

CITY OF WHITEHORSE – STANDING COMMITTEES

Tuesday, September 8, 2020 – 5:30 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATIONS

DELEGATE SUBMISSIONS

CITY PLANNING COMMITTEE

1. Commercial and Industrial Land Study – For Information Only
2. Public Hearing Report – OCP Amendment (Tank Farm Phase 1)
3. Public Hearing Report – Zoning Amendment (Living Suite in 14th R Zone)
4. Contract Award – Whistle Bend Town Square Consulting Services
5. New Business

CITY OPERATIONS COMMITTEE

1. New Business

COMMUNITY SERVICES COMMITTEE

1. New Business

PUBLIC HEALTH AND SAFETY COMMITTEE

1. Local Content Weighting – Fire Services Review
2. Local Content Weighting – Parking Meter Modernization
3. New Business

DEVELOPMENT SERVICES COMMITTEE

1. New Business

CORPORATE SERVICES COMMITTEE

1. Management and Confidential Exclusion Employment Bylaw
2. Budget Amendment – Hillcrest Water Supply
3. City Manager Bylaw Amendment
4. New Business

CITY OF WHITEHORSE
CITY PLANNING COMMITTEE
Council Chambers, City Hall



Chair: Jan Stick

Vice-Chair: Samson Hartland

September 8, 2020

Meeting #2020-19

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1. Commercial and Industrial Land Study – For Information only
Presented by Planner 2 Erica Beasley
 2. Public Hearing Report – OCP Amendment (Tank Farm Phase 1)
Presented by Manager Mélodie Simard
 3. Public Hearing Report – Zoning Amendment (Living Suite 14th Avenue)
Presented by Manager Mélodie Simard
 4. Contract Award – Whistle Bend Town Square Consulting Services
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 5. New Business

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: September 8, 2020
RE: Commercial and Industrial Land Study – For Information Only

ISSUE

The 2020 Commercial and Industrial Land Study is complete.

REFERENCE

- Commercial and Industrial Land Study (2020) – available at www.whitehorse.ca/commercialindustrial
- Commercial and Industrial Land Study (2020), Summary Report – attached
- Whitehorse 2040 – Official Community Plan review
- Zoning Bylaw 2012-20
- Downtown Retail and Entertainment Strategy (2016)

HISTORY

In 2018, a consulting team led by Groundswell Planning was hired to prepare the Commercial and Industrial Land Study (CILS). The study is now complete and is available online.

Engagement began in November 2018 and included 12 interviews, an online survey (39 respondents), and three focus group sessions (20 participants). The project team connected with other governments (Government of Yukon, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council), industry representatives (including chambers of commerce and mining), and First Nation development corporations (Chu Níikwän and Da Daghay). Public engagement focused on property owners and business operators in commercial and industrial zones.

ANALYSIS

Having an adequate supply of commercial and industrial (C&I) land available within Whitehorse is important for supporting the Whitehorse and Yukon economies. An initial step in the supply chain is for the City to designate a sufficient amount of C&I lands in the upcoming Official Community Plan (OCP).

In preparing for the OCP review, a study was commissioned to:

- Forecast future demand for C&I land within Whitehorse (excluding Downtown, which was studied in the 2016 Downtown Retail and Entertainment Strategy);
- Provide recommendations on land supply strategies; and
- Assess areas for potential future development.

The study identifies that a current supply shortage of C&I land exists in Whitehorse of ~40 hectares. It estimates that over the next 10 years (to 2030), the amount of gross C&I land that will need to be activated is ~87 hectares. The end of this period is when the next review of the OCP is expected to occur.

	Mixed Use –		
	Industrial/Commercial (ha)	Industrial (ha)	Total (ha)
Future industry demand	9.7	18.0	27.7
Current latent demand (2019)	5.8	31.5	37.3
Net (lots)	15.5	49.5	65
Gross (lots, roads, utilities, etc.)	(24%) 20.6	(76%) 66.0	86.6

Over the next 20 years (to 2040), the amount of gross C&I land that will need to be activated is estimated to be ~120 hectares. This period aligns with the end of the 20-year vision articulated in the OCP.

	Mixed Use –		
	Industrial/Commercial (ha)	Industrial (ha)	Total (ha)
Future industry demand	18.3	33.9	52.2
Current latent demand (2019)	5.8	31.5	37.3
Net (lots)	24.1	65.4	89.5
Gross (lots, roads, utilities, etc.)	(27%) 32.1	(73%) 87.2	119.3

(For size reference, Kulan is ~65 hectares)

The land forecast focused on private sector growth/decline in industry sectors that typically use C&I lands for at least some of their business activities. Results should be considered as a crude and non-exhaustive projection.

Several potential land supply strategies are explored in the study, with description provided of various advantages and disadvantages of each, and factors that would influence timing, costs, and lot yield. Potential strategies include:

1. Infill development
2. Densification/higher utilization of developed properties
3. Greenfield development
4. Brownfield development

An aggressive infill strategy could meet much of the projected 2030 demand; multiple strategies will need to be pursued to satisfy full demand over the longer term. The study's analysis is high-level, and the City will need to undertake further studies for site specific geo-technical assessment of potential development areas. Several recommendations are offered for updating and improving land supply processes that will require intergovernmental collaboration to implement.

Recommendations of the CILS will be used by Administration to draft policies and create new land designations in the upcoming first draft of the Whitehorse 2040 OCP.

Commercial and Industrial Land Study: Summary Report



Submitted by



in partnership with



to

City of Whitehorse Planning and Sustainability Services Department

June 2020

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Executive Summary

A healthy local economy relies on the availability of a suitable mix of employment lands to support growth in key business sectors and related employment levels and local spending. Commercial and industrial lands that support economic activities and land uses not traditionally sited within downtown areas are a vital part of this mix.

The pending update of the 2010 Official Community Plan (OCP) by the City of Whitehorse (“the City”) necessitated a review of the current status of and future needs for commercial and industrial lands outside of Downtown in Whitehorse. The City hired a consulting team led by Groundswell Planning to conduct a Commercial and Industrial Land Study, aimed at:

- Assessing and determining future demand for commercial and industrial land within the city (excluding Downtown) through to 2040;
- Identifying options and alternatives to meet future demand with supply (i.e. policy and/or land use prescriptions); and
- Making recommendations, including an implementation plan, for the City to consider in formulating relevant portions of the OCP.

This study was undertaken from Spring 2018 to Winter 2020, and included the following tasks:

- An inventory of current commercial and industrial land supply in Whitehorse, focusing specifically on areas designated in the 2010 OCP as Industrial (I), Natural Resource (NR), Mixed-Use – Industrial/Commercial (MU-I/C) and Future Planning (FP);
- A review and summary of economic trends and projections relating to commercial and industrial activity;
- A review of land use and regulatory considerations for the emerging and water-intensive food, beverage and cannabis production industries;
- Identification of underutilized commercial and industrial areas within Whitehorse and formulation of policy recommendations for optimizing use;
- An assessment of the development suitability of:
 - Undeveloped areas designated I and MU-I/C for industrial and commercial use;
 - Areas designated FP situated adjacent to existing areas designated I for industrial use;
 - Land parcels currently undergoing quarrying, and their potential to transition into new industrial lands; and
 - The Stevens Quarry area for industrial or commercial uses (versus the current NR and FP OCP designations).
- Formulation of recommendations for:
 - Improvements to planning, disposition, and monitoring processes relating to commercial, industrial, and quarry lands;
 - Future locations and land use mix for new commercial and industrial lands in urban and rural areas, including discussion on infrastructure, servicing and related considerations for cost-effective development;
 - Integrating food, beverage and cannabis production industries into existing or new commercial and industrial areas in Whitehorse; and
 - Changes to existing, and development of new, commercial and industrial areas.

The study team engaged with a range of stakeholders to better understand current and future requirements and market conditions for commercial and industrial lands. Engagement efforts included a business/property owner survey, focus group sessions with local business and industry representatives, and interviews with First Nation governments and development corporations, realtors, developers, industry associations, and the Government of Yukon (YG).

Approximately 973 and 462 hectares of land within municipal boundaries are designated I and MU-I/C, respectively. These designations and the four zones that fall under them – specifically IH - Heavy Industrial, IS - Service Industrial, CH - Highway Commercial, and CIM - Mixed-Use Commercial/Industrial – are primarily located outside of Downtown and residential areas. An additional 289 and 3895 hectares of land designated NR and FP¹, respectively, are potential candidates for accommodating future private sector growth. Settlement Lands of the Kwanlin Dün First Nation (KDFN) and Ta'an Kwäch'an Council (TKC) are also potential future contributors to the commercial and industrial land supply; the former designated First Nation Future Planning and the latter falling under other OCP designations.

Land Use Designations and Zones	Total Area (ha)	Total Area – Other Lands (ha)	Total Area – First Nation Land (ha)	# of Lots ²
INDUSTRIAL (I)	972.9	969.5	3.5	-
IH – Heavy Industrial	66.2	66.2	-	3 ³
IS – Service Industrial	265.3	239.1	26.2	213
MIXED-USE – INDUSTRIAL/COMMERCIAL (MU-I/C)	461.9	445.8	16.1	-
CH – Highway Commercial	95.2	90.2	5	77
CIM – Mixed-Use Commercial/Industrial	140.8	123.1	17.7	254
NATURAL RESOURCE (NR)	288.6	288.6	-	-
IQ – Quarries	449.5	449.5	-	-
FUTURE PLANNING (FP)⁴	3895.3	3866	29.3	-
FP – Future Planning ⁵	4133	4102.7	30.3	-
FIRST NATION FUTURE PLANNING⁶ (FNFP)	294	-	294	-
FNFP – First Nation Future Planning ⁷	1.8	0.8	1	-

Currently, I and MU-I/C designated lands are distributed in various nodes around Whitehorse, most of which are oriented directly on or in proximity to the Alaska Highway. Nodes of heavier industrial activity include the Kulan, Taylor, Mount Sima, and MacRae industrial areas, which are generally serviced with gravel roads and Internet/telephone, but are not connected to municipal water or sewer. MU-I/C designated lands are found along the Alaska Highway throughout much of Whitehorse, and are also concentrated in several nodes in Marwell, north of Downtown, along Range and Burns roads near the airport, and Metropolit Lane at the intersection of the highway and Robert Service Way/Hamilton Boulevard. With the exception of Marwell and a few other nodes situated off the Alaska Highway, most of these lands are not serviced with municipal water and sewer.

There are also about 450 hectares of land zoned IQ – Quarries within the municipality, the vast majority of which are Commissioner's lands leased to quarry operators by YG's Land Management Branch. Gravel quarry approval and management on Commissioner's lands is administered under the *Lands Act Quarry Regulations*. The City is consulted prior to the issuance of testing and quarry permits to ensure OCP and zoning conformance.

¹ Only FP designated lands located adjacent to MU-I/C and I designated areas were examined in this study.

² This includes unconsolidated land parcels that comprise larger properties as well as vacant lots.

³ The majority of IH zoned land is comprised of lease areas, some with split zoning. Three lots (6.5 ha) are privately owned.

⁴ This includes only those FP designated areas located adjacent to I and/or MU-I/C designated areas.

⁵ This includes only FP zoned areas located within the FP designated areas adjacent to I and/or MU-I/C designations.

⁶ This designation is specific to KDFN lands; TKC lands are incorporated into the FP designation. Only those FNFP areas located adjacent to I and/or MU-I/C designated areas are included in this total.

⁷ This includes only FNFP zoned areas located within the FNFP designated areas adjacent to I and/or MU-I/C designations.

The past 20 years have seen only a handful of Whitehorse commercial lots released to market by YG⁸. Over 50 industrial lots were released in the two phases of the Mount Sima industrial subdivision in the early to late 2000s. A private development in the Marwell area released almost 50 CIM zoned lots between 2007 and 2017. In the past two decades of government-led lot sales, both commercial and industrial lot prices have trended moderately upwards, while the sales period sharply decreased around the peak of the commodities “supercycle” between 2010 and 2013 that saw elevated mineral prices and accompanying exploration and production activity.

The majority of the approximately 205 development applications received by the City during the 2009-2018 timeframe in the zones of study interest involved development permits for IS and CIM zoned parcels. About 80% of permits were triggered by new construction, with redevelopment (i.e., additions or renovations) comprising the remaining 20% or so. Caretaker residences comprised just over one quarter of IS permit applications.

Realtors, First Nation development corporations, and private developers told the project team demand can be difficult to accurately pinpoint but is felt to have increased over the past several years. Demand is particularly high for the Titanium Way model of development (i.e., small lots, multi-unit buildings, ground-floor shops with second storey office space, etc.) and, to a lesser extent, larger land parcels suitable for larger format rental/retail businesses and equipment and materials storage. Interviewees described market supply as very limited and costs as steadily increasing, owing to a variety of factors that include a lack of raw land sales, the high costs of retrofitting existing outmoded properties for the specific needs of business, and older properties functioning as “junkyards” likely in avoidance of municipal landfill tipping fees.

Property owners and business operators shared similar insights, citing land availability and affordability as critical challenges to the private sector. About one third of the 39 respondents to the project’s online survey indicated plans to relocate and/or expand onto another Whitehorse property in the next decade, with a similar proportion indicating plans to expand buildings or business activity on their current property. Almost all of the respondents who indicated they were currently seeking a new property described the supply of commercial and industrial lots as either “limited” or “non-existent”. Property seekers expressed a preference for CIM zoning, a mix of lot sizes, and lots with municipal water and sewer. They also emphasized that land ownership was strongly preferred over leasing and/or rental arrangements.

The future demand for commercial and industrial lands will be dictated by both macro and micro-economic conditions impacting Whitehorse. The Yukon’s economy is heavily dependent on public sector activity, and this sector has shown steady growth over the past fifteen years. Private sector performance is typically linked to the performance of the mining sector in particular; not surprisingly, there was a notable decline in most industries as mineral exploration and production in the territory sharply dropped post-2013. However, Gross Domestic Product (GDP) from most private sector-oriented industries has since steadily increased from 2014-2016 lows and, as of 2018, slightly surpassed those previous highs, despite the fact that mining-related GDP is still at pre-“boom” levels, suggesting that public sector spending, and possibly broader regional population growth, is as much a contributor.

Economic forecasting for the territory would suggest that another cycle of high mineral exploration and production can be expected over the 2020-2030 timeframe, buoyed by Victoria Gold’s Eagle mine coming online and the reasonable likelihood of the Coffee Gold mine project following suit within the next few years. Meanwhile, population projections indicate that the greater Whitehorse area will be home to about 44,650 residents by 2040.

Using the overarching assumptions that future economic growth (or decline) in industry sectors requiring commercial and industrial lands will be fairly consistent with the 2008-2018 timeframe and that the public sector will continue to buffer the economic fluctuations induced by cyclical mining sector activity, an estimated 87 and 32 hectares of raw land will be required by 2040 with I and MU-I/C designations, respectively. These land need predictions factor in the team’s best estimate of 2019 latent demand and incorporate a range of assumptions around the distribution of certain industries between Downtown, residential neighbourhoods, and I and MU-I/C designated areas.

⁸ YG has primary responsibility for land development (surveying, infrastructure, and sales) in Yukon.

	2030 Land Demand (ha)		2040 ⁹ Land Demand (ha)	
	MU-I/C	I	MU-I/C	I
Future Demand – All Relevant Industry Sectors	9.7	18	18.3	33.9
2019 Latent Demand	5.8	31.5	5.8	31.5
TOTAL – Land Demand (Net)	15.5	49.5	24.1	65.4
TOTAL – Land Demand (Gross)	20.6	66.0	32.1	87.2

There are multiple options for meeting that anticipated requirement for 120 gross hectares of MU-I/C and I designated lands over the next 20 years, including infill of already developed areas, redevelopment, and greenfield development.

Approximately 3784 hectares of undeveloped lands in Whitehorse are designated MU-I/C and I and/or are located adjacent to areas with these designations. Of these candidate lands, 58% have good, or good with some constraints, development potential. Approximately 8% and 18% of lands with good, or good with some constraints, development potential are already designated MU-I/C and I, respectively, and over 25% is First Nation Settlement Land¹⁰.

