report:

1. Procurement Commencement – Custodial Services for Admin Buildings

The Procurement Policy requires council authorization prior to the commencement of procurements with an estimated value of \$500,000 or more. The planned procurement of custodial services for administrative buildings is for a three-year term and is anticipated to be over \$500,000.

The procurement for custodial services is for seven buildings that include administrative use areas. Funding for this project is included in the approved 2021-2023 Operating and Maintenance Budget.

The recommendation of the City Operations Committee is

THAT administration be authorized to commence the procurement of custodial services for administrative buildings.

2. Preparations for Snow Melt – For Information Only

In response to questions raised regarding the City's preparations to deal with the consequences of this winter's record-breaking snowfalls, administration advised that City crews are working continuously to remove the snow accumulations in accordance with the priorities established in the Snow and Ice Control Policy.

The Operations and Water and Waste departments are preparing to deal with the anticipated snow melt conditions, and communications to assist residents in dealing with snow accumulations and potential snow-melt issues on their properties are being prepared.

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Minutes of the meeting of the Community Services Committee

Date	March 1, 2021	2021-05
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Dan Boyd – Chair Councillor Jan Stick – Vice-Chair Mayor Dan Curtis Councillor Laura Cabott Councillor Jocelyn Curteanu Councillor Samson Hartland Councillor Stephen Roddick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Acting Director of Human Resources Peter O’Blenes, Director of Infrastructure and Operations Catherine Constable, Manager of Legislative Services	

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

1. Proclamation – Kidney Health Month – For Information Only

Mayor Curtis proclaimed the month of March, 2021 to be Kidney Health Month in the City of Whitehorse.

2. Community Events – For Information Only

Two students were congratulated for being named as top environmentalists.

The Rendezvous Society was congratulated for another successful event in spite of the difficulties imposed by the COVID-19 restrictions.

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Minutes of the meeting of the Public Health and Safety Committee

Date	March 1, 2021	2021-05
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Jan Stick – Chair Councillor Dan Boyd – Vice Chair Mayor Dan Curtis Councillor Laura Cabott Councillor Jocelyn Curteanu Councillor Samson Hartland Councillor Stephen Roddick	
Staff Present	Linda Rapp, City Manager Jeff O'Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Acting Director of Human Resources Peter O'Blenes, Director of Infrastructure and Operations Catherine Constable, Manager of Legislative Services	

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

1. **Opioid Crisis** – For Information Only

A Committee member commented on a recent news story regarding the number of opioid deaths in Yukon. It was noted that, while drug abuse and addiction are not issues that are under the mandate of municipal councils, the Federation of Canadian Municipalities is supporting the position that all levels of government should be working together to deal with these issues.

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Minutes of the meeting of the Development Services Committee

Date	March 1, 2021	2021-05
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Jocelyn Curteanu – Chair Councillor Stephen Roddick – Vice-Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott Councillor Samson Hartland Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Valerie Braga, Director of Corporate Services Mike Gau, Director of Development Services Lindsay Schneider, Acting Director of Human Resources Peter O’Blenes, Director of Infrastructure and Operations Catherine Constable, Manager of Legislative Services	

Your Worship, there is no report from the Development Services Committee.

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CITY OF WHITEHORSE

BYLAW 2021-09

A bylaw to amend Write-off Bylaw 2021-07

WHEREAS section 233 of the *Municipal Act* (R.S.Y. 2002) provides for the cancellation of tax arrears where such taxes are not secured against land in the municipality, and arrears of fees, penalties, municipal charges or interest charges; and

WHEREAS Bylaw 2021-07, a bylaw to write off uncollectible accounts, included an account registered to Telus that was paid before the bylaw received third reading;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 1 of Write-off Bylaw 2021-07 is hereby amended by deleting the outstanding 2015 account registered to Telus in the amount of \$1,950.89; and revising the total to \$292,399.06.
2. The Explanatory Notes attached to and forming part of Bylaw 2021-07 are hereby amended by deleting the entry for Telus.
3. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST and SECOND READING: February 22, 2021