First Nation Settlement Lands account for 11% of candidate lands for future commercial and industrial development. In many cases these parcels are located in highly strategic areas, making them critical pieces in the medium and long-term Whitehorse development puzzle. After YG, KDFN is the largest landowner in the municipality, and commercial and industrial land uses are envisioned for over 50% of its Type 2 parcels situated within Whitehorse. Relatively recent legislative efforts by both KDFN and YG now allow for the registration of leasehold interests on First Nation lands on the territory's land registry. KDFN's Chu Niikwän Development Corporation is actively seeking private sector tenants and lessees for some of its Settlement Lands; TKC, however, is not at this time.

Infill development of lands located within, and/or immediately adjacent to, already developed industrial and commercial nodes could potentially provide about 80 hectares of raw land, of which almost two-thirds is under Commissioner's and/or City ownership, and of that, a little over half are both appropriately designated and zoned already. These 80 hectares of infill potential could almost completely satisfy 2030 requirements and about three-quarters of 2040 requirements, with some exceptions. Site utilization across Whitehorse's developed industrial and commercial lots of interest is typically in the 80-100% range, indicating relatively little potential for substantive redevelopment and/or densification of existing nodes. The City's experiences to date with attempting to bring municipal servicing to currently unserved areas suggests that property owners are very reluctant to incur the associated costs once they have already invested in on-site solutions, even with the prospect of higher site utilization. The unserved Kulan and Taylor industrial areas are within reasonable proximity of City water and sewer infrastructure; however, the already very high utilization of lots in these areas suggests minimal potential for subdivision and the creation of new lots should they be connected to municipal services.

On the balance of numerous high-level suitability criteria, including estimated development costs, impacts on recreational and environmental values, and potential synergies with residential and/or Settlement Land development, the project team concluded that the most favourable development conditions currently exist for the "MacRae East" area for unserved industrial land development and the "Taylor North" and "Hillcrest South" areas for serviced commercial development. The area at the intersection of Robert Service Way/Hamilton Boulevard with the Alaska Highway could also be a highly strategic greenfield area to develop if bedrock constraints can be overcome in a cost-effective manner.

Potential brownfield conversion of gravel quarries to commercial and industrial lands is theoretically possible but virtually impossible to properly plan for within the current YG administrative and permitting regime. Monitoring of quarry activity is limited to conformance with issued permits and lease conditions, *not* progress made towards the fulfillment of the initial quarry plan. Further, there is no continuous or intentional record keeping around annual extraction quantities. Practical experience with both the Ear Lake and McLean Lake quarries to date would suggest

⁹ Inclusive of 2030 demand.

¹⁰ The inclusion of First Nation lands in the development suitability analysis was triggered by adjacency to OCP designated areas versus specified development intent. This figure is a very rough guideline for discussion purposes.

that initial pit life estimates can be far exceeded. There is a need to revisit, and possibly redesign, the administrative regime for quarry management within Whitehorse to achieve better long-term land use planning, land use efficiency, and possibly achieve higher utilization through the facilitation of third party interim uses in pit areas that have been exhausted but are still under lease for quarrying.

The former Whitehorse Copper mine site and the Stevens Quarry area are two large undeveloped areas with potential suitability for future commercial and industrial activity but are subject to a host of complicating factors. Given the need for a substantial future gravel resource located close to City limits, the absence of suitable alternatives, and the fact that industrial lots could be provided with fewer land use conflicts (and presumably opposition) in other areas of Whitehorse, there is no sound rationale to re-designate the Stevens Quarry area for commercial and/or industrial purposes at this time. The Whitehorse Copper site has been privately leased since 2011. The original lessee intended to reprocess old tailings and reclaim the Old Pond area, currently zoned Heavy Industrial, to a potential industrial area. However, the reprocessing project fell through and closer examination of the caveats originally made around reclamation suggest that a more concerted government effort and possible creative private-public sector approaches should be considered if this area is ever to properly function as industrial land.

Areas of economic growth that future commercial and industrial lands will need to accommodate are the food, beverage and cannabis production sectors. Zoning approaches across North America have shifted to better integrate food and beverage production into urban areas, in many cases blurring the lines between industrial and agricultural activity. Some of these zoning approaches include the creation of specific definitions and even zones to accommodate production activities, often varying on the basis of whether production is indoor or outdoor and whether there are associated retail uses. Some Western Canadian municipalities now allow for the full spectrum of indoor food production activities in some Downtown, commercial, and industrial areas. Similarly, breweries and distilleries have expanded beyond their industrial area beginnings, with craft-level producers generally allowed within commercial zones and associated retail and lounge functions being permitted in industrial locations. Cannabis production is a relative newcomer and larger western Canadian municipalities are generally restricting such operations to industrial areas.

Local growers, industry associations, and government representatives involved with agriculture described a local food and beverage sector that is both growing and maturing due to healthy local interest and demand. They stressed the need for a supportive land use regime as well as the reduction of barriers throughout the production chain – including a shift to integrated management of waste streams. Land availability and affordability were cited as key determinants to where the sector locates, along with infrastructure such as three-phase power, Internet, and access to transit. Similar to other industry sectors, the ability to generate additional revenue and secure labour resources with caretaker residences was desired, as was stacked land-use allowances that allow for on-site production, retail, and tasting functions.

Currently, the City's *Zoning Bylaw* indirectly captures uses such as indoor agriculture, breweries, and food/beverage processing through generalized use definitions. The emergence of such water and wastewater intensive uses in rural, unserved areas has created unique challenges for the City and other regulators and highlighted ambiguities and potential gaps in the regulatory framework. The City and partners should endeavour to better understand and define water-intensive land uses (which additionally include car washes and caretaker residences) and develop a regulatory framework that is both supportive of industry and protective of public health and the environment. The restriction of water-intensive industries to serviced areas is one potential strategy to consider. Intensity thresholds for unserved areas could also be explored to develop precautionary zoning regulations.

While the team concludes that there is little risk of a gap between land supply and demand on a land quantum basis, it encourages both the City and YG to take a more strategic, investment-oriented view on how land should be developed moving forward. The respective roles and responsibilities of public and First Nation governments in meeting market demand will need to be delineated and coordinated in a manner that meets a balance of private sector needs and preferences, the spirit and intent of the final agreements involved, and sound land use policy. Commercial and industrial lands within the Urban Containment Boundary (UCB) established in the 2010 OCP should be prioritized for fully serviced, higher value and higher density development that is integrated with residential areas (where appropriate) and employment-supportive amenities. These areas will become the future home of businesses and industries that become gradually outmoded in Downtown and Marwell as they evolve in

the manner envisioned in the City's recent long-range plans for both. At the same time, industrial activities – particularly those of a “nuisance” nature – need to be adequately protected through zoning and appropriately sited.

Recovering the higher costs of serviced development supports the idea of pursuing Whitehorse's next major residential subdivision in the Southern UCB (SUCB) area located to the west of the Alaska Highway between Copper Ridge and McLean Lake, an option the City investigated in 2017. While the City has relatively little control over land prices, it can potentially push the affordability needle for business and property owners through land use controls that maximize income generation and/or cost savings – specifically greater flexibility around caretaker residences in areas where the priority test of compact, higher value (i.e., serviced) development can be met.

The project team offers the following recommendations for the City to consider:

Process and Partnerships

1. In cooperation with YG, institute a moratorium on spot land applications for commercial and/or industrial use within City limits to facilitate more comprehensive development that optimizes existing and future servicing and addresses a broader spectrum of market needs. The notable exception to this recommendation is the consideration of spot land applications for heavy industrial uses that can not be accommodated elsewhere due to noxious impacts;
2. Establish a process to formalize collaboration and coordination around land development between the City, YG, and KDFN and TKC, respectively. The process deliverables, ideally Memorandums of Understanding (MOUs), should provide guidance to the signing parties with respect to:
 - a. Roles and responsibilities in regards to land development and supply for the private sector;
 - b. Potential mechanisms for cost and/or capacity sharing that could be utilized to advance development of higher priority (and value) parcels located within the UCB; and
 - c. Potential mechanisms and/or thresholds for ensuring a balance of land ownership and First Nation land leasing opportunities are available to the private sector (as appropriate to each First Nation).
3. Upon the anticipated 2020 renewal of the quarry leases for the former Whitehorse Copper Mine site, advocate for more detailed study and clarification of the technical issues enabling and/or precluding future conversion to fully productive industrial lands;
4. Work with YG to update the quarry administration system to better monitor quarry progress and inform land use planning, and explore potential mechanisms for accommodating interim uses in quarried areas;

Official Community Plan Update

5. Retain the MU-I/C and I designations for undeveloped areas outlined in the 2010 OCP;
6. Should the SUCB area be designated for residential development, consider a re-designation of the McLean Lake quarries to FP to reserve a broader range of future land use options;
7. Subject to the identification of more suitable (and/or extensive) granular sources, retain the NR designation for the Stevens Quarry area;
8. Consider the re-designation of a portion of the FP designated area located between “Taylor North” and Forestview on the east side of the Alaska Highway to I to accommodate heavy industrial activity over the long-term;

Zoning Bylaw Update (Post-OCP adoption)

9. Extend I and/or CIM zoning to areas currently zoned FP in Mount Sima and Range Road as a precursor to infill development;
10. Increase the number of caretaker residences permitted on serviced IS, CH, and CIM zoned lots while protecting primary employment uses;
11. Maintain current caretaker residence allowances for IS, CH, and CIM zoned lots in unserviced areas and consider instituting occupancy-oriented restrictions, subject to the findings of the research described in #30;
12. Subject to the findings of the research outlined in #30, consider increasing minimum lot size requirements in unserviced areas to reflect commercial/industrial uses combined with caretaker residence use;
13. Create new *Zoning Bylaw* definitions to address indoor agriculture (food and cannabis), beverage production and processing (breweries and distilleries). Consider instituting impact and intensity related thresholds contingent on location and servicing;
14. Consider creating new definitions for other water/wastewater-intensive commercial and industrial uses not listed above (i.e., car washes) and review their suitability for unserviced areas;
15. Consider mechanisms, such as thematic districts, to encourage the “clustering” of food and beverage production uses in targeted areas of Marwell and Downtown;
16. Consider extending the “studio” use to the CIM zone to better accommodate artisanal and small-scale manufacturing;
17. Reconsider zoning regulations that unnecessarily restrict the ability of entrepreneurs to base more than two businesses from one address, where no discernible change in impacts to adjacent property owners will result;
18. Review purposes, uses and associated definitions for the IS and IH zones for fairness, consistency and adequate protection and accommodation of “nuisance” industrial activities;
19. Ensure mapping data consistency between zones and their “parent” OCP designated areas;

Underutilized and Infill Lands (Shorter Term Land Development)

20. Consider a short-term incentive program (i.e., tipping fee relief) to encourage the clean-up and sale of industrial properties functioning as “junkyards” within Whitehorse;
21. Work with YG, First Nations, and private sector interests to initiate implementation of the heavy industry relocation aspects of the 2018 Marwell Plan and ensure the plan’s objectives are factored into institutional capital planning efforts;
22. Work with private owners of large land parcels in Marwell to explore options for subdivision that would quickly bring new lots in this area to market;
23. Work with YG and First Nation landowners to expedite the planning, subdivision, surveying and disposition of infill lots in:
 - a. MacRae
 - b. Range Road
 - c. Mount Sima
 - d. Kulan (subject to the identification of an alternate snow dump location)

Infill development should provide a mix of medium (~0.5 ha/~1 ha for serviced/unserved) and large (~1 ha/2+ ha for serviced/unserved) lot sizes, and lots accessible off of Mount Sima Road should be considered for CIM zoning (versus I). YG should be encouraged to test and adapt alternative tender

approaches to reduce development costs and avoid unnecessary escalation of lot pricing. The inclusion of IH zoned lots in industrial infill areas should be considered;

24. Explore the potential for lot expansions, reviewed at the neighbourhood-level to allow cohesive planning that considers surrounding recreational and wildlife values;

Greenfield Development (Medium to Longer Term Land Development)

25. To provide new serviced MU-I/C designated lots post-infill development, work with YG, KDFN, and TKC to:
 - a. Select and/or prioritize development between the two options of "Hillcrest South" and (portions of) "Taylor North" for MU-I/C lands;
 - b. Undertake initial development due diligence for the higher priority/preferred areas; and,
 - c. Establish a charter or MOU to pursue co-development of priority MU-I/C-designated Commissioner's land and adjacent Settlement Lands, with the aim of bringing new lots to market in the late 2020s¹¹;
26. To provide new serviced I designated lots post-infill development, work with YG and KDFN to undertake initial development due diligence and potential co-development for the "Taylor North" area, with the aim of bringing new lots to market in the late 2020s to early 2030s;
27. To provide new unserviced I designated lots post-infill development, work with YG to:
 - a. Undertake further planning and prioritization work to confirm the "MacRae East" and/or "Utah" area, including discussions with KDFN, TKC and White Pass and Yukon Route railway about their development interests;
 - b. Undertake initial development due diligence for the "MacRae East" and/or "Utah" area;
 - c. Pursue co-development, utilizing a charter or MOU approach with any additional parties, of the "MacRae East" and/or "Utah" area, with the aim of bringing new I lots to market in the mid-2030s¹²;

Servicing and Services

28. Work with the YG to adopt interim "precautionary principle" based mechanisms to address industrial and commercial wastewater in unserviced areas;
29. Ensure that capital upgrades to the Alaska Highway corridor through central Whitehorse are supportive of current and future employment land integration with public transit and active transportation options;
30. In partnership with YG, undertake a risk-based assessment of allowing water/wastewater intensive and contaminant-generating uses in serviced and unserviced areas and identify precautionary policy and regulatory measures;
31. Encourage landowners sited along the lower elevations of Bennett and Laberge roads in Kulan to connect to municipal water service in support of industry diversification;

Permitting and Business Support

32. Consider aligning City business permit administration with the North American Industry Classification System to allow for finer-grained (and nationally comparable) industry monitoring, and instituting a new category; and

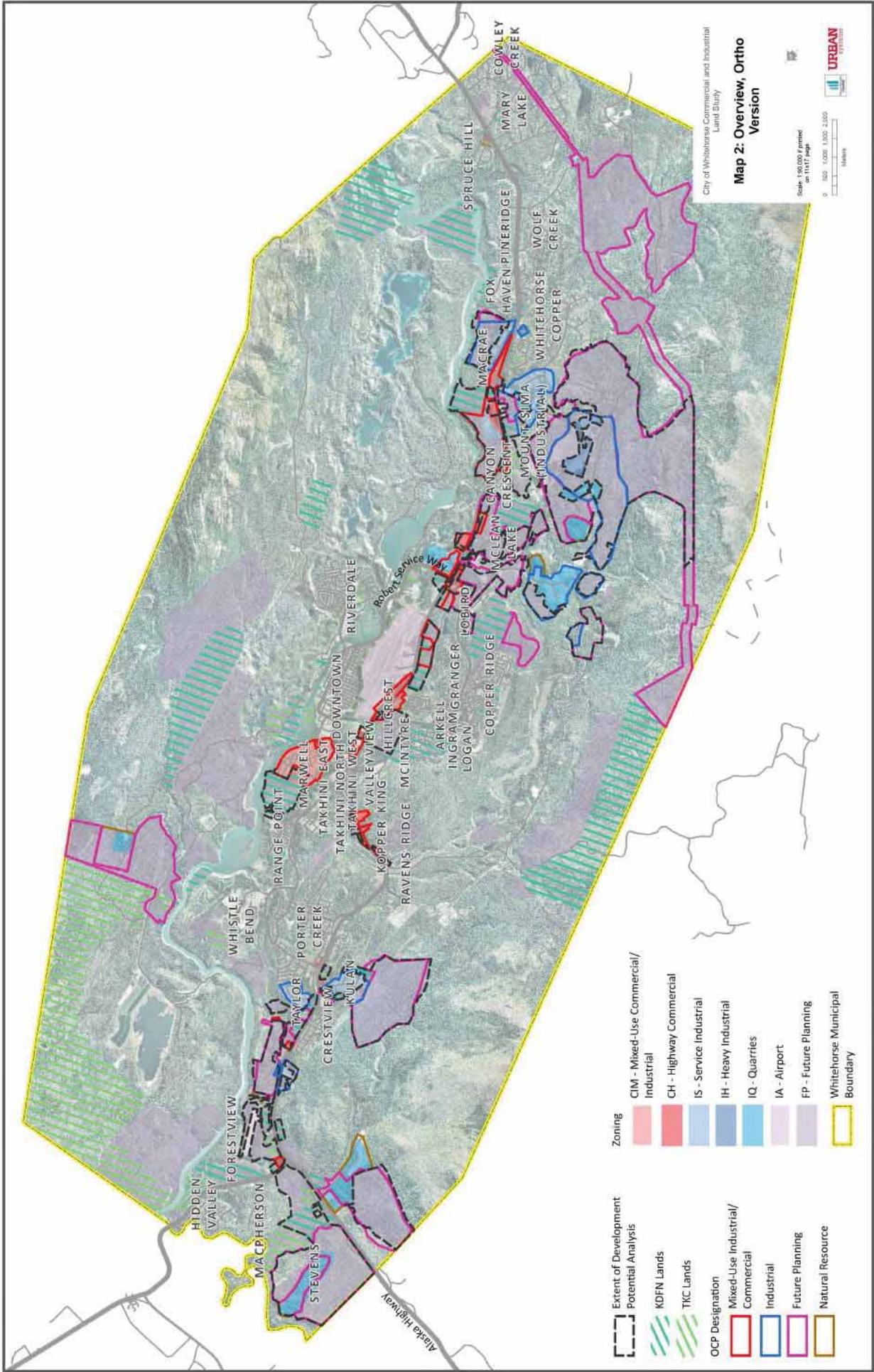
¹¹ Subject to full utilization of infill potential; should this not occur, timelines should theoretically advance.

¹² Subject to full utilization of infill potential; should this not occur, timelines should theoretically advance.

33. Expand upon previous work around water/wastewater intensive and contaminant-generating uses, including potential updates to the *Sewer and Storm Utility Bylaw* and the development of sector-oriented information and application packages.

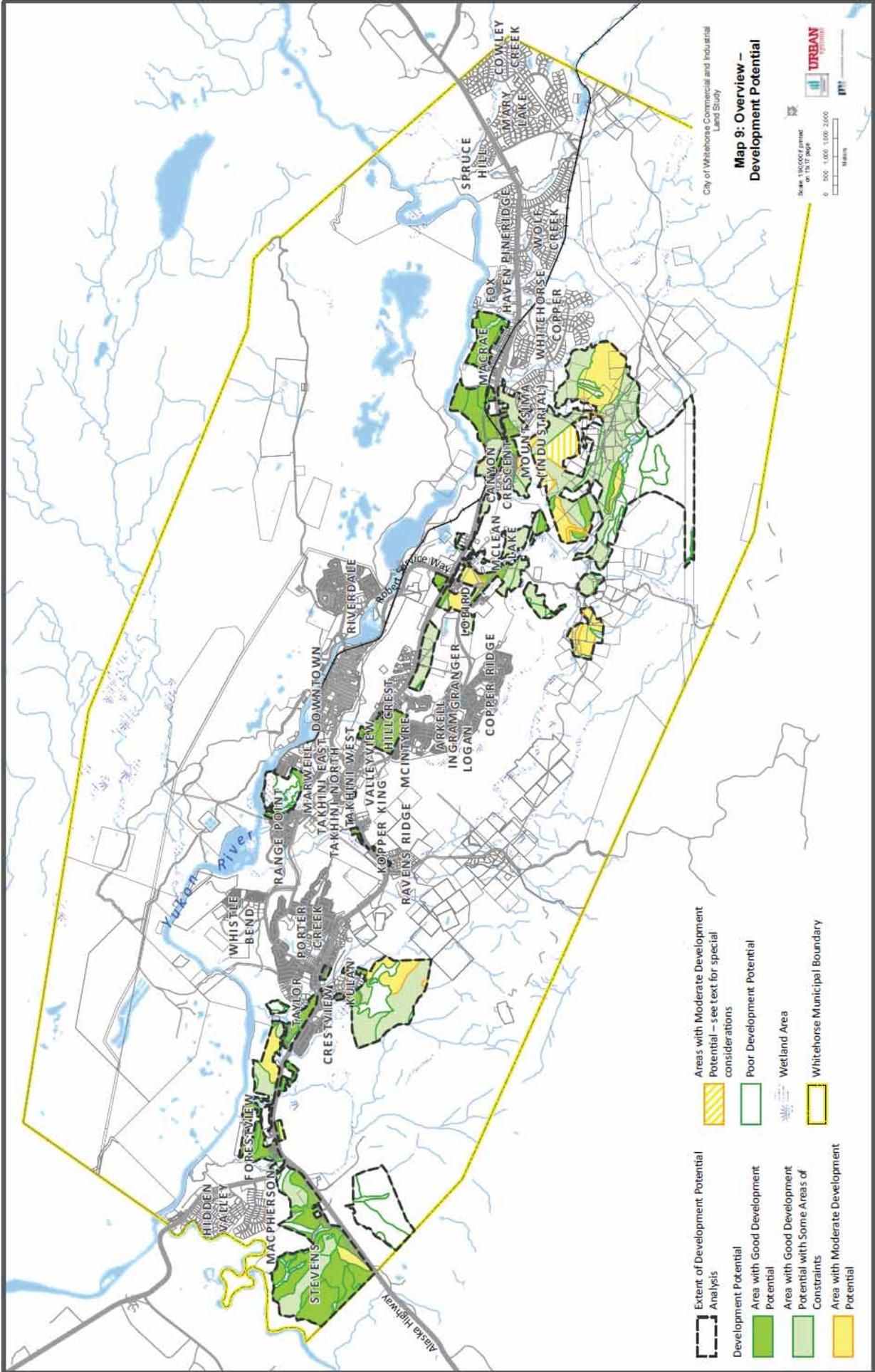
APPENDIX A

Designations, Zoning and Land Tenure Maps



APPENDIX B

Development Potential Map



City of Whitehorse Commercial and Industrial Land Study

Map 9: Overview - Development Potential

Scale: 1:60,000 printed on 17x17 page
 0 500 1,000 1,500 2,000
 Meters



- Extent of Development Potential Analysis
- Area with Good Development Potential
- Area with Good Development Potential with Some Areas of Constraints
- Area with Moderate Development Potential
- Areas with Moderate Development Potential - see text for special considerations
- Whitehorse Municipal Boundary
- Wetland Area
- Poor Development Potential

File #: OCP-01-2020

ADMINISTRATIVE REPORT

TO:	Planning Committee
FROM:	Administration
DATE:	September 8, 2020
RE:	Public Hearing Report – OCP Amendment (Tank Farm)

ISSUE

A report on the second public hearing for an amendment to the 2010 Official Community Plan (OCP) to allow for commercial and industrial development on a 7.3 ha portion of Lot 429, Group 804, Plan 26170 LTO (“the Tank Farm site”) adjacent to Wasson Place.

REFERENCE

- 2010 Official Community Plan
- Zoning Bylaw 2012-20
- Bylaw 2019-21 and Appendix A
- *Municipal Act (2002)*
- Commercial and Industrial Land Study (2020)

HISTORY

In 2019, 3 Pikas, acting on behalf of the owner of the Tank Farm site, applied to amend the OCP to facilitate industrial/commercial development on a portion of the site. A public hearing was held on April 27, 2020. Following that public hearing, Council amended the bylaw prior to 2nd hearing. Council also directed that a second public hearing be held on August 10, 2020.

The subject area (Phase 1), is a 7.3 ha portion of the Tank Farm site, located in the southeast corner of the lot, adjacent to lots on Wasson Place. The entire site is designated as Residential – Urban in the 2010 OCP and has been designated for long range residential development since the 1987 OCP. Phase 1 is already cleared and mostly free of organics due to extensive excavation work from remediation. The majority of the area is not currently suitable for development as there are deep depressions created through the remediation process. Development at the current grade would require substantial fill to be hauled on-site.

In 2012, the Tank Farm owner undertook initial conceptual planning. A preferred concept was produced which showed the area now known as Phase 1 as commercial and industrial.

A portion of Phase 1 is at the same grade as lots located on Wasson Place. However, due to steep grades on the western portion of the subject area, the proponent expects that an additional 750,000 cubic metres of material will need to be relocated prior to development to another area of the Tank Farm site and stockpiled. Once the excess

material has been relocated, the proposal is to develop approximately 13 fully serviced commercial/industrial lots accessed from an extension of Wasson Place.

Bylaw 2020-10 was amended on July 13th. Notices of a second public hearing were published in the newspapers on July 17 and 24 and a copy of the notice was sent to the Minister of Community Services, per the *Municipal Act*. A total of 294 letters were sent to property owners within 1000 m of the parcel. Government of Yukon (YG) Land Client Services, Kwanlin Dün First Nation, Ta'an Kwäch'än Council, and the Hillcrest and Valleyview Neighbourhood Associations were notified by email.

The second public hearing was held on August 10, 2020. Due to the COVID-19 pandemic, Council Chambers was closed to the public. Input was received through email and posted to the City website. A total of 25 written submissions were received:

- 11 in support, including an informal petition (i.e., not done according to the Petition, Plebiscite and Referendum Bylaw) and signed by 457 people;
- 11 opposed;
- two expressing concern; and
- one providing general input.

Numerous issues were raised and have been grouped into the following categories:

- Public amenities
- Land use
- Site preparation and quarrying activities
- Remediation
- Planning and sustainability
- Other concerns
- Support for development

ALTERNATIVES

- 1) Proceed with second reading under the bylaw process.
- 2) Amend the bylaw at second reading.
- 3) Do not proceed with second reading.

ANALYSIS

Public Amenities

Impact to Public Greenspace

Concern was expressed that existing vegetation and greenspace have been degraded and that the proposed amendment would further impact buffers and recreation areas. One resident expressed that the public should be compensated for the loss of greenspace.

A significant portion of the subject area, as well as other sections of the Tank Farm parcel have been cleared for remediation purposes. This included a City-owned greenspace buffer strip between the Tank Farm lot and Wasson Place. This area used

to allow for a north-south trail connection, which is no longer usable as it has been excavated and connections eliminated.

It should be noted that much of the Tank Farm area is privately owned land designated for future development and although it may seem like passive recreation area to the public, it is not designated as greenspace.

Per the proponent's application submission, a large greenspace would be located along the top of the proposed north-south escarpment running roughly through the middle of the property. This corridor would allow for natural drainage, buffering for residential properties, recreation and active transportation linkages. Final design and location of this greenspace will be identified during the master planning process.

As part of normal subdivision process, the *Municipal Act* requires a dedication of 10% of land to be subdivided for public use. This dedication is in addition to transfer of streets and lanes. In other developments, such as Whistle Bend, the public use land dedication has typically been through transfer of neighbourhood greenspaces and park sites. This dedication would ensure that the greenspace buffer would be publicly owned.

Bylaw Removes Reference to Transportation Links

There was concern raised that the amended bylaw removed reference to transportation linkages on and within the site.

While this specific reference to transportation connections in relation to the Tank Farm has been removed from the proposed bylaw, numerous policies within the OCP achieve the same goal. Specifically, Objective 12: Improve Transportation, has several policies guiding active transportation linkages citywide. Section 18.2: Trail Development, also promotes trail networks and linkages between neighbourhoods.

Land Use

Proposed Designation Not Compatible with Surrounding Land Uses

Concerns were raised that the proposed Mixed-Use – Industrial/Commercial designation is incompatible with surrounding land uses.

The subject area is immediately adjacent to development on Burns Road and Wasson Place, which are already designated as Mixed-Use – Industrial/Commercial. The purpose of this designation is to provide appropriate areas for light commercial/industrial activity. Typical uses would include storage, light manufacturing and warehousing, which can be largely accommodated within an enclosed building. The nature of industrial uses would not be as intense as fully industrial areas, such as Kulan, Mt Sima, or Taylor.

OCP Section 6.2.2(a) calls for a suitable, publicly owned, vegetated buffer between Mixed-Use – Industrial/Commercial and residential areas. The proponent has provided designs showing a significant natural buffer that will range from 30 m to 100 m in width from the future residential areas to the west. The buffer from residential development in Hillcrest would be approximately 120 m. Part of this buffer is a natural slope and depression that will serve as a drainage area, as well as a potential future recreational and active transportation link.

Furthermore, there would be a significant grade change of approximately 12 m between proposed Phase 1 and future residential areas, which should limit impacts of the proposed amendment to Phase 1 on any future residential development.

Natural resource extraction, such as quarrying, is not clearly distinguished from site preparation and re-grading in the existing OCP. For the purposes of this amendment, the proposed site work is considered as re-grading, not quarrying. The proposal to re-grade the site through relocation of material would facilitate future land development and is supported by Administration, subject to conditions, as stated elsewhere in this report.

Residential Land Designation Better Use of Land

Some public input stated that residential development would be the more appropriate use for the subject area and that the excavated material could be replaced.

The current Phase 1 area should be considered generally unsuitable for residential development. If the current Phase 1 area was retained for residential use and left at its current grade, it would be located adjacent to mixed-use industrial/commercial uses on Wasson Place and Burns Road, and on top of an escarpment that regularly experiences high winds and is subject to noise from the Alaska Highway and airport.

Once appropriate setbacks have been established from the escarpment, very little developable area will remain, which would be difficult to service. Any infrastructure would need to be connected to the remainder of the Tank Farm site, which would have significant impact on the proposed greenspace that would be located to the west of Phase 1. The highly-excavated site would likely require significant engineering to ensure proper compaction and stability of soils, which could result in additional excavation work and on-site processing to achieve ground conditions that facilitate residential development.

Site Preparation and Quarrying Activities

Quarry Designation and/or Regulations Should Apply

It was suggested that the regrading proposed for Phase 1 is similar to quarrying, therefore all OCP quarry regulations, specifically the buffer distance of 300 metres (Section 8.2), should apply. These quarry regulations arise under a Natural Resource designation, which is not being proposed. A Natural Resource designation would allow the developer to quarry the site without any plans for other future uses.

OCP designations set the vision for long range land uses through engagement with local residents and broader community. In order to achieve that vision, land preparation or site work may be required to make the land suitable for the desired use. This is becoming more typical in Whitehorse as our topography is increasingly challenging due to a scarcity of flat, dry, easily developable land. Natural Resource designation and associated OCP policy is not applicable in this case as the amendment is not proposing a land use to allow a long term quarry and instead is focused on enabling other uses on the site.

Further, the movement (volume/location) of material would be regulated by the City through zoning and development agreements, as well as the amended OCP policy

proposed under Bylaw 2020-10. Under a Mixed-Use –Industrial/Commercial designation, the developer would be required to demonstrate proposed subdivision design and final site conditions prior to any grading work.

Approximate nearby properties and neighbourhoods designated for residential uses include (distances measured to closest points):

- Hillcrest (Sunset Drive North) – 120 m
- McIntyre – 560 m
- Tank Farm (residential) – 65 m
- Alacrity parcel – 650 m
- Kwanlin Dün First Nation (KDFN) parcel on Sumanik Drive – 860 m
- Valleyview – 1000 m

Project Will Create Noise Pollution

Several submissions expressed concerns that the regrading process, as well as future industrial/commercial development, would create significant noise pollution for nearby residents.

The proponent stated that the noise and operation would likely be similar to past remediation and hauling activities. It is important to note that the development of a residential subdivision, though both infrastructure development and housing construction, could create significantly more noise disturbance than is currently occurring on the site.

Similarity to Other Proposals and Timeframe for Site Regrading

One submission stated that this proposal is similar to the amendment for a nearby Ta'an Kwäch'än Council (TKC) parcel that was withdrawn from consideration.

The proposal by TKC was for a long term gravel quarry. Information provided to the City suggested that the proposed quarry would have a life span of up to 25 years. A 25-year quarry is significantly different than the proposed relocation of material by the owner of the Tank Farm.