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

CITY OF WHITEHORSE
BYLAW 2021-16

A bylaw to establish regulations and procedures for the 2021 municipal election

WHEREAS section 53 of the *Municipal Act* provides that council may by bylaw establish polling places and mobile polls, and otherwise regulate the conduct of an election, subject to that *Act*;

AND WHEREAS section 63 of the *Municipal Act* requires that council establish a Board of Revision and prescribe the fees to be paid to the members of such Board;

AND WHEREAS section 56 of the *Municipal Act* provides that council shall by bylaw:

- (1) Establish the date, time and place for making nominations;
- (2) Establish places at which polls will be held if a poll is required;
- (3) Set hours during which special polls shall be open; and
- (4) Delegate to the Returning Officer the power to appoint Deputy Returning Officers.

AND WHEREAS section 265 of the *Municipal Act* provides that, despite any other provision in the *Act*, a council may take any temporary measure necessary to respond to and deal with an emergency;

AND WHEREAS a public health emergency declared under the *Public Health and Safety Act* continues to be in effect due to the Coronavirus pandemic, and may still be in effect at the time of the 2021 municipal election;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**Election 2021 Procedures Bylaw**".

INTERPRETATION

2. In this bylaw,

"ALTERNATE RETURNING OFFICER" means the person appointed by bylaw to assist the Returning Officer in the administration of the election.

"BOARD OF REVISION" means the group of persons appointed by council in accordance with section 63 of the *Municipal Act* to review all applications to revise the preliminary list of electors for the municipal election.

"CANDIDATE" means a person running for office at this election;

"CITY" means the corporation of the City of Whitehorse.

"COUNCIL" means the elected council of the City of Whitehorse.

Election 2021 Procedures Bylaw 2021-16

"DEPUTY RETURNING OFFICER" means a person who has been appointed and sworn in by the Returning Officer to oversee a polling station during the municipal election and ensure that rules and procedures are followed at that polling station.

"ELECTION OFFICIALS" means the Returning Officer and Alternate Returning Officer appointed pursuant to this bylaw, and includes Senior Deputy Returning Officers, Deputy Returning Officers, Revision Officers, Poll Clerks, Poll Attendants, Tabulator Operators and Standby Election Officers appointed and sworn in by the Returning Officer to assist with the conduct of the election.

"ELECTOR" means a person qualified to vote in the 2021 municipal election pursuant to section 48 of the *Municipal Act*.

"IDENTIFICATION" means documentation that verifies that the elector is the person whose name appears on the list of electors or the person applying to be included on the list of electors. Such identification shall include the birthdate of the voter and a current residential address.

"LIST OF ELECTORS" means the list of registered electors being used at this election.

"MOBILE POLL" means a poll that has been established in order that electors may cast their votes while residing in a hospital, extended care facility, senior citizens' home or correctional institute. In addition, a mobile poll may attend at the residence of an elector incapable of attending at a poll by reason of physical incapacity.

"POLL ATTENDANT" means a person who has been appointed to provide information and support to electors at a polling place.

"POLL CLERK" means a person who has been appointed and sworn in by the Returning Officer or Deputy Returning Officer to support the administration of the voting at each polling station.

"RETURNING OFFICER" means the person appointed by bylaw to be responsible for the administration of the election.

"REVISION OFFICER" means a person who has been appointed and sworn in by the Returning Officer to support the administration of the voting at a polling place by completing registration tasks including verification of eligibility, form completion, and entry into the list of electors. Revision Officers may be employed at registration kiosks prior to normal polling dates if such kiosks are established by the Returning Officer.

"SENIOR DEPUTY RETURNING OFFICER" means a person appointed and sworn in by the Returning Officer to oversee a polling place at which more than one Deputy Returning Officer is working.

"STANDBY ELECTION OFFICER" means a person trained to provide election operations continuity in the event of no-shows, relief, or additional capacity requirements on polling days. Persons hired as standby election officers shall be sworn in by the Returning Officer and employed as required for partial or full periods when polls are open for advance polls and on polling day.

"TABULATOR" means a device that scans marked paper ballots, interprets voter marks on the paper ballot, and safely stores and tabulates each vote from each paper ballot.