The proponent has stated that current estimates for the regrading process would be approximately 140 days and is feasible based on best available information at this stage of conceptual design, completed by their engineering team. The original proposal submitted as part of this OCP amendment had stated that the work could be completed in 60 days. The timelines associated with the regrading of the site would be established through a development agreement between the Tank Farm owner and the City.

According to the proponent, the increase in timeline for regrading is a result of the delays in processing the amendments and obtaining the required permitting, pushing the original intended start date of the project back from early summer to late fall / early winter. As a result, the work is now likely to occur in cold weather, which can pose a number of challenges and affect timelines. Additionally, essential work equipment and resources have now been committed to other projects and are no longer available for work at the Tank Farm. According to the proponent, the estimated length of the

regrading process is presented as a ‘worst-case’ scenario and assumes additional delays.

Volume of Material

One submission included a photo of the proposed material stockpile superimposed on an image of Downtown. This image was intended to demonstrate the visual impact of the stockpile, showing it as a cone 215 m in diameter and 62 m in height.

Based on information provided by the proponent, the stockpile area created from the regrading process would be approximately seven hectares in area, eight metres in height, 200 m in width, and 400 m in length. It would be located approximately 180 m north of Phase 1 and 380 m east of Hamilton Boulevard. This location represents roughly 13% of the total Tank Farm area (56 ha).

It should be noted that while the stockpile would generally be the same volume of material that will be relocated from the Phase 1 area, it will not be the same size. The stockpile area will be wider and longer than the excavation area, which will keep the height lower (approximate 4 m difference).

The material contained in the stockpile would be useful for land development (lot grading, fill of existing excavations, surface drainage, pipe/road bedding, road access, concrete, asphalt). This size of stockpile would contain more than enough material for this purpose for Phase 1 as well as future phases.

Royalties on gravel

One submission expressed concern that no royalties were being paid on the gravel that was removed from the site, similar to other quarries.

The majority of other gravel quarries in Whitehorse are operated through a lease of land from either YG or the City, which require royalty payments to the owner, per relevant legislation. The material removed from the Tank Farm was created through site remediation on private land, so no royalty payments would be required.

Remediation

Full Site Has Not Received Certificate of Compliance

Public input expressed that a current YG Ministerial Order restricts soils and material from being moved from one area of the Tank Farm and stockpiled on another.

A Certificate of Compliance was issued by YG for Phase 1 in 2019 and the Ministerial authorization is no longer required for activities on that site. Stockpiling of uncontaminated materials does not require Ministerial authorization. Construction of an internal haul road does require authorization, which YG Standards and Approvals Branch granted on March 31, 2020.

Per the proponent’s submission, all major remediation is complete on this site. The Department of Environment reports that hydrocarbon concentrations continue to exist below the current ground surface, at a depth greater than three metres. The area is not considered contaminated for residential development as long as a three metre vertical buffer can be maintained between the residential land use and the remaining

contamination. Through the direct control district designation for the Tank Farm in the OCP, the City can ensure that a three metre vertical buffer will be maintained on the residential portion of the Tank Farm.

The designation as a direct control district in the OCP also gives the City the ability to control remediation activities if any new remediation is found to be needed. The amending bylaw specifies that no material would be removed from the site and no processing would be permitted, unless authorized through a future amendment to the Zoning Bylaw and/or a development agreement.

Bylaw Removes Reference to Remediation

There was concern that the proposed bylaw removes the specific reference to remediation at the Tank Farm, which could create an issue if additional contamination is discovered.

Whitehorse has numerous locations where historical contamination has been discovered and remediation has occurred. Section 8.4 of the OCP includes general policies related to land remediation. As the intrusive on-site remediation work, such as excavation, is complete for the entire Tank Farm lot, the specific policy relating to site remediation is no longer necessary. Any minor contamination discovered through site development could be supported by other OCP policies.

Planning and Sustainability

Comprehensive Planning Process Should Occur Prior to Amendment

Concerns were raised that there should be a comprehensive planning process prior to proceeding with this amendment.

In 2012, an initial concept for the redevelopment of the Tank Farm was developed. Engagement was undertaken on the future of the Tank Farm, which included meetings with YG, City of Whitehorse, Kwanlin Dün First Nation, Ta'an Kwäch'än Council, the general public, and nearby community associations. This work cumulated in the creation of the preferred concept which divides the Tank Farm into an urban residential neighbourhood on the western (upper) portion of the site and a mixed use industrial/commercial area on the eastern (lower) portion of the site. The appropriate OCP designation is Mixed-Use Industrial/Commercial, as proposed. A limitation of uses could be examined through zoning to mitigate concerns over industrial uses.

The City also has been working with the property owner to undertake a comprehensive plan for the area surrounding the Tank Farm. Budget for this project was approved by Council and staff are preparing the scope of this project.

Volume of Fill Material Still Not Confirmed

One submission expressed concern that the expected volume of material required for the residential phases of the development was unknown and that detailed planning should occur to confirm volumes prior to proceeding with the amendment.

A previous public input submission from the proponent states that this detailed information is not currently available, but could be provided as part of a zoning amendment application. Additionally, the master planning process could provide more

accurate volumes for material required, as well as detailed information regarding haul routes, hours of operation, and onsite processing restrictions that could reduce impacts on the surrounding area.

It is unlikely that the full 750,000 cubic metres of material would be required for residential development. Note that this is new information; previous reports stated information, received from the proponent, that all material would be used in future development. Removal of any un-needed material from the larger Tank Farm area (Lot 429) could be restricted until detailed information is provided to the City.

Proposal Does Not Promote Sustainable Growth

One submission stated that the work completed under the OCP review states that Whitehorse should grow in a responsible and sustainable manner and that this amendment is not consistent with that vision.

The three pillars of sustainable development are often described as social equity, environmental protection, and economic viability. This amendment would promote sustainable development in Whitehorse by providing new employment opportunities and facilitating future residential growth near the core of the city, helping to reduce the sprawl of residential and commercial/industrial activity into the hinterland.

The Commercial and Industrial Land Study shows that there is already a latent demand for this type of land use that exceeds the seven-hectare parcel that is proposed as Phase 1 of development of the Tank Farm.

OCP Review Process is Ongoing

Some members of the public expressed concern that this amendment is coming forward during the ongoing OCP review and that it should be considered as part of that process.

The subject land is private property and the owner is proposing to advance the implementation of previous planning work for this area. The owner has also updated that plan through further design work which shows that the area under consideration for amendment should be considered independent from the remainder of the Tank Farm in regards to access and infrastructure, largely due to the physical alterations resulting from remediation activities. This private property may be able to provide a supply of commercial/industrial land as early as 2021, whereas the timeframe for final adoption of the OCP is uncertain.

Other Concerns

Concern Regarding Direct Control District Designation

Several submissions expressing support for the amendment also expressed concern with the designation of the Tank Farm as a direct control district as it would limit the ability to develop the property.

The regulations for direct control districts are found in Section 291 of the *Municipal Act*. The *Act* states that Council may implement direct control districts through the OCP. This allows Council to directly control the use and development of land or buildings in the area.

The Tank Farm property has been designated as a direct control district in the OCP since 2002. The change being contemplated in this bylaw would not create a new direct control district but amend the existing OCP policy to further clarify that Council may directly control any future management of granular material on the site.

At this time, Administration doesn't expect any restrictions will be needed on Phase One of the Tank Farm development, outside of material management during the regrading process. It may be desirable to limit more intense industrial uses as part of the future zoning amendment, which would be subject to a public hearing.

Proposed Bylaw Allows for Circumvention of Public Review

There was concern that the wording of the proposed bylaw allows for removal and processing of material subject to issuance of a development permit. It was stated that this could circumvent the public process as development permits are not open to public review.

If Council approves the OCP amendment, there is still a public process (zoning amendment) that could entrench further regulation/restrictions to mitigate public concerns regarding noise, traffic, and dust. These type of mitigation measures, such as limiting hours of operation and restricting material from being hauled off-site, are more easily and appropriately enforceable through zoning regulations than OCP policy. A development agreement (condition of subdivision), could also be used to regulate the volume of material and final grades for development in Phase 1.

No development permit allowing site regrading activities would be permitted prior to approval of a zoning amendment, subdivision of Phase 1, and potential negotiation of a development agreement.

Petition from proponent not valid

One resident was concerned about the validity of the informal petition provided by the proponent. It was stated that a letter provided in the previous public hearing was only considered as one submission, even though it had numerous signatures.

The informal petition submitted by the proponent has been considered as one submission in support of the amendment. Similar to the previous public hearing, the number of signatures has been noted.

Property now for sale

Several submissions noted that the property is now for sale and that this should result in the amendment being delayed indefinitely.

Amendments to the OCP are considered based on land use decisions, not ownership. Any regulations or approvals for the Tank Farm would carry forward, regardless of transfer of title.

Government Should Purchase Property

One submission stated that the City should purchase and develop the Tank Farm property.

The City does not have the financial resources to purchase and develop a parcel of this size. The City is rarely a land developer. Rather, the City is responsible for setting the planning framework within City boundary to support land development by industry and other players. Although not common in Yukon, the private industry is a key player in land development in most jurisdictions.

Support for Development

Numerous submissions, including an informal petition, were submitted in support of this amendment stating that new commercial and industrial lots are needed in Whitehorse.

Conclusion

It is important to note that this is the first step of the public approval process for this project and that if Council approves the OCP amendment, the proponent would still need to proceed through public zoning amendment and subdivision processes.

The current application is reviewing an OCP land designation change. The OCP is a high level document that guides future decisions. As such, the amendment is considering if this land designation change from Residential – Urban to Mixed-Use – Industrial/Commercial is appropriate given the surrounding land uses.

If Council agrees that commercial/industrial type uses are acceptable in this location, the details of how this is achieved could be implemented through a Zoning Bylaw amendment, as well as a development agreement registered through subdivision approval. However, basic restrictions have also been added to the OCP through an amendment to Bylaw 2020-10.

Any future zoning amendment or development agreement through subdivision should include regulations to mitigate concerns raised by the public. This could include:

- regulating the volume of material being relocated;
- restricting any material from being hauled off-site;
- limiting on-site processing of material;
- regulated hours of operation; and
- restricting uses allowed in the proposed Mixed-Use – Industrial/Commercial area, e.g. to match restrictions currently applied in the Wasson Place/Burns Road area.

ADMINISTRATIVE RECOMMENDATION

THAT Bylaw 2020-10, a bylaw to amend the Official Community Plan designation of a portion of Lot 429, Group 804, Plan 26170 LTO (Tank Farm) from Residential – Urban to Mixed-Use – Industrial/Commercial be brought forward for 2nd Reading under the Bylaw process.

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: September 8, 2020
RE: Public Hearing Report – Zoning Amendment – 39 – 14 th Avenue

ISSUE

A report on the public hearing for a zoning amendment at 39 – 14th Avenue to allow for the development of a living suite in the Restricted Residential Detached (RR) zone.

REFERENCE

- 2010 Official Community Plan
- Zoning Bylaw 2012-20

HISTORY

The owner of the property located at 39 – 14th Avenue would like to build a living suite in their single detached home. A living suite is a separate, self-contained dwelling unit within a single detached house. The applicant has requested a zoning amendment from RR to RR(x) with the special modification being to allow living suites as a secondary use.

The subject property was created as part of a broader City-led infill project in 2011, along with three adjacent lots that are also zoned RR.

Bylaw 2020-25 received 1st Reading on July 13th. Notices were published in the newspapers on July 17th and 24th. A total of 23 letters were sent to property owners within 100m of the subject property. The Government of Yukon Land Department, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council were also notified by mail of the proposed amendment.

A public hearing was held on August 10, 2020. Due to the COVID-19 pandemic, Council chambers was closed to the public. Input was received through email and posted to the City's website. Three written submissions were received. Two were in support, from the proponent and the neighbouring property owner. One was opposed, signed by seven nearby residents.

The following issues were raised:

- Change in neighbourhood character
- The City's rezoning process
- Improper use of the Public Utility Lane (PUL) adjacent to the property
- Contravention of City Bylaws
- Insufficient on-site parking
- Support for the amendment

ALTERNATIVES

1. Proceed with second and third reading under the bylaw process.
2. Amend the bylaw at second reading.
3. Do not proceed with second and third reading.

ANALYSIS

Change in neighbourhood character

One submission raised the concern that allowing a suite on this RR zoned property would create inconsistency with the existing character of the neighbourhood.

The subject lot is in Porter Creek, where there are approximately 1,300 single detached lots. 95% of these lots, including those on the opposite side of the street from the subject property, are zoned Residential Single Detached (RS)

The RR zone has a very limited range of uses. It only permits single-detached housing and parks as principal uses, and accessory buildings and minor home based businesses as secondary uses. In comparison, the RS zone allows a wider range of uses and dwelling types such as duplexes, triplexes, secondary suites, B&Bs, residential care homes, etc.

This demonstrates that a living suite would be consistent with the existing uses that are allowed for most properties in the neighbourhood, therefore if the proposed amendment is approved it is unlikely to have a significant impact on the character of the area.

The City's rezoning process

One submission raised concerns around the appropriateness of rezoning properties in general.

Under Section 15.2.2 of the City's Zoning Bylaw, any property owner in the City may apply to have the zoning of their property amended.

Under Section 15.3.2 of the Zoning Bylaw, every rezoning application is analyzed based on: compliance with the Official Community Plan (OCP) and other approved City plans and policies; relationship to and impact on surrounding area; necessity of the zoning change to meet the applicant's stated objectives; and concerns raised by area residents and landowners. For each rezoning application, this information is used to produce an Administrative recommendation to Council.

If Council approves the proposed amendment, it would not set a precedent for similar future zoning amendments, as each application is considered on its own merits.

Improper use of the PUL adjacent to the property

One submission raised concerns about property owners using the public utility lot (PUL) adjacent to the subject property as a means of access.

This PUL is the location of City-owned water and sewer infrastructure, and ATCO has underground and overhead electrical infrastructure in the area. The PUL has been informally used as vehicle access for a long period of time, but these utilities have not been designed to be located in a road or lane. A gate and fence is required to restrict

access to this PUL. Funding for the gate and fence was proposed in the 2022 provisional budget in the amount of \$15,000, but was unable to be funded. The project has not been proposed in the most recent capital budget.

Contravention of City Bylaws

One submission raised concerns around City bylaws not being followed on the subject property, including the current presence of a living suite.

There are no outstanding bylaw infractions associated with the subject property. City staff have recently completed an inspection of the premises, and confirmed that there is no current living suite.

Insufficient on-site parking

One submission raised concern around whether the subject property had sufficient on-site parking for a living suite.

Section 7.3.6 of the Zoning Bylaw requires that each living suite developed in the City must have a dedicated off-street parking space. The property owners would be required to submit a site plan showing all proposed parking spaces as part of the development permit process.

Support for the Amendment

One submission supporting the amendment expressed that allowing a living suite on this property would support aging in place in the short term and housing affordability in the longer term. It also stated no concerns regarding traffic, parking, or negative impact on property values.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2020-25, a bylaw to amend the zoning of 39 – 14th Avenue to allow living suites as a secondary use, be brought forward for consideration under the bylaw process.

ADMINISTRATIVE REPORT

TO: City Planning Committee
FROM: Administration
DATE: September 8, 2020
RE: Contract Award – Whistle Bend Town Square Consulting Services

ISSUE

Contract award for consulting services for the Whistle Bend Town Square

REFERENCE

- RFP 2020-032 – Consulting Services for Whistle Bend Town Square Detailed Design
- Consulting Services Selection Procedures Policy
- 2020-2023 Capital Budget Project 720c00120 Whistle Bend Town Square Detailed Design

HISTORY

Planning for Whistle Bend, Whitehorse's newest residential area, began in 2006 and by 2008 a Master Plan had been developed for the entire neighbourhood. The Master Plan envisioned Whistle Bend as a neighbourhood for 8,000 residents (future planning work has brought this number up to 10,000) complete with transit services, a central town square, retail shops, three schools, park spaces, green spaces, and kilometres of paved and unpaved trails. The design builds on input received through community consultation and incorporates smart growth, new urbanism and sustainable design principles.