Election 2021 Procedures Bylaw 2021-16

“TABULATOR OPERATOR” means a person who has been appointed and sworn in by the Returning Officer to operate the tabulator at a polling place.

3. Except as otherwise provided in this bylaw and in Automated Vote Counting System Bylaw 2018-01, the 2021 municipal election in the City of Whitehorse shall be conducted in accordance with the provisions of Part 3 of the *Municipal Act*.

ELECTION OFFICIALS

4. Norma Felker is hereby appointed Returning Officer for the 2021 municipal election in the City of Whitehorse.
5. The manager of Legislative Services is hereby appointed Alternate Returning Officer and is authorized to act in the absence of Norma Felker.
6. The Returning Officer is hereby delegated the authority to appoint election officials in sufficient numbers to assist in the conduct of the election. Election officials so appointed will include Senior Deputy Returning Officers, Deputy Returning Officers, Revision Officers, Poll Clerks, Poll Attendants, Tabulator Operators and Standby Election Officers.
7. During their employment for the election, election officials shall refrain from any active or public support for or criticism of any candidate.
8. Senior Deputy Returning Officers will be appointed at each polling place where more than one Deputy Returning Officer is working. The additional responsibilities of Senior Deputy Returning Officers will include:
 - (1) Overseeing the setup of the polling place;
 - (2) Setup and activation of the tabulator at the opening of the poll;
 - (3) Shutdown of the tabulator at the close of the poll, ensuring the security of the results card, and reporting the results of the poll to the Returning Officer;
 - (4) Supervision of the tabulator operator while the poll is open;
 - (5) Supervision of revision officers and poll attendants assigned to work at a polling place and tasked with registration duties, door-keeping, crowd control and other miscellaneous responsibilities; and
 - (6) Overseeing the closing of the polling place and the secure return of the ballot box, results card and tabulator to the Returning Officer.
9. Standby Election Officers will be hired to provide election operations continuity in the event of no-shows, relief or additional capacity requirements. Standby Officers will:
 - (1) Be trained to take over the position of a Deputy Returning Officer, Revision Officer, Poll Clerk, Tabulator Operator, or Poll Attendant as required;
 - (2) Report for duty on polling day as assigned by the Returning Officer for a minimum of three hours or until they are reassigned;
 - (3) Assist with the set-up at their assigned polling place;

Election 2021 Procedures Bylaw 2021-16

- (4) Be available for call back during all the hours the polls are open; and
 - (5) If assigned to take over the position of an Election Official, or called back after the initial work, be paid for the day at the rate of the position assigned rather than at the standby rate.
10. The following honorariums shall be paid to persons acting as election officials:
- | | |
|-------------------------------------|-----------|
| (1) Senior Deputy Returning Officer | \$ 408.00 |
| (2) Deputy Returning Officer | \$ 300.00 |
| (3) Revision Officer | \$ 300.00 |
| (4) Poll Clerk | \$ 270.00 |
| (5) Tabulator Operator | \$ 270.00 |
| (6) Poll Attendant | \$ 270.00 |
| (7) Standby Election Officials | \$ 90.00 |
11. Election officials appointed pursuant to section 6 of this bylaw may be employed on more than one day, and therefore are eligible to work at advance polls or voter registration events in addition to working at a regular poll on polling day.
12. The honorariums established under section 10 of this bylaw include two hours of training time for each position.
- (1) For election officials working on more than one polling day or at registration events prior to polling days, the honorariums for second and subsequent days shall be as follows:

(a) Senior Deputy Returning Officer	\$ 360.00
(b) Deputy Returning Officer	\$ 260.00
(c) Revision Officer	\$ 260.00
(d) Poll Clerk	\$ 234.00
(e) Tabulator Operator	\$ 234.00
(f) Poll Attendant	\$ 234.00
(g) Standby Election Officials	\$ 72.00

NOMINATION PLACE AND TIME

- 13. Thursday, September 23, 2021, between the hours of 10:00 a.m. and 12:00 noon, is hereby established as the designated date and time where the Returning Officer shall receive the candidates' nomination papers.
- 14. Council Chambers in City Hall, located at 2121 Second Avenue, is hereby designated as the place where the Returning Officer shall receive the candidates' nomination papers.
- 15. Notwithstanding sections 13 and 14 of this bylaw, candidates may arrange an appointment with the Returning Officer to file nomination papers between the date of the nomination notice and 10:00 a.m. on nomination day.

Election 2021 Procedures Bylaw 2021-16

POLLING DAY

16. Polling day for the 2021 municipal election shall be Thursday, October 21, 2021.

SPECIAL BALLOTS

17. Applications for special ballots shall be available from the office of the Returning Officer as of the 1st day of September, 2021.
18. Notwithstanding section 58(1) of the *Municipal Act*, due to extraordinary circumstances arising from the COVID-19 pandemic, any qualified elector may vote by special ballot.
19. A special ballot poll shall be established in City premises. This special ballot poll will be open from 8:30 a.m. to 4:30 p.m. every business day from September 28th to and including October 20th.
20. The special ballot poll established in City premises shall be open on polling day, October 21st, from 8:30 a.m. until 2:00 p.m. to serve electors who have identified themselves as being at personal risk if their name or address is disclosed.
21. Special ballots issued to qualified electors must be returned to the Returning Officer by no later than 2:00 p.m. on polling day in order to be counted.
22. An elector who applies for and receives a special ballot is deemed to have voted when the special ballot has been issued, and the list of electors shall be marked to indicate that the elector has already voted. This includes an elector to whom a special ballot has been mailed.
23. A person who applies for and receives a special ballot MUST return the ballot to the Returning Officer or deposit the ballot in a designated drop box by no later than 2:00 p.m. on polling day. Under no circumstances may an elector take a special ballot to a polling station on polling day and vote in person using that special ballot.
24. Secure drop boxes shall be put in place at City administrative premises and the Canada Games Centre for the collection of special ballots. Such drop boxes will be clearly identified as collection sites for special ballots. An additional drop box may be deployed if deemed necessary at the discretion of the Returning Officer.
25. Electors who have received a special ballot may return their ballot by depositing it in one of these special drop boxes.
26. Special ballots may be mailed to qualified electors who complete a special ballot application and indicate that they require the ballot to be mailed to them. It shall be the responsibility of the elector to ensure that such ballots are returned to the Returning Officer by no later than 2:00 p.m. on polling day.

ADVANCE POLL

27. Notwithstanding section 87(3) of the *Municipal Act*, due to extraordinary circumstances arising from the COVID-19 pandemic, any qualified elector may vote at an advance poll.
28. An advance poll shall be established in City premises on Thursday, October 14, 2021 between the hours of 8:00 a.m. and 8:00 p.m.

Election 2021 Procedures Bylaw 2021-16

29. Advance polls shall be established at the Canada Games Centre on Thursday, October 14, 2021 and Saturday, October 16, 2021 between the hours of 8:00 a.m. and 8:00 p.m.
30. Notwithstanding section 85(1)(b) of the *Municipal Act*, the Returning Officer may, at her discretion, establish a maximum of three additional advance poll dates for the purpose of enabling every eligible elector to vote.

ELECTRONIC LIST OF ELECTORS

31. The City will use an electronic list of electors for the 2021 municipal election. In accordance with a Memorandum of Understanding between the City and Elections Yukon, an electoral district based on City boundaries will be created in the VoterView software used by Elections Yukon, and this software will be updated in September 2021 for use by the City in the 2021 municipal election.
 - (1) The electronic list will be an alphabetical list for the entire City.
 - (2) When an elector is duly identified at any polling station and is subsequently provided with a ballot, said elector shall be marked on the list of electors as having voted, and the electronic list will be updated at all polling places to show that the said elector has already voted.
 - (3) To facilitate the use of an electronic list of electors, all polling places will be established in places with Wi-Fi or internet-based connectivity.
 - (4) In the event of a power failure, some polls may be temporarily closed until power is restored.
 - (5) In the event that power is unable to be restored in a timely manner, some polls may remain closed and electors will be directed to an alternate polling place. The list of electors will be manually updated to ensure that it accurately reflects the names of electors who have already voted until the power is restored or until the close of the polls.