The neighbourhood is being planned and constructed in phases through a partnership between the City and the Government of Yukon (YG). Phases 1 and 2 are complete, Phases 3-7 are currently in various states of construction or sale.

The town square is an approximately 0.85 ha parcel of land in the heart of Whistle Bend. It is roughly square in shape and located along Keno Way, the commercial 'high street' for the neighbourhood. The square is intended to be the focal point of the neighbourhood, providing public outdoor space for a variety of different activities (entertainment, festivals, markets, recreation, etc.) and surrounded by cafes, shops and other services.

In 2020, a conceptual design for the Whistle Bend Town Square was completed as part of a larger future planning exercise. The process included gathering input from community members and stakeholders. The conceptual design shows the town square as consisting of three distinct spaces: an upper plaza and a lower plaza area (both located south of Keno Way), and a pocket park located north of Keno Way. The future planning work increased the anticipated number of residents to 10,000.

The City is now seeking an engineering consultant to undertake the detailed design and construction administration for the Whistle Bend Town Square.

A request for proposals (RFP) for consulting services for the Whistle Bend Town Square was released on Friday, June 26th and closed on Monday, July 27th. The RFP was

advertised on the City’s website and in local newspapers. The RFP documents were made available via the City’s e-procurement platform www.whitehorse.bonfirehub.ca.

The City received one compliant proposal, led by Associated Engineering Ltd. and including LEES + Associates and Tetra Tech.

The proposals were reviewed by an internal evaluation team comprised of personnel from Planning & Sustainability Services, Engineering Services, Parks & Community Development, and Financial Services. The evaluation team followed the Consulting Services Selection Procedures policy.

ALTERNATIVES

1. Authorize Administration to award the contract as recommended.
2. Refer the proposed award back to administration for further analysis.

ANALYSIS

The proposals were evaluated in accordance with criteria established in the Council Policy on Consulting Services Selection Procedures, as follows:

1. Project Team
2. Methodology & Approach
3. Past Relevant Experience & Performance
4. Project Schedule
5. Adjusted Fees
6. Local Preference

The analysis of proposals is a two-step process where all proposals are first evaluated on the first four technical criteria. Proposals that score at least 80% on these criteria move on to the second stage of evaluation.

The proposal received from the Associated Engineering-led team met the minimum score of 80% for technical criteria.

The latter stage evaluates the final two criteria (local content and fees) which are scored based on a set formula established in the Consulting Services Selection Procedures policy.

The contract will be awarded in two stages. Stage 1 is limited to design and will be awarded in 2020. Stage 2 is for construction administration and may be awarded at a later date, which would be subject to budget approvals both for construction and the construction administration.

The fee received from Associated Engineering Ltd. is as follows:

Stage 1 (Detailed Design):	\$122,546
Stage 2 (Construction Administration):	\$93,812
Total Cost:	\$216,358

The budget for detailed design of the Whistle Bend Town Square is \$125,000. Gas Tax Funding has been confirmed for this portion of the project.

The funding for construction of the square will be separate and is still subject to Council approval. The earliest construction could occur is 2021, although this project will have to be considered alongside others as part of the capital budgeting process.

ADMINISTRATIVE RECOMMENDATION

THAT Council authorize Administration to award the consulting services contract for Stage 1 (Detailed Design) for the Whistle Bend Town Square to Associated Engineering Ltd. for a net cost to the City of \$122,546 plus GST.

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE
Council Chambers, City Hall



Chair: Samson Hartland

Vice-Chair: Laura Cabott

September 8, 2020

Meeting #2020-19

-
1. New Business

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Jocelyn Curteanu **Vice-Chair:** Dan Boyd

September 8, 2020

Meeting #2020-19

1. New Business

CITY OF WHITEHORSE
PUBLIC HEALTH AND SAFETY COMMITTEE
Council Chambers, City Hall



Chair: Stephen Roddick **Vice-Chair:** Jan Stick

September 8, 2020

Meeting #2020-19

-
1. Local Content Weighting – Fire Services Review
Presented by Fire Chief Jason Everett
 2. Local Content Weighting – Parking Meter Modernization
Presented by Manager Doug Spencer
 3. New Business

ADMINISTRATIVE REPORT

TO: Public Health and Safety Committee
FROM: Administration
DATE: 08 September 2020
RE: Local Content Weighting – Fire Services Review

ISSUE

Local content weighting for request for proposals (RFP) for Fire Services Review

REFERENCE

Consulting Services Selection Procedures Policy
Council Resolution 2020-15-08 as amended by 2020-15-09
2020-2023 Capital Expenditure Program – project #440c00320, Fire Services Review

HISTORY

On June 29th, 2020, Council adopted the following resolutions related to the Consulting Services Selection Procedures Policy:

1. The weight allocation for the evaluation criteria for local content on requests for proposals under this policy shall be set by council on a case by case basis and shall range from zero to 20 points; and
2. This direction shall remain in place until March 31, 2021 or until such earlier time as determined by resolution of Council.

Fire Services is preparing to release a request for proposals to which the Consulting Services Selection Services Policy applies. The RFP is for consultant proposals for a Fire Services Review. This project will include a detailed examination of the current level of service for the Whitehorse Fire Department and comparison to identified community risks that require operational efforts to mitigate or address.

This detailed review will also consider factors and services currently established in Whitehorse and surrounding area that can be readily deployed to support or mitigate an emergency situation. Considerations will include (but not be limited to) current levels of training, policy/guidelines, equipment and apparatus, communications, staffing, organization, locations established, coverage effectiveness, response times, etc. in accordance with established and accepted criteria and guidelines.

Fire Services proposes that the evaluation criteria for local content be set at zero points.

ALTERNATIVES

1. Authorize Administration to set the weighting for local content as recommended.
2. Direct Administration to set an alternative weighting for local content.

ANALYSIS

Under the Consulting Services Selection Procedures Policy, evaluation of proposals is a two-step process where all proposals are first evaluated on the first four technical criteria, i.e., the project team, proposed methodology and approach, past relevant experience and performance, and the proposed project schedule. Proposals that score at least 80% on these criteria move on to the second stage of evaluation.

The latter stage evaluates the final two criteria (local content and fees) which are scored based on a set formula established in the Consulting Services Selection Procedures Policy.

Fire Service's proposal that the weighting for local content be set at zero points is based on the following rationale:

- This field of consultancy is highly specialized to the degree not likely to be found locally.
- Appropriate consultants are highly experienced in the fire and rescue industry with a significant background in business administration, department management, risk management and fire department operations. They also have access to technology to quantifiably illustrate response time/area gaps in accordance with established and accepted standards. The success of this project warrants significant point allocation to other factors, i.e., project team, methodology and experience, rather than local preference.
- It is important to have an external provider perform this review from an unbiased and non-influenced perspective. It is highly unlikely that a local consultant would not in some way be connected to the Fire Service, either locally or through the Government of Yukon.

ADMINISTRATIVE RECOMMENDATION

THAT Council authorize Administration to set the weighting for local content at zero points in the request for proposals for consulting services for the Fire Services Review.

ADMINISTRATIVE REPORT

TO: Public Health and Safety Committee
FROM: Administration
DATE: September 8 th , 2020
RE: Local Content Weighting – ‘Parking Meter Technology’

ISSUE

Local content weighting for request for proposals (RFP) for Parking Meter Technology

REFERENCE

Consulting Services Selection Procedures Policy
Council Resolution 2020-15-08 as amended by 2020-15-09
2019 Downtown Parking Management Plan
2018 Bylaw Services Operational Review

HISTORY

On June 29th, 2020, Council adopted the following resolutions related to the Consulting Services Selection Procedures Policy:

1. The weight allocation for the evaluation criteria for local content on requests for proposals under this policy shall be set by council on a case by case basis and shall range from zero to 20 points; and
2. This direction shall remain in place until March 31, 2021 or until such earlier time as determined by resolution of council.

Bylaw Services is preparing to release a request for proposals (RFP) to which the Consulting Services Selection Policy applies. The RFP is to review, analyse and recommend an appropriate parking meter technology that provides the best value to the City of Whitehorse.

Both the 2019 Downtown Parking Management Plan and 2018 Bylaw Services Operational Review identified recommendations to improve and modernize the City’s downtown business core parking system with the aim of improved user experience and convenience. Highlights of the recommendations related to the implementation of parking technologies and a downtown parking meter replacement initiative that would integrate with the selected mobile applications and an optional cashless payment system.

Other benefits of a modernized parking system beyond customer service improvements include the potential ability to generate accurate and timely usage reports and the potential capability of future integrations with handheld ticketing technology.

ALTERNATIVES

1. Authorize Administration to set the weighting for local content in the RFP as recommended.

2. Direct Administration to set an alternative weighting for local content in the RFP with the range of 0-20 points.

ANALYSIS

Under the Consulting Services Selection Procedures Policy, evaluation of proposals is a two-step process where all proposals are first evaluated on the first four technical criteria, i.e. the project team, proposed methodology and approach, past relevant experience and performance, and the proposed project schedule.

Proposals that score at least 80% on these criteria move on to the second stage of evaluation. The latter stage evaluates the final two criteria (local content and fees) which are scored based on a set formula established in the Consulting Services Selection Policy.

Bylaw Services' proposal that the weighting for local content be set at 15 points is based on the following rationale:

- The aim of this options analysis (RFP) is to study available parking technologies and systems in use in various cities throughout Canada.
- It is believed that this research and analysis could be conducted from Whitehorse
- Local consultants have previously conducted parking and traffic related studies
- This weighting, at the higher end of the 1-20 range, has been selected to reflect the desire to reward partnerships with local firms who have knowledge of our City and the intricacies of our downtown parking.

ADMINISTRATIVE RECOMMENDATION

THAT Council authorize Administration to set the weighting for local content at 15 points in the RFP for consulting services for the Parking Meter Technology project.

CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Dan Boyd

Vice-Chair: Jocelyn Curteanu

September 8, 2020

Meeting #2020-19

1. New Business

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Laura Cabott

Vice-Chair: Stephen Roddick

September 8, 2020

Meeting #2020-19

-
1. Management and Confidential Exclusion Employment Bylaw
Presented by A/Director Human Resources Lindsay Schneider
 2. Budget Amendment – Hillcrest Water Supply
Presented by Manager Taylor Eshpeter
 3. City Manager Bylaw Amendment
Presented by Director Valerie Braga
 4. New Business

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: September 8 th , 2020
RE: Management and Confidential Exclusion Bylaw

ISSUE

Proposed Management and Confidential Exclusion Bylaw 2020-30

REFERENCE

Municipal Act s. 188

HISTORY

Management and Confidential Exclusion (M&CE) staff have been working without a bylaw in place since January 1, 2019, contrary to the terms of the *Municipal Act*.

As part of the renewal, various terms and conditions were reviewed and comparisons were made to local organizations and other municipalities.

ALTERNATIVES

1. Accept the bylaw as proposed
2. Refer the bylaw back to administration

ANALYSIS

The City's 2020 salary budget is \$32M. Of that, \$4.0M is spent on the M&CE group.

The proposed bylaw adjusts the following:

- Rename Management Staff – the new bylaw proposes to rename management staff to confidential exclusion. This will help to bring clarity between the two groups addressed in this bylaw.
- Alignment of employees hired pre- and post-2016 – in the previous bylaw there was a two-tier system approved that created a division in benefits for pre- and post-2016 employees. The new bylaw seeks to eliminate some of these elements to allow for increased fairness between employees.
 - Those hired post-2016 will now also be eligible for special leave credits upon hire and each month thereafter (instead of after 6 months of employment).
 - Those hired post-2016 will now be eligible for a prorated management leave upon hire for immediate use (instead of a prorated amount at the end of the calendar year for use in the following year).
 - Those hired post-2016 will now receive a long-service bonus at each five year interval of continuous service (instead of no long service bonus).

- Health Spending Allowance –the new bylaw proposes an increase of \$500 to \$1,500. This higher amount will better reflect the cost of the average Canadian family’s health related expenditures.
- Market Rate – a survey was conducted to review the salary rates of all of the management positions. The results of that survey showed that many of the positions were under-market in comparison to comparable local organizations or municipalities in BC, Alberta and NWT. The new bylaw proposes to create adjusted salary ranges for each position in the management group.
- RRSP increase – the new bylaw proposes to increase the employer’s RRSP contribution by 1%. This would allow the City to be more competitive in comparison to local organizations who, unlike the City, offer a pension program.
- Increase in hours to standard work week – the new bylaw proposes to increase the standard hours of work per week from 35 to 37.5 hours for management. This would better align with the hours that managers at Yukon Government are currently working and better reflects what managers at the City report working on a regular basis.
- Inflationary increase – the new bylaw proposes an inflationary increase of 2.6% for 2019 and introduces an inflationary increase based on Statistics Canada’s Consumer Price Index “Whitehorse All Items” rate or a minimum of 1.25%. This would guarantee a minimal increase per year in order to ensure that the City remains competitive in comparison to the employment market.

Since 2019, City budgets have anticipated a cost increase in wages and benefits for this group. As these funds were not spent, they were transferred to a reserve for this purpose. Therefore, there are sufficient funds within the 2020 budget in order to enact the changes proposed to date within this bylaw. Future budget years will address the balance.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2020-30, a bylaw to provide for the terms and conditions of employment for management and confidential exclusion employees for the period January 1, 2019 to December 31, 2022, be brought forward for consideration under the bylaw process.

**CITY OF WHITEHORSE
BYLAW 2020-30
MANAGEMENT & CONFIDENTIAL EXCLUSION**



Management and Confidential Exclusion Bylaw 2020-30

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CITY OF WHITEHORSE
BYLAW 2016-22

A bylaw to provide for the terms and conditions of employment for Management and Confidential Exclusion employees of the City of Whitehorse

WHEREAS section 188 of the *Municipal Act* (R.S.Y. 2002) provides that Council shall by bylaw establish the terms and conditions of employment of the chief administrative officer, designated municipal officers, and other officers and employees, including remuneration, benefits, expenses, hours of work, and manner of appointment, promotion, discipline, dismissal and rules of conflict of interest; and

WHEREAS the employees covered in this bylaw are excluded from bargaining collectively under the *Canada Labour Code* due to the nature of their positions; and

WHEREAS the council of the City of Whitehorse deems it proper and expedient to set out the terms and conditions of employment for this excluded group of employees;

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

TITLE

1. This bylaw may be cited as the “**Management and Confidential Exclusion Bylaw**”.

APPLICATION

2. This bylaw applies to Employees who occupy positions specified in Section One Schedule A and Section Two Schedule B attached hereto and forming part of this bylaw. Such Employees are appointed pursuant to this bylaw and shall hold office in accordance with the terms and conditions of employment stated in this bylaw and as may be contractually agreed to between the City and the Employees.

DEFINITIONS

3. In this bylaw,
"CASUAL EMPLOYEE" means an Employee hired on an irregular and/or unscheduled basis with no guarantee of hours or duration or work.
When available work can be projected for a period longer than three months the work assignment will be awarded as a Temporary position and the benefits of Temporary Employees shall apply, as described in Attachment “A” attached hereto and forming part of this bylaw;
“CITY” means the City of Whitehorse and may also be referred to as the Employer;
"CITY MANAGER" means the person appointed as Chief Administrative Officer of the municipality pursuant to section 183 of the *Municipal Act* and who exercises the authority to manage Employees identified in this bylaw;

Management and Confidential Exclusion Bylaw 2020-30

“CONFIDENTIAL EXCLUSION EMPLOYEE” means an Employee holding a position identified in Section Two, Schedule “B” of this Bylaw;

"CONTINUOUS SERVICE" means uninterrupted employment with the City;

“CONTINUOUS SERVICE DATE” means the date an individual is hired as a permanent Employee of the city OR where an Employee has prior service in either a term, casual or temporary capacity, the date that reflects continuous work with no break in employment greater than four consecutive work weeks immediately prior to becoming a permanent Employee;

"COUNCIL" means the Council of the City of Whitehorse;

"EMPLOYEE" means a person employed by the City as specified by Schedules “A” and “B” of this bylaw;

“EMPLOYER” means the City of Whitehorse;

“FULL TIME EMPLOYEE” means an Employee scheduled to work the standard hours of any position included in Schedule “A” or “B”;

“IMMEDIATE FAMILY” defined in applicable sections;

“INCREMENT DATE” means the anniversary date of the commencement of Continuous Service except that, where an Employee has been promoted or reclassified with a resulting salary increase, the increment date shall become the anniversary of the promotion;

“MANAGEMENT EMPLOYEE” means an Employee holding a position identified in Section One, Schedule “A”;

"PART TIME EMPLOYEE" means a permanent Employee who works less than the standard daily or weekly hours of work on a continuing, scheduled basis;

"PERMANENT EMPLOYEE" means an Employee other than a temporary or casual Employee;

“STANDARD WORK WEEK:” for Management means 37.5 hours per week as of passing of this Bylaw; for Confidential Exclusion means 35 hours per week

“TASKS” are those work activities which, when combined, comprise the duties to be performed by an Employee as described in a position description.

“TEMPORARY EMPLOYEE” means an Employee hired for a specific task or a period not exceeding one calendar year. The term of employment will terminate at the end of the temporary period or task unless terminated earlier as stated in this bylaw or the contract of employment with the Employee.

“TERM EMPLOYEE” means an employee who is hired for a specific task, project or position (to backfill due to a leave of absence or term or acting appointment of a permanent employee or to occupy a non-recurring term-specific position) for a term not to exceed two years or 24 months. At the end of the term the employment relationship is terminated unless the Parties agree otherwise. Term employees receive the same terms and conditions as permanent employees.

Management and Confidential Exclusion Bylaw 2020-30

INTERPRETATIONS

4. In this bylaw,
 - (1) “may” will be regarded as permissive.
 - (2) “shall” will be regarded as imperative.
5. Whenever the singular, masculine or feminine is used in this bylaw it shall be interpreted as if the plural, feminine or masculine has been used where the context of the parties hereto so requires.

SECTION ONE MANAGEMENT

ATTENDANCE AND HOURS OF WORK

6. Salary ranges for Employee’s covered by Section One of this bylaw are set out in Schedule “A”.
7. Each standard work day will include a 1 (one) hour unpaid meal break (scheduled as close to the mid-point of the work day as possible) and 2 (two) 15-minute rest breaks (scheduled approximately mid-way through each half day).
8. When determined to be an operational necessity, the City Manager may require Employees to work non-standard days and hours. It is a condition of employment that all Employees covered under this bylaw will be available for unscheduled work duties.
9. The salary and other remuneration and benefits for management Employees, including the management leave entitlement, compensates management Employees for all hours worked. Management Employees will be required to work in excess of 37.5 hours per week as needed to fulfil the duties of their positions. Management Employees will not be entitled to additional or overtime pay of any kind for any hours in excess of 37.5 hours per week that are necessary to fulfil the requirements of their position.
10. Employees and the Employer by mutual agreement may introduce daily flexible work hours so long as such arrangements do not result in additional costs/premiums, and without interrupting the delivery of City services or otherwise reducing the resources necessary to meet operational requirements.
11. Employees who have the approval of their direct manager and who are required to attend conferences or any training/ professional development courses required to maintain the certifications specified in the Position Description during non-standard work hours will be paid at straight time for the actual time spent at the conference or attending training/professional development courses.

SALARIES, CLASSIFICATIONS

12. Employees covered by this bylaw will be paid in accordance with the classifications and salary ranges set out in Section One Schedules “A” which form part of this bylaw. No qualified Employee shall receive less than the minimum rate specified for the position.

Management and Confidential Exclusion Bylaw 2020-30

13. Where an existing classification or position is modified or a new classification or position is created by the City to address operational needs, budgetary constraints or to fulfil human resources objectives, the classification for the position will be determined through the City's job evaluation committee, salary range is determined by market.
14. If market realities demonstrate a significant deviation from the City's pay rates as detailed in this bylaw then a temporary market adjustment can be established for the position that will be reviewed and amended each time this bylaw is renewed.
15. In extraordinary circumstances and for bone fide emergencies, Employees may be paid in excess of the established pay rate at the discretion of the City Manager.
16. Prior to receiving any pay, all Employees covered under this bylaw will take and subscribe the oath or affirmation set out in Attachment "B".
17. Pay for Employees covered under this bylaw will be direct deposited every second Wednesday. Employees will receive a statement indicating total pay and deductions for each pay period.

Overtime

18. Management Employees are not entitled to overtime pay.

Performance Evaluation

19. A performance review and evaluation of each Employee will be conducted annually.

Performance Reward

20. The Employer may grant Employees a performance award as defined in the relevant administrative directive.

Acting Pay

21. Employees who are temporarily assigned to a higher paying position/ classification shall receive an additional 5% of their salary or the minimum salary range for the new classification (whichever is higher), for all hours worked in the position. Acting pay will continue for all days worked during the full period of the assignment (including statutory holidays). Employees on an approved absence during an acting assignment will be paid at their regular rate of pay as defined in the Acting Assignment Administrative Directive.
22. Employees requested to assume the duties of a director or City Manager, or whose job descriptions outline this responsibility, will be paid at the appropriate salary range for all hours worked in the position. The Employee will receive either an increase of 10% or Step 1 of the salary range for the higher classification, whichever is greater and subject to the approval of the City Manager. Under no circumstances will the Employee receive more than the maximum for the range.

Management and Confidential Exclusion Bylaw 2020-30

Increment Date

23. Managers not at the top of the pay range will have their annual salary reviewed at the end of each calendar year. Merit increases will be applied on January 1st of the following year.

Promotion

24. Upon promotion to a higher classified position, an Employee will either receive the minimum salary rate of the applicable range for the new position or a salary increase of 10%.

Reclassification

25. When an Employee's position is reclassified to a higher salary range, a market analysis may be completed to determine a new salary range for that position.
26. Employees will not have a salary reduction if their position is reclassified downward. However, the Employee will not be eligible for further wage increases until such time as their salary is less than the maximum of the reclassified range.
27. When an Employee's position is reclassified but remains in the existing salary range, the Employee's salary will remain unchanged.

Retroactive Pay

28. Employees who die or retire during a period covered by a retroactive pay adjustment will receive, or their estate shall receive, any salary benefit accruing.

ILLNESS

Wage Indemnity

29. Employees claiming non-occupational illness or accident for more than six consecutive days must apply for Wage Indemnity. The City's benefit carrier will determine whether the Wage Indemnity Policy entitlement conditions are met. Questions as to whether an Employee has met the Wage Indemnity Policy entitlement conditions shall be a matter between the Employee and the claims adjudicator.
30. If the Wage Indemnity claim is approved, Employees are entitled to time off with pay for a maximum of 17 weeks from the first day of hospitalization, accident or approved illness in accordance with the following schedule:

Wage Indemnity Entitlements for Approved Claims	
Completed Continuous Employment	Maximum Benefits
First 90 days	No provision
90 days to 1 year less 1 day	4 weeks at full pay, 13 weeks at 2/3 pay
1 year to 2 years less 1 day	7 weeks at full pay, 10 weeks at 2/3 pay
2 years to 3 years less 1 day	10 weeks at full pay, 7 weeks at 2/3 pay
3 years to 4 years less 1 day	13 weeks at full pay, 4 weeks at 2/3 pay
Over 4 years	17 weeks at full pay

Management and Confidential Exclusion Bylaw 2020-30

31. Successive periods of disability separated by less than 30 days of continuous employment will be considered one period of disability at the discretion of the claims adjudicator.

Long Term Disability

32. Employees who are continuously disabled due to a non-occupational illness or accident for a period in excess of 17 weeks may be eligible to receive Long Term Disability payments. The claims adjudicator will determine whether an Employee is eligible to receive long-term disability payments under the provisions of the long-term disability plan. Any questions regarding an Employee's eligibility for long-term disability benefits shall be a matter between the Employee and the claims adjudicator. Such matters must be pursued under the terms of the long-term disability plan.
33. Long Term Disability payments shall continue until the Employee is able to return to full time employment, reaches age 65, or ceases to meet the entitlement conditions of the insurer, whichever is earlier.
34. 100% of the Long Term Disability premium will be paid by the Employee.

Schedule "A" Employees

35. Payments will be based upon 65% of the first \$4,500.00 monthly earnings and 55% of the remaining monthly earnings to a maximum benefit of \$5,000.00 per month.

MEDICAL AND GROUP INSURANCE

Basic Medical Insurance

36. All Employees, whether full time, part time, or casual, shall participate in the Yukon Health Care Insurance Plan unless otherwise exempted.

Extended Health, Life and AD&D:

37. On the first of the month following 60 days of continuous employment, permanent Employees eligible for Group Benefit Coverage will be enrolled in the following benefits:
- Extended Health Care Plan
 - Group Life Insurance \$25,000 or one times the employee's annual salary, whichever is greater.
 - Accidental Death and Dismemberment Insurance \$100,000.00.

The premiums shall be cost shared on the basis of 90% by the Employer and 10% by the employee.

Dental Plan

38. On the first of the month following 60 days of continuous employment, eligible permanent Employees shall be enrolled in a dental plan which shall include orthodontic procedures coverage.

Management and Confidential Exclusion Bylaw 2020-30

The premiums shall be cost shared on the basis of 90% by the Employer and 10% by the employee.

REGISTERED RETIREMENT SAVINGS PLAN

39. Upon the commencement date of hire, Permanent Employees shall enrol in the Employer's Group Registered Retirement Savings Plan.
- (1) All moneys remitted on behalf of the Employee shall be immediately vested with the Employee.
 - (2) Employees cannot withdraw from the Group Registered Retirement Savings Plan until termination or retirement from their employment with the City of Whitehorse, with the exception of withdrawals for home ownership, Lifetime Learning Plan, and/or settlement from marriage break-ups.

Schedule "A" Employees

40. All permanent employees shall enrol in the Employer's Group Registered Retirement Savings Plan (RRSP) which is subject to the specific provisions of federal legislation. The minimum contribution is 14% of which the employer contributes 9% over salary and the employee contributes 5%.

LEAVES

41. Employees have access to a number of paid leaves within this bylaw. If the Employee exhausts the number of paid days available in this bylaw to cover a leave for a purpose that is substantially similar to a leave identified within the *Yukon Employment Standards Act*, time off without pay shall be provided up to the amount of days contained in such Act.

General Holidays

42. Employees will receive 13 designated general holidays with pay annually. For each such holiday, Employees will be paid their regular earnings. Employees will receive holiday pay even if the holiday falls on a Saturday, Sunday, or on an Employee's day of rest, the next working day shall serve as the general holiday. The designated general holidays shall be:

New Year's Day	Discovery Day
Sourdough Rendezvous Friday	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Victoria Day	Christmas Day
National Indigenous Peoples' Day	Boxing Day
Canada Day	

And any other day declared or proclaimed a holiday by the Canadian or Yukon governments or the City of Whitehorse.

Management and Confidential Exclusion Bylaw 2020-30

43. General Holiday pay provisions will prevail where an Employee, employed for a period of six months, is off work due to any circumstances for which compensation under the *Worker's Compensation Act* is receivable.
44. When a general holiday falls within an Employee's scheduled vacation, the Employee will receive one additional day of vacation leave in lieu of each such general holiday.

Vacation Leave

45. Employees with a continuous service date before October 1, 2016 and who receive pay for at least ten days in a calendar month are entitled to vacation leave in accordance with the following schedule:

For Employees with a Continuous Service Date before October 1, 2016	
Years of Service	Monthly Accrual
1 year and less than 2 years	11.66 hours
2 years and less than 5 years	14.58 hours
5 years and less than 10 years	17.50 hours
10 years and less than 20 years	20.42 hours
20 years and over	23.33 hours

46. Employees hired on October 1, 2016 or later and who receive pay for at least ten days in a calendar month are entitled to vacation leave in accordance with the following schedule:

For Employees with a Continuous Service Date of October 1, 2016 or later	
Years of Service	Monthly Accrual
1 year and less than 3 years	11.66 hours
3 years and less than 10 years	14.58 hours
10 years and less than 20 years	17.50 hours
20 years and over	20.42 hours

47. Employees are encouraged to use their accrued paid vacation time for rest, relaxation, and personal pursuits.
48. Employees may carry vacation leave credits forward for a maximum of two years. In the second pay in January of each year the Employer will pay Employees all unused accumulated vacation leave credits in excess of the number of days that were accumulated during the two-year period.
49. Vacation leave may not be taken until it has been earned, with the exception that an Employee who has completed at least one year of continuous service may be granted up to one week of vacation leave in advance.
50. The Employer shall make a reasonable effort to grant an Employee the period of vacation leave requested.
51. Upon termination, permanent and probationary Employees shall be paid for all unused accumulated vacation leave, such payment to be calculated by multiplying

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the daily rate (based on the Employee's current salary) by the number of hours leave outstanding.

Non-Occupational Illness or Accident Leave

52. Upon completion of 90 days of continuous service all permanent employees shall be granted sick leave when the employee must be absent from work by reason of bona fide non-occupational illness or accident, medical, dental or health professional appointment.
53. In order to qualify for paid time off due to illness, Employees unable to report for scheduled shifts shall notify their immediate supervisor prior to the starting time of the working day or as soon after the beginning of the working day as possible.
54. On January 1 each year, Employees will be granted 10 Illness or Accident Leave days to be used for non-occupational illnesses less than six consecutive business days. The wage indemnity provisions of this bylaw shall govern absences in excess of six consecutive working shifts for all Employees when qualified.
55. Employees are required to use other accrued leaves pending a decision of qualification for Wage Indemnity. If the claim is approved, accrued leaves for the approved period will be reversed back to the Employee.
56. The Employer may require an Employee to undergo an independent medical examination or produce additional medical evidence (acceptable to the Employer) to substantiate any period of absence claimed to be illness.
57. Unused illness or accident leave at the end of the calendar year will not be carried over or paid out.

Special Leave

58. The City of Whitehorse recognises that there may be occasions when employees need to take time off work for reasons that do not necessarily fall under normal leave provisions.
59. Any special leave granted is always on the provision that it is subject to the operational needs of the work area of the particular employee and requires prior permission. The City Manager may delegate authority for the operation of this policy to a nominated individual, e.g. manager or director in accordance with local reporting procedures.
60. The aim of the Special Leave Policy is to provide a framework that enables employees to request a reasonable period of paid leave when personal circumstances occur.
61. It is recognised that it is not possible to cover all circumstances where special leave may be appropriate, therefore for specific examples please refer to the Special Leave Admin Directive or for exceptional circumstances, please contact the HR department.
62. Employees are expected to use special leave with a view toward responsibly balancing their work and personal requirements.

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63. Each month, Employees will be credited with 0.75 additional special leave days for each completed calendar month in which the Employee has received pay for at least an equivalent of 2 standard workweeks in the calendar month.
64. Special leave use is subject to the approval of the Employee's supervisor/ manager who may ask the nature of the leave and the length of the leave required. The supervisor/manager may also ask for proof of the need for the leave.

Restrictions

65. An Employee is not entitled to take special leave while the Employee is on:
 - (1) Pre-retirement vacation leave (this is the period of vacation leave often taken prior to retirement);
 - (2) Leave of absence without pay;
 - (3) Suspension; or
 - (4) Long-term disability benefits.
66. Special leave cannot be used to supplement/increase weekly indemnity, vacation, maternity, paternity, adoption, or parental leave.
67. Special leave days have no accrued value other than for authorized paid time off. There is no entitlement to have unused special leave days paid out at any time, including upon termination of employment for any reason. The maximum number of days within the Employee's special leave reserve is limited to 25 days at any given time, and special leave days will not accrue above 25 days at any given time.
68. Definition of family for special leave purposes:
 - spouse or common-law partner resident with the employee;
 - children (including foster children or children of spouse or common-law partner), stepchildren, son-in-law, daughter-in-law and grandchildren,
 - parents (including step-parents and foster-parents), father-in-law, mother-in-law, step-in-laws and grandparents;
 - brothers and sisters, brothers-in-law and sisters-in-law;
 - any relative residing in the employee's household or with whom the employee permanently resides

Injury on Duty Leave

69. Permanent Employees who are injured on the job and have their claim approved by the Yukon Workers' Health and Compensation Board (YWH&CB) shall be granted Injury on Duty Leave with pay for such reasonable period as may be determined by the YWH&CB.
70. Where such leave is granted, permanent Employees shall assign to the Employer all payment received from the Workers' Health and Compensation Board covering the period of Injury on Duty Leave. Non-permanent Employees on leave due to an approved YWH&CB claim will receive compensation directly from YWH&CB.