IDENTIFICATION OF ELECTORS

32. Electors will be required to produce identification at the poll to verify that they are the voter whose name appears on the list of electors.
33. If the elector does not have photo ID such as a driver's license, general identification card or passport, two other pieces of identification showing the elector's name and address shall be deemed acceptable provided that at least one of the alternate pieces of identification:
 - (1) shows the elector's date of birth; and
 - (2) provides proof of Whitehorse residency.
34. If an elector's official identification shows only a post office address, the elector will be required to produce additional documentation to show that they have a residential address in the City of Whitehorse.

Election 2021 Procedures Bylaw 2021-16

35. For the purposes of this bylaw,
- (1) For proof of identity and/or date of birth, the following documents will be deemed acceptable:
 - (a) Canadian birth certificate;
 - (b) Canadian passport;
 - (c) Citizenship and Immigration Canada documents;
 - (d) Secure Certificate of Indian Status card;
 - (e) Yukon driver's license; or
 - (f) Yukon general identification card.
 - (2) For proof of Whitehorse residency, any one of the following **current** documents will be deemed acceptable as long as it reflects the residential address of the elector:
 - (a) A banking statement or a stamped banking profile from a local bank;
 - (b) A bill showing a service location address (for example, a City of Whitehorse utilities bill, an ATCO Electric bill or a NorthwesTel bill);
 - (c) A City of Whitehorse property tax notice;
 - (d) A credit card statement;
 - (e) Employment confirmation, signed and on company letterhead;
 - (f) An income tax return or notice of assessment (recent or current year);
 - (g) Mortgage documentation;
 - (h) A signed residential tenancy agreement; or
 - (i) Social assistance benefit confirmation.
36. If an elector's birth certificate, valid passport or other such document does not reflect the elector's name as shown on the list of electors, additional documentation will be required for proof of identity. In most instances, the proof of residency documents in conjunction with the identity documents will be sufficient for this purpose.
- (1) Minor discrepancies in spelling between documents will not invalidate an elector's documentation.
 - (2) In the event that proof of identity or residency documents are deemed invalid by election officials, electors may still be issued a ballot provided that they sign a solemn declaration that they qualify as an eligible elector.
37. Eligible electors whose names do not appear on the list of electors may be sworn in at the poll.

POLLING PLACES

38. The Returning Officer shall establish polling places in various sectors of the municipality for the convenience of electors residing therein.
- (1) The Returning Office may establish polling places in places of public assembly or other locations where electors may reasonably be presumed to gather or visit during the course of their normal activities on polling day.

Election 2021 Procedures Bylaw 2021-16

39. Polling places established in accordance with this bylaw shall be in premises of convenient access, including access for persons with disabilities.
40. A conspicuous sign identifying the polling place shall be maintained in place outside each polling place during the time that the poll is open.
41. Voting compartments shall be provided for the use of electors in marking their ballots, along with a hard smooth surface and a suitable pen.

HOURS OF THE POLLS

42. Except as otherwise provided in this bylaw, regular polls shall be open on polling day between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon (8:00 a.m. to 8:00 p.m.).
 - (1) The poll at the Yukon government Main Administration Building shall be open between the hours of 8:00 a.m. and 5:30 p.m.
 - (2) If a poll is established at the Whitehorse General Hospital, it shall be open between the hours of 7:00 a.m. and 4:30 p.m.
 - (3) Polls established at institutions such as care homes and correctional facilities shall be open for limited hours in accordance with a schedule arranged in advance by the Returning Officer in consultation with staff at such institutions.
 - (4) A mobile poll shall be established to attend upon request at the residences of electors incapable of attending at a poll by reason of physical incapacity. Such mobile poll shall operate between the hours of 8:30 a.m. and 7:30 p.m. on polling day.
43. The Returning Officer is hereby delegated the authority to establish additional polls that will be open for limited hours in order to meet the needs of the community, and such polls shall operate between the hours of 8:00 a.m. and 7:30 p.m. on polling day. For example, some seniors' residences may require such a poll.
44. Election staff attending at polls established under sections 42(2), 42(3) and 42(4) of this bylaw or at additional polls established under section 43 of this bylaw will collect all ballots cast at those polls in a ballot box and deliver the sealed ballot box to the Returning Officer. Such ballot boxes will be opened following the close of the polls and the ballots will be scanned by a tabulator as the means of counting the votes. These ballots will be included in the tally of votes from mobile polls.