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Maternity Leave

71. An Employee qualifying under the *Yukon Employment Standards Act* shall be entitled to request maternity leave in accordance with the provisions of the *Yukon Employment Standards Act*. The following provisions shall apply only to permanent employees:
- (1) After completion of one (1) year continuous employment, an employee who:
 - (a) Agrees to return to work for a period of at least six (6) months after the expiry of maternity leave, and
 - (b) Provides the Employer with proof that she has applied for, is entitled to and in receipt of unemployment insurance benefits pursuant to the Employment Insurance Act, shall be paid a maternity leave allowance in accordance with the Supplementary Employment Insurance Benefit (SEIB) Plan.
 - (2) An employee under paragraph (1)(a) above shall sign an agreement with the Employer, providing that:
 - (a) She will return to work after the expiry of her maternity leave, unless this date is modified with the Employer's consent; and
 - (b) She will work for a period of at least six (6) months after her return to work; and
 - (c) should the employee fail to return to work as per the provisions of subparagraphs (2)(a) and (b) above for reasons other than death, lay-off or disability, the employee agrees that she is indebted to the Employer for the full amount received as maternity leave allowance.
 - (3) In respect of the period of maternity leave, maternity leave allowance payments made according to the Supplementary Employment Insurance Benefit plan will consist of the following:
 - (a) Where the employee is subject to a waiting period of one (1) week before receiving employment insurance maternity benefits, an allowance of ninety-three percent (93%) of her weekly rate of pay for each week of the waiting period, less any other monies earned during this period; and
 - (b) For up to a maximum of fifteen (15) weeks, payments equivalent to the difference between the Employment Insurance benefits that the employee received at the actual time of the maternity leave and ninety-three percent (93%) of her weekly rate of pay, less any other monies earned during this period.
 - (c) The duration of the allowance will be reduced by any time spent on short-term disability.
 - (d) Where an employee has received the full fifteen (15) weeks of maternity benefit under Employment Insurance and thereafter remains on maternity leave without pay, she is eligible to receive a further maternity allowance for a period of one (1) week, equivalent to ninety-three per

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cent (93%) of her weekly rate of pay, less any other monies earned during this period.

- (4) The weekly rate of pay referred to in paragraph (3)(d) above shall be:
 - (a) for a full-time employee, the weekly rate of pay for the classification prescribed in her certificate of appointment to her position to which she is entitled on the day immediately preceding the commencement of her maternity leave;
 - (b) for a part-time employee, the weekly rate of pay for the classification prescribed in her certificate of appointment to her position to which she is entitled on the day immediately preceding the commencement of her maternity leave, multiplied by the fraction obtained by dividing the part-time employee's assigned regular weekly hours of work averaged over the preceding six (6) month period of continuous employment by the regularly scheduled full-time weekly hours of work for the employee's classification;
 - (c) where an employee becomes eligible for a pay increase or an economic adjustment during the SEIB Plan period set out in paragraph (3)(c) above, the employee's weekly rate of pay in sub-paragraphs (a) and (b) above shall be adjusted accordingly.
 - (5) A regular employee who is on lay-off status shall not be entitled to receive any allowance payment under the SEIB Plan pursuant to paragraph (3)(c) above.
 - (6) For the purpose of payments received under the Supplemental Employment Benefit Plan, the Plan shall provide that the employees have no vested right to payment under the plan except to payments during a period of unemployment specified in the plan.
 - (7) An employee's continuous service date will not be advanced by the amount of the maternity leave taken.
72. There shall be no duplication or overlap with the parental leave provisions of this bylaw.

Parental Leave

73. An Employee qualifying under the *Yukon Employment Standards Act* shall be entitled to request parental leave without pay in accordance with the provisions of the *Yukon Employment Standards Act*. There shall be no duplication or overlap with the maternity and adoption leave allowance provisions of this bylaw.
74. In respect of the period of parental leave, parental leave allowance payments made according to the Supplementary Employment Insurance Benefit plan will consist of the following:
 - (1) where the employee is subject to a waiting period of one (1) week before receiving employment insurance parental benefits, an allowance of ninety-three percent (93%) of the employee's weekly rate of pay for the waiting

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period, less any other monies earned during this period. (An employee's continuous service date will not be advanced by the amount of the parental leave taken.

Compassionate Care Leave

75. An employee requesting leave of absence for compassionate reasons in accordance with the Employment Insurance Act will be given special consideration, and may be required to substantiate the reason before beginning the leave, and where not possible, before returning to work.
76. Where the employee is subject to a waiting period of one (1) week before receiving Employment Insurance compassionate care leave benefits, the Employer will provide an allowance according to the Supplementary Employment Insurance Benefit Plan of ninety-three percent (93%) of his/her weekly rate of pay for the waiting period, less any other monies earned during this period.
77. No employee shall lose seniority, nor will an employee's continuous service date be advanced.

Critical Illness Leave

78. An employee requesting leave of absence for critical illness reasons of family in accordance with the Employment Insurance Act will be given special consideration, and may be required to substantiate the reason before beginning the leave, and where not possible, before returning to work.
79. Definition of 'family member' as defined in the Employment Insurance Regulations (Canada) – includes immediate family and other relatives, as well as other individuals considered to be like family regardless of marriage, common-law partnership, or legal parent-child relationships.
80. Where the employee is subject to a waiting period of one (1) week before receiving Employment Insurance Critical Illness leave benefits, the Employer will provide an allowance according to the Supplementary Employment Insurance Benefit Plan of ninety-three percent (93%) of his/her weekly rate of pay for the waiting period, less any other monies earned during this period.
81. No employee shall lose seniority, nor will an employee's continuous service date be advanced

Court Leave

82. Employees summoned to jury duty, subpoenaed as a witness, or attending court proceedings and providing proof shall be granted leave with pay. It is understood that any compensation received in connection with these activities shall be remitted to the Employer.

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Leave Without Pay

83. Following guidelines in the Administrative Directive and under special circumstances where operational efficiency will not be adversely affected, leave without pay may be granted to an Employee. All applications for leave without pay in excess of ten working days are subject to the City Manager's approval.
84. Except where provided otherwise by statute, an Employee who has been granted leave without pay which results in that Employee receiving less than the equivalent of two standard work weeks of pay in any calendar month may be required to prepay the full cost of medical and group insurance plan premiums in order to maintain benefit coverage for the period of leave as outlined in the Administrative Directive.
85. Except where provided otherwise by statute, Employees who have for any reason been granted leave without pay in excess of thirty (30) calendar days will have their increment date and Continuous Service date to be advanced by the total amount of leave taken.
86. Applications for leave without pay should be submitted at least 31 calendar days in advance of the intended commencement date of the leave if at all possible. The Employee shall receive written notification of the decision within 14 calendar days of the date of application.

Management Leave

87. In lieu of overtime, managers will receive (2) two additional standard work weeks of management leave each year, credited on the first day of January in each year. Any Manager hired after January 1 will receive a pro-rated number of hours of management leave, based on the number of months remaining in the fiscal year. Any manager who leaves the employ of the City will have this time pro-rated for the remaining months in the year that will not be served and any used leave in advance will be repaid to the City.
88. Unused management leave credits will be converted to vacation credits as of December 31.

ALLOWANCES

Health Spending Allowance

89. As of January 1, 2020 all permanent Employees will be eligible to receive a health spending allowance each year to a maximum of \$1,500.00.
90. Submissions must be made by Dec 31st of each year to be eligible.
91. The health spending allowance will be paid to the total amount of submitted receipts for health related spending, for the Employee or any member of the Employee's immediate family subject to approval by the City and any applicable policies or administrative directives.
92. Definition of Immediate Family for the purpose of health spending allowance:
 - spouse or common-law partner resident with the employee;

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- dependent children (including foster children or children of spouse or common-law partner).

Long Service Bonus

93. Permanent Employees with a continuous service date prior to October 1, 2016 are entitled to the following yearly long service bonus:

5 years and less than 10 years	2% of base salary
10 years and less than 15 years	3% of base salary
15 and more years of service	4% of base salary

94. The long service bonus shall become payable in the pay period containing the Employee's continuous service date.
95. Employees who are entitled to a long service bonus and who terminate prior to completion of a further full year of continuous service shall be entitled to a long service bonus on a pro rata basis proportional to the completed months of service since their last long service bonus entitlement date.
96. Employees with a continuous service date on or after October 1, 2016 at the completion of each 5-year interval (e.g., 5 years, 10, 15 etc.) are entitled to 1 week of long service leave on the anniversary date, to be used over the next 5 years. Unused long service leave will be paid out at the end of 5 years.

Retirement Allowance

97. An Employee who retires from employment at the city in accordance with the relevant Administrative Directive will receive a retirement allowance in the amount of two weeks' pay for the first completed year of service and one week's pay for each succeeding complete year of employment to a maximum of 28 weeks, less any period in respect of which severance, retirement or resignation allowance was previously granted.

Resignation Allowance (non-culpable)

98. An Employee with a continuous service date before October 1, 2016 who has five or more years of continuous service shall on resignation receive resignation allowance in the amount of two weeks' pay for the first completed year of service and one week's pay for each succeeding complete year of employment to a maximum of 28 weeks, less any period in which the Employee was previously granted severance, retirement or resignation allowance.
99. Employees with a continuous service date on or after October 1, 2016 shall not be eligible for a resignation allowance.

Yukon Bonus

100. Permanent Full-time Employees with one or more years of continuous service will receive an annual Yukon Bonus travel benefit in the amount of \$2,900.00.

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Terminating Employees are entitled to a payment on a pro-rated basis proportional to the number of completed months of service since their last eligibility date.

101. Unless the employee provides written direction otherwise to the Employer, the Yukon Bonus travel benefit shall be paid out as a taxed benefit. Such benefit shall be automatically paid out in the pay period immediately following the entitlement date and prior to December 31st of each year.

DISCIPLINE, SUSPENSION AND TERMINATION

102. Termination of employment for the purposes of this bylaw is also deemed to be the revocation of the appointment of the Employee (as applicable). Subject to the terms of this bylaw or any applicable legislation, the discipline, suspension and termination of employment of an Employee shall be governed by the terms of this bylaw.
103. The City may discipline an Employee for any material breach of this bylaw or any other City bylaw or resolution, any material breach of any of the City's policies, procedures, administrative directives and practices, and any other conduct deemed by the City to be inappropriate for an Employee.
104. When imposing discipline on an Employee, the City shall attempt to correct behaviour through the application of progressive discipline. However, it is within the sole discretion of the City to determine the level of discipline appropriate under each circumstance including verbal warnings, written warnings, demotions, suspensions with or without pay and termination of employment.
105. Pursuant to section 189 of the *Municipal Act*, an Employee may appeal in writing to council within five working days of a disciplinary suspension with cause under this section pursuant to section 184 of the *Municipal Act*.
 - (1) After hearing the Employee and others as council deems necessary, council shall extend, reduce, or confirm the suspension, or overturn the suspension and/or reinstate the Employee.
 - (2) The City's internal procedural obligations pursuant to this provision shall be fully discharged, and the rights of the Employee fully and fairly satisfied if the Employee has been provided written notice summarizing the reasons for the suspension and the opportunity to provide written submissions to council prior to a decision being made.
 - (3) The City may invoke non-disciplinary leaves with or without pay pending investigation and such non-disciplinary leaves do not constitute discipline, a suspension or termination/dismissal for the purposes of this section of the Bylaw until a decision to impose discipline or termination is made and communicated to the employee. For greater clarity, there is no entitlement to appeal to Council for non-disciplinary leaves invoked by the City.
106. The employment relationship between the City and the Employee may be terminated in any of the following manners:
 - (1) By written agreement between the City and the Employee.

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- (2) By the Employee, upon providing one month's written notice of resignation to the City. The City may waive such notice in whole or in part and if it does so then the Employee shall be entitled to payment of salary in lieu of any of the remaining one month's notice.
 - (3) By the Employee retiring pursuant to the retirement allowance provision in this bylaw.
 - (4) By the City, at any time without any notice or pay in lieu of notice, for Cause. "Cause" shall include, but not be limited to:
 - (a) conduct by the Employee that brings or has the potential to bring the City or its representatives into public disrepute or ridicule;
 - (b) unauthorized disclosure of confidential information or documents received or obtained by Employee in the course of employment without the written consent of council;
 - (c) use of such confidential information or documentation for the Employee's benefit or gain;
 - (d) significant or repetitive breaches of the City's bylaws, resolutions, policies, procedures, administrative directives, or practices; and
 - (e) any conduct that would constitute just cause for termination pursuant to the common law governing employment contracts.
107. The Employee may appeal in writing to council within five working days of a termination for cause.
- (1) The City's internal procedural obligations pursuant to this provision shall be fully discharged and the rights of the Employee fully and fairly satisfied if the Employee has been provided with a written notice summarizing the reasons for the cause and the opportunity to provide written submissions to Council.
 - (2) Council shall confirm the termination for cause, substitute the termination for cause with a termination without cause, reinstate the employee with no discipline, reinstate the employee with a warning or period of suspension, and may impose any conditions deemed appropriate.
108. For Employees other than casual and temporary Employees, the employment relationship may be terminated by the City for any reason at its sole discretion, on a without cause basis, by providing the Employee three months of notice during the first two years of employment plus one additional month of notice for each completed year of employment commencing upon completion of two years of employment, up to a maximum total notice of twelve months.
- (1) The City may at its sole discretion provide notice as written working notice, payment of base salary in lieu of notice, or any equivalent combination of written notice and base salary in lieu of notice.
 - (2) The City may at its sole discretion provide the payment of base salary in lieu of notice through salary continuance instalments and make such payments

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conditional on the Employee taking reasonable steps to search for new employment.

- (a) The City may at its sole discretion cease salary continuance payments upon the Employee obtaining new employment or income.
 - (3) The provision to the Employee of any payment of salary in lieu of notice greater than the minimum notice required by the *Employment Standards Act* is conditional on the Employee providing a signed release from any legal claims against the City and confidentiality agreement about the affairs of the City in a form satisfactory to the City.
- 109. The employment of Temporary Employees will terminate at the end of the fixed term established by the City for the Temporary Employee unless terminated earlier by the City providing the minimum notice or pay in lieu of notice required by the *Employment Standards Act* (if any).
 - 110. Unless otherwise agreed to in writing by the City, there is no obligation to provide any amount of work to Casual Employees, continue their employment for any period of time or provide any notice of termination of employment or pay in lieu of notice, unless otherwise required by the *Employment Standards Act* and then only the minimum entitlement will be provided.
 - 111. Where notice is required pursuant to this bylaw and any applicable laws, all of the City's obligations related to the employment of an Employee and this bylaw are fully discharged and the rights of the Employee fully and fairly satisfied upon the City providing the greater of the notice or pay in lieu of notice pursuant to this section and the minimum entitlement pursuant to the *Employment Standards Act*. All notice pursuant to this section is inclusive of the entitlements pursuant to the *Employment Standards Act*.
 - 112. It is within the sole discretion of the City to elect to continue all or any part of the remuneration and benefits of an Employee during a period of suspension pursuant to this bylaw including any suspension that is under appeal.
 - 113. If the employment relationship is terminated in accordance with this section then all remuneration and benefits shall cease immediately upon the effective date of termination unless expressly stated otherwise in this bylaw, agreed to in writing by the City or required by the *Employment Standards Act*, and the Employee shall have no further legal claim of any kind against the City arising out of the termination of employment or arising out of this bylaw.
 - 114. There are no procedural or appeal rights other than as expressly stated in this section of this bylaw.

GENERAL PROVISIONS

- 115. Employees required by the Employer to complete a driver's examination during their regular work schedule will be paid for their time at the applicable rate of pay.

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116. If, in the opinion of the Employer, a medical examination of an Employee is required, the Employee will be paid for the time spent with the doctor and the cost of the examination shall be borne by the City.
117. Any Employee suffering injury while on the job must report immediately, or as soon as practicable, to the Supervisor, his replacement or the nearest medical officer.
118. Conflict of interest rules as set out in Council's Employee Code of Conduct Policy will apply to all Employees.
119. The City Manager may choose to grant to an Employee additional discretionary benefits over and above those described by this bylaw, if he or she, further to consultation with Human Resources, is satisfied that special circumstances warrant such a decision.
120. To encourage use of public transit and the Canada Games Centre, the Employer shall reimburse 50% of the cost of a pass on the city operated public transit system and fifty percent (50%) of the cost for an Employee to purchase a membership pass (single or family) for the Canada Games Centre. For the purposes of this section, family means an Employee's spouse and children living in the Employee's residence.

APPLICATION AND DURATION

121. This bylaw shall be deemed to have been in full force and effect on and from January 1, 2019.
122. This bylaw is subject to amendment by Council from time to time.
123. It is intended that this bylaw will be brought forward for amendment prior to December 31, 2023.
124. The following economic increases shall be effective as indicated in the salary schedules attached hereto as Schedules "A" and "B" and forming part of this bylaw:

<u>Increase Effective Date</u>	<u>Percentage</u>
January 1, 2019	2.6%
January 1, 2020	Salary market adjustment plus greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada
January 1, 2021	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada
January 1, 2022	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada

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SCHEDULE "A"

MANAGEMENT EMPLOYEES	JOB CODE	RANGE
Director Corporate Services	033	19
Director Infrastructure & Operations	034	19
Director Community & Recreation Services	168	19
Director Development Services	171	19
Fire Chief	049	18
Manager Recreation & Facility Services	175	18
Manager Land & Building Services	246	18
Manager Financial Services	077	18
Manager Operations	179	18
Manager Water & Waste Services	208	18
Manager Engineering Services	072	18
Manager Planning & Sustainability Services	249	18
Associate Manager, Engineering Services	186	17
Manager Human Resources	073	17
Manager Business & Technology	078	17
Manager Transit Services	130	17
Deputy Fire Chief	167	17
Manager Parks & Community Development	206	17
Manager Legislative Services	220	17
Manager Bylaw Services	071	17
Manager Strategic Communications	149	16

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Schedule A – Management Employees			
Effective January 1, 2019 to December 31, 2019			
		2.6% increase	35 hours per week
		Minimum	Maximum
Director Corporate Services	Hourly	\$ 72.99	\$ 89.84
	Annual	\$ 133,291.42	\$ 164,062.21
Director Community & Recreation Services	Hourly	\$ 72.99	\$ 89.84
	Annual	\$ 133,291.42	\$ 164,062.21
Director Development Services	Hourly	\$ 72.99	\$ 89.84
	Annual	\$ 133,291.42	\$ 164,062.21
Director Infrastructure & Operations	Hourly	\$ 72.99	\$ 89.84
	Annual	\$ 133,291.42	\$ 164,062.21
Fire Chief	Hourly	\$ 62.69	\$ 75.25
	Annual	\$ 114,481.97	\$ 137,418.54
Manager Engineering Services	Hourly	\$ 66.79	\$ 75.25
	Annual	\$ 121,987.49	\$ 137,418.54
Manager Financial Services	Hourly	\$ 66.79	\$ 75.25
	Annual	\$ 121,987.49	\$ 137,418.54
Manager Land & Building Services	Hourly	\$ 66.79	\$ 75.25
	Annual	\$ 121,987.49	\$ 137,418.54
Manager Operations	Hourly	\$ 66.79	\$ 75.25

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	Annual	\$ 121,987.49	\$ 137,418.54
Manager Planning & Sustainability Services	Hourly	\$ 66.79	\$ 75.25
	Annual	\$ 121,969.23	\$ 137,418.54
Manager Recreation & Facility Services	Hourly	\$ 66.79	\$ 75.25
	Annual	\$ 121,987.49	\$ 137,418.54
Manager Water & Waste Services	Hourly	\$ 66.79	\$ 75.25
	Annual	\$ 121,987.49	\$ 137,418.54
Associate Manager Engineering Services	Hourly	\$ 61.13	\$ 68.85
	Annual	\$ 111,633.16	\$ 125,731.12
Deputy Fire Chief	Hourly	\$ 61.13	\$ 68.85
	Annual	\$ 111,633.16	\$ 125,749.38
Manager Business & Technology	Hourly	\$ 61.13	\$ 68.85
	Annual	\$ 111,633.16	\$ 125,749.38
Manager Bylaw Services	Hourly	\$ 61.13	\$ 68.85
	Annual	\$ 111,633.16	\$ 125,749.38
Manager Human Resources	Hourly	\$ 61.13	\$ 68.85
	Annual	\$ 111,633.16	\$ 125,749.38
Manager Legislative Services	Hourly	\$ 61.13	\$ 68.85
	Annual	\$ 111,633.16	\$ 125,749.38
Manager Parks & Community Development	Hourly	\$ 61.13	\$ 68.85
	Annual	\$ 111,633.16	\$ 125,749.38

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Manager Transit Services	Hourly	\$ 61.13	\$ 68.85
	Annual	\$ 111,633.16	\$ 125,749.38
Manager Strategic Communications	Hourly	\$ 55.96	\$ 63.05
	Annual	\$ 102,191.91	\$ 115,139.39

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Schedule A – Management Employees			
Effective January 1, 2020 to Passing of Bylaw			
		2.60%	35.0
		increase	hours per week
Increase for 2020 is either the greater of 1.25% or CPI			
		Minimum	Maximum
Director Corporate Services	Hourly	\$ 74.89	\$ 92.17
	Annual	\$ 136,761.12	\$ 168,335.43
Director Community & Recreation Services	Hourly	\$ 74.89	\$ 92.17
	Annual	\$ 136,761.12	\$ 168,335.43
Director Development Services	Hourly	\$ 74.89	\$ 92.17
	Annual	\$ 136,761.12	\$ 168,335.43
Director Infrastructure & Operations	Hourly	\$ 74.89	\$ 92.17
	Annual	\$ 136,761.12	\$ 168,335.43
Fire Chief	Hourly	\$ 64.32	\$ 77.20
	Annual	\$ 117,458.61	\$ 140,997.81
Manager Engineering Services	Hourly	\$ 68.53	\$ 77.20
	Annual	\$ 125,146.74	\$ 140,997.81
Manager Financial Services	Hourly	\$ 68.53	\$ 77.20
	Annual	\$ 125,146.74	\$ 140,997.81
Manager Land & Building Services	Hourly	\$ 68.53	\$ 77.20
	Annual	\$ 125,146.74	\$ 140,997.81

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Manager Operations	Hourly	\$ 68.53	\$ 77.20
	Annual	\$ 125,146.74	\$ 140,997.81
Manager Planning & Sustainability Services	Hourly	\$ 68.53	\$ 77.20
	Annual	\$ 125,146.74	\$ 140,997.81
Manager Recreation & Facility Services	Hourly	\$ 68.53	\$ 77.20
	Annual	\$ 125,146.74	\$ 140,997.81
Manager Water & Waste Services	Hourly	\$ 68.53	\$ 77.20
	Annual	\$ 125,146.74	\$ 140,997.81
Associate Manager Engineering Services	Hourly	\$ 62.72	\$ 70.65
	Annual	\$ 114,536.76	\$ 129,018.20
Deputy Fire Chief	Hourly	\$ 62.72	\$ 70.65
	Annual	\$ 114,536.76	\$ 129,018.20
Manager Business & Technology	Hourly	\$ 62.72	\$ 70.65
	Annual	\$ 114,536.76	\$ 129,018.20
Manager Bylaw Services	Hourly	\$ 62.72	\$ 70.65
	Annual	\$ 114,536.76	\$ 129,018.20
Manager Human Resources	Hourly	\$ 62.72	\$ 70.65
	Annual	\$ 114,536.76	\$ 129,018.20
Manager Legislative Services	Hourly	\$ 62.72	\$ 70.65
	Annual	\$ 114,536.76	\$ 129,018.20
Manager Parks & Community Development	Hourly	\$ 62.72	\$ 70.65

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	Annual	\$ 114,536.76	\$ 129,018.20
Manager Transit Services	Hourly	\$ 62.72	\$ 70.65
	Annual	\$ 114,536.76	\$ 129,018.20
Manager Strategic Communications	Hourly	\$ 57.41	\$ 64.69
	Annual	\$ 104,858.11	\$ 118,134.29

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Schedule A – Management Employees			
Effective Bylaw Passing to December 31, 2020			
		Market	37.5
		increase	hours per week
Increase for 2020 is market rate plus the greater of 1.25% or CPI			
		Minimum	Maximum
Director Corporate Services	Hourly	\$ 81.01	\$ 99.95
	Annual	\$ 158,504.17	\$ 195,562.17
Director Community & Recreation Services	Hourly	\$ 81.01	\$ 99.95
	Annual	\$ 158,504.17	\$ 195,562.17
Director Development Services	Hourly	\$ 81.01	\$ 99.95
	Annual	\$ 158,504.17	\$ 195,562.17
Director Infrastructure & Operations	Hourly	\$ 81.01	\$ 99.95
	Annual	\$ 158,504.17	\$ 195,562.17
Fire Chief	Hourly	\$ 62.70	\$ 80.37
	Annual	\$ 122,678.82	\$ 157,251.94
Manager Engineering Services	Hourly	\$ 66.99	\$ 84.29
	Annual	\$ 131,072.63	\$ 164,921.81
Manager Financial Services	Hourly	\$ 67.79	\$ 84.68
	Annual	\$ 132,637.91	\$ 165,684.89
Manager Land & Building Services	Hourly	\$ 60.52	\$ 75.39
	Annual	\$ 118,413.43	\$ 147,508.07

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Manager Operations	Hourly	\$ 62.20	\$ 77.98
	Annual	\$ 121,700.52	\$ 152,575.67
Manager Planning & Sustainability Services	Hourly	\$ 60.52	\$ 75.39
	Annual	\$ 118,413.43	\$ 147,508.07
Manager Recreation & Facility Services	Hourly	\$ 57.01	\$ 71.41
	Annual	\$ 111,545.77	\$ 139,720.81
Manager Water & Waste Services	Hourly	\$ 61.93	\$ 78.29
	Annual	\$ 121,172.24	\$ 153,182.21
Associate Manager Engineering Services	Hourly	\$ 55.56	\$ 72.62
	Annual	\$ 108,708.70	\$ 142,088.29
Deputy Fire Chief	Hourly	\$ 55.95	\$ 68.16
	Annual	\$ 109,471.77	\$ 133,361.86
Manager Business & Technology	Hourly	\$ 61.11	\$ 76.39
	Annual	\$ 119,567.83	\$ 149,464.67
Manager Bylaw Services	Hourly	\$ 59.34	\$ 74.79
	Annual	\$ 116,104.64	\$ 146,334.11
Manager Human Resources	Hourly	\$ 64.68	\$ 84.09
	Annual	\$ 126,552.89	\$ 164,530.49
Manager Legislative Services	Hourly	\$ 55.46	\$ 68.92
	Annual	\$ 108,513.04	\$ 134,848.87
Manager Parks & Community Development	Hourly	\$ 56.91	\$ 71.36

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	Annual	\$ 111,350.11	\$ 139,622.98
Manager Transit Services	Hourly	\$ 56.44	\$ 75.49
	Annual	\$ 110,430.50	\$ 147,703.73
Manager Strategic Communications	Hourly	\$ 70.69	\$ 84.16
	Annual	\$ 138,312.05	\$ 164,667.46

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Schedule A – Management Employees			
January 1 to December 31, 2021			
		1.25%	37.5
		increase	hours per week
Increase for 2021 the greater of 1.25% or CPI			
New Schedules will be republished every year for CPI			
		Minimum	Maximum
Director Corporate Services	Hourly	\$ 82.02	\$ 101.20
	Annual	\$ 160,499.90	\$ 198,007.92
Director Community & Recreation Services	Hourly	\$ 82.02	\$ 101.20
	Annual	\$ 160,499.90	\$ 198,007.92
Director Development Services	Hourly	\$ 82.02	\$ 101.20
	Annual	\$ 160,499.90	\$ 198,007.92
Director Infrastructure & Operations	Hourly	\$ 82.02	\$ 101.20
	Annual	\$ 160,499.90	\$ 198,007.92
Fire Chief	Hourly	\$ 63.48	\$ 81.37
	Annual	\$ 124,224.53	\$ 159,228.11
Manager Engineering Services	Hourly	\$ 67.83	\$ 85.34
	Annual	\$ 132,716.18	\$ 166,995.81
Manager Financial Services	Hourly	\$ 68.64	\$ 85.74
	Annual	\$ 134,301.02	\$ 167,758.88
Manager Land & Building Services	Hourly	\$ 61.28	\$ 76.33
	Annual	\$ 119,900.45	\$ 149,366.84

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Manager Operations	Hourly	\$ 62.98	\$ 78.95
	Annual	\$ 123,226.67	\$ 154,493.14
Manager Planning & Sustainability Services	Hourly	\$ 61.28	\$ 76.33
	Annual	\$ 119,900.45	\$ 149,366.84
Manager Recreation & Facility Services	Hourly	\$ 57.72	\$ 72.30
	Annual	\$ 112,954.52	\$ 141,481.75
Manager Water & Waste Services	Hourly	\$ 62.70	\$ 79.27
	Annual	\$ 122,698.39	\$ 155,099.68
Associate Manager Engineering Services	Hourly	\$ 56.25	\$ 73.53
	Annual	\$ 110,078.32	\$ 143,868.80
Deputy Fire Chief	Hourly	\$ 56.65	\$ 69.01
	Annual	\$ 110,841.39	\$ 135,044.53
Manager Business & Technology	Hourly	\$ 61.87	\$ 77.34
	Annual	\$ 121,074.41	\$ 151,343.01
Manager Bylaw Services	Hourly	\$ 60.08	\$ 75.72
	Annual	\$ 117,572.09	\$ 148,173.32
Manager Human Resources	Hourly	\$ 65.49	\$ 85.14
	Annual	\$ 128,137.73	\$ 166,604.49
Manager Legislative Services	Hourly	\$ 56.15	\$ 69.78
	Annual	\$ 109,882.66	\$ 136,551.11

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Manager Parks & Community Development	Hourly	\$ 57.62	\$ 72.25
	Annual	\$ 112,758.86	\$ 141,383.92
Manager Transit Services	Hourly	\$ 57.15	\$ 76.43
	Annual	\$ 111,819.69	\$ 149,562.50
Manager Strategic Communications	Hourly	\$ 71.57	\$ 85.21
	Annual	\$ 140,053.43	\$ 166,741.45

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Schedule A – Management Employees			
January 1 to December 31, 2022			
		1.25%	37.5
		increase	hours per week
Increase for 2021 the greater of 1.25% or CPI			
New Schedules will be republished every year for CPI			
		Minimum	Maximum
Director Corporate Services	Hourly	\$ 83.05	\$ 102.46
	Annual	\$ 162,495.63	\$ 200,492.80
Director Community & Recreation Services	Hourly	\$ 83.05	\$ 102.46
	Annual	\$ 162,495.63	\$ 200,492.80
Director Development Services	Hourly	\$ 83.05	\$ 102.46
	Annual	\$ 162,495.63	\$ 200,492.80
Director Infrastructure & Operations	Hourly	\$ 83.05	\$ 102.46
	Annual	\$ 162,495.63	\$ 200,492.80
Fire Chief	Hourly	\$ 64.28	\$ 82.39
	Annual	\$ 125,770.25	\$ 161,223.84
Manager Engineering Services	Hourly	\$ 68.68	\$ 86.41
	Annual	\$ 134,379.29	\$ 169,089.37
Manager Financial Services	Hourly	\$ 69.50	\$ 86.81
	Annual	\$