MOBILE POLLS

45. Mobile polls shall be established to attend at care homes such as Copper Ridge Place and Whistle Bend Place at which electors who reside in the said institutions on polling day may cast their vote.
 - (1) Eligible electors who work at or may be visiting at an institution where a mobile poll has been established may cast their votes at such mobile polls.
 - (2) In the event that institutions such as care homes are closed to the public during the election period, the Returning Officer is delegated the authority to make

Election 2021 Procedures Bylaw 2021-16

arrangements with the individual institutions that will allow residents and staff to vote by special ballot. Arrangements may include training staff within the location to assist residents with their forms and voting as required.

46. Except as provided in sections 42 and 43 of this bylaw and in relevant provisions of the *Municipal Act*, mobile polls shall be conducted in the manner provided by the *Municipal Act* for the conduct of other polls in an election.
47. Election staff attending at mobile polls will secure all ballots cast at those polls in a ballot box and deliver the sealed ballot box to the Returning Officer. Such ballot boxes will be opened following the close of the polls and the ballots will be scanned by a tabulator as the means of counting the votes cast at the mobile polls.

BOARD OF REVISION

48. Pursuant to the provisions of the *Municipal Act*, a Board of Revision consisting of five members is hereby established. The members of the said Board shall be appointed by resolution of council.
 - (1) A member of council or an employee of the municipality shall not be a member of the Board of Revision.
 - (2) The Returning Officer shall be the recording officer for the Board of Revision.
 - (3) The Returning Officer may act as an agent to make any application to the Board of Revision that a person who is eligible to vote could make.
49. The Board of Revision shall sit between the hours of 10:00 a.m. and 6:00 p.m. on Wednesday, September 22, 2021 in City premises.
 - (1) In the event that an in-person meeting of the Board of Revision is not possible due to restrictions imposed by the public health emergency, arrangements will be made for a virtual meeting.
50. Members of the Board of Revision shall be paid a flat rate of \$240.00 for sitting on the Board for the purpose of revising the preliminary list of electors.

USE OF CITY RESOURCES DURING AN ELECTION

51. For the purposes of promoting an election campaign, a limited number of spaces in City facilities are available to candidates for a fee as specified in the Fees and Charges Bylaw. Space is available on a first-come, first-served basis, and certain conditions may apply.
52. During an election, campaign ads may be displayed for a fee provided that they:
 - (1) Conform to the [Canadian Code of Advertising Standards](#);
 - (2) Comply with the laws, statutes, regulations and bylaws in force in the Yukon;
 - (3) Clearly state "This advertisement was paid for by (name of candidate or sponsor)"; and

Election 2021 Procedures Bylaw 2021-16

- (4) Include the statement that, “*The opinions expressed in this advertisement or by the sponsor of this advertisement do not in any way represent the opinions of, and are not endorsed by, the City of Whitehorse*”.

ADDITIONAL CONTINGENCY PLANNING

53. In the event that the Yukon Chief Medical Officer of Health imposes new restrictions on polling day, the City Manager may close the polls and establish an alternate date for the receipt of mail-in ballots.

- (1) The alternate date established pursuant to section 53 of this bylaw shall be no later than 28 calendar days from the date on which the polls were closed.

COMING INTO FORCE

54. This bylaw shall come into full force and effect on and from the final passing thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

CITY OF WHITEHORSE

BYLAW 2021-17

A bylaw to repeal out-dated and redundant bylaws.

Explanatory Notes

The attached bylaw repeals a number of out-dated and redundant bylaws. The reasons for the repeal are detailed as follows:

Committees to Assist the Mayor Bylaw 112

Part 3 of the *Council Procedures Bylaw* regulates the creation and operation of standing committees, making this bylaw redundant.

Bylaw 112 was passed in 1958.

Lords Day Permits Bylaw 130 (as amended)

This bylaw restricted the playing of public sports, games, movies, theatrical performances, concerts and lectures on Sundays. The authority for this bylaw was based on section 3 of the Lord's Day Ordinance, which is no longer in effect. This bylaw could also be in violation of sections 2(a) and 15(1) of the *Canadian Charter of Rights and Freedoms*.

Bylaw 130 was passed in 1962.

Hotel and Rooming House Bylaw 187

Section 3 of this bylaw concerns the construction and renovation of hotels, which is currently addressed in sections 3 to 6 of the *Hotels and Tourist Establishments Act*. Sections 5 to 24 of the bylaw mandates what must be provided to guests by hotel operators, and sets out the health and safety requirements for hotel operators, all of which are regulated by the *Hotels and Tourist Establishments Act* (section 7) and the *Public Health and Safety Act* (section 2).

Bylaw 187 was passed in 1966.

Public Health Bylaw 443 (as amended)

This bylaw provided regulations for a number of areas concerning public health. Section 5 of the bylaw regulates the creation of a public health nuisance, which is covered by the Yukon *Public Health and Safety Act* (PHSA) sections 2 (d), (e), and (q). Section 6 of the bylaw addresses prohibitions for individuals, which are also addressed in the PHSA sections 2(d), (h), (i), (j), (k), (m) and (r). Section 7 of the bylaw prohibits the practice of blood or bone boiling and other extraction practices with animal parts. There is a similar clause in section 2(m) of the PHSA. Section 8 of the bylaw mandates timely removal of animal carcasses, which is also addressed in section 2(aa) of the PHSA. Section 9 of the bylaw prohibits persons from depositing things that may become a public health or safety issue, the PHSA contains similar sections in section

Explanatory Notes for Bylaw Repeal Bylaw 2021-17

2(j). In section 10 of the bylaw, it mandates that residences must be 500 yards from a waste disposal facility. Yukon *Environment Act* mandates that the waste disposal facility's boundary must be 500 m from any building used for human habitation or food storage. Sections 11, 12, 13, and 14 regulate unsanitary conditions in buildings. Similar legislation regarding unsanitary conditions exists in sections 2(d) and (e) of the PHSA, the *Building and Plumbing Bylaw* (sections 38, 53, and 73), and the *Sewer and Storm Utility Bylaw* (sections 27, 57, and 58). Section 15 of the bylaw regulates airspace in buildings used for human habitation, which is also covered in section 2(f) of the PHSA. Sections 16 to 24 of the bylaw regulate the provision of potable water and sanitary facilities. The PHSA provides extremely similar legislation in sections 2(h), (i), (k), the Yukon Drinking Water Regulation, Sewage Disposal Systems Regulation, in addition to sections 55-69 of the current *Sewer and Storm Water Bylaw*, and section 80 of the *Building and Plumbing Bylaw*.

Part 2 of the bylaw (sections 27-51) regulates food handling and marketing. Similar legislation currently exists in sections 2(l), (m), (n) and (z) of the PHSA, in addition to the Regulations Governing the Sanitation of Eating or Drinking Places in the Yukon Territory. Bylaw 443 was first passed in 1975.

Trailer Registration Bylaw 481 (as amended)

This bylaw required the registration of trailers designed for the purpose of sleeping or dwelling. Trailers in transit through the city, trailers used for recreational or tourist purposes only, trailers on individual residential mobile home lots and new unoccupied trailers being held for sale were exempt from the registration requirement. Current registration requirements for trailers are set out in sections 39, 44 and 57 of the Yukon *Motor Vehicles Act*.

Bylaw 481 was first passed in 1979.

Zoning Appeals Board Bylaw 517 (as amended)

The *Zoning Bylaw* now regulates how residents may present appeals to the Board of Variance or to Council in sections 4.14.5 and 4.15, making this bylaw redundant.

Bylaw 517 was first passed in 1976.

Neighbourhood Improvement Bylaw 789

This bylaw offered financial incentives to property owners to improve the exterior appearance of their properties through the issuance of grants. The grants through the bylaw were limited to 10% of the purchase price of materials to a maximum of \$500.

Some of the clauses in this bylaw could be used in the drafting of a future bylaw, possibly incorporating incentives for Fire Smart renovations related to the Wildfire Risk Reduction Strategy.

Bylaw 789 was first passed in 1980.

Explanatory Notes for Bylaw Repeal Bylaw 2021-17

Road Cut Bylaw 790

This bylaw regulated road cuts on highways and roads within City boundaries. This bylaw is now redundant due to current *Road Closure Construction and Storage Bylaw*.

Bylaw 790 was passed in 1981.

Parks and Recreation Fees and Charges Bylaw – 97-18

This bylaw was consolidated with Bylaw 98-12 in June, 1998 and made redundant by the passing of the *Fees and Charges Bylaw*. The Parks and Recreation Fees and Charges Bylaw was not repealed as only the fee schedule was consolidated into Bylaw 98-12, which has since been replaced by the current Fees and Charges Bylaw.

Planning Study Bylaw 2006-11

This bylaw required the preparation of a planning study and a green space map as part of the preliminary development process for any new residential development, and further required that the green space map be submitted for public input by plebiscite. Current planning practices provide greatly enhanced opportunities for public engagement, making this bylaw a barrier to timely land development.

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CITY OF WHITEHORSE
BYLAW 2021-17

A bylaw to repeal out-dated and redundant bylaws

WHEREAS section 220 of the *Municipal Act* provides that the power to adopt a bylaw or pass a resolution includes the power to amend or repeal the bylaw or resolution unless the Act or any other Act expressly provides otherwise; and

WHEREAS it is deemed desirable and expedient that a number of out-dated and redundant bylaws be repealed;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The following bylaws, including all amendments thereto, are hereby repealed:
 - (1) Bylaw 112 – Committees to Assist the Mayor Bylaw
 - (2) Bylaw 130 – Lord’s Day Permit Bylaw
 - (3) Bylaw 187 – Hotel and Rooming House Bylaw
 - (4) Bylaw 443 – Public Health Bylaw
 - (5) Bylaw 481 – Trailer Registration Bylaw
 - (6) Bylaw 517 – Zoning Appeals Board Bylaw
 - (7) Bylaw 789 – Neighbourhood Improvement Bylaw
 - (8) Bylaw 790 – Road Cut Bylaw
 - (9) Bylaw 97-18 – Parks and Recreation Fees and Charges Bylaw
 - (10) Bylaw 2006-11 – Planning Study Bylaw

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

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

CITY OF WHITEHORSE

BYLAW 2021-18

A bylaw to amend the references in a number of current bylaws

WHEREAS section 220 of the *Municipal Act* provides that the power to adopt a bylaw or pass a resolution includes the power to amend or repeal the bylaw or resolution unless the Act or any other Act expressly provides otherwise; and

WHEREAS it is deemed desirable and expedient that a number of current bylaws be updated to reflect revisions to the *Municipal Act*;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Personal Services Bylaw 95-96 is hereby amended by deleting the reference to section 271 of the *Municipal Act* and substituting therefore reference to section 265 (a) of the *Municipal Act*.
2. Inter-Municipal Business License Bylaw 98-10 is hereby amended by deleting the reference to section 276 of the *Municipal Act* and substituting therefore reference to section 265 (a) of the *Municipal Act*.
3. Dangerous Goods Bylaw 98-25 is hereby amended by deleting the references in the preamble portion of the bylaw to sections 254, 267, 271, 286, 382, 383, and 384 of the *Municipal Act* and substituting therefore reference to sections 265 (a), (i), (j), (k) and (m) and section 272 of the *Municipal Act*.
4. Fees and Charges Bylaw 2014-36 is hereby amended by deleting the reference to section 220 of the *Municipal Act* and substituting therefore reference to section 248 of the *Municipal Act*.
5. This bylaw shall come into full force and effect upon final passage thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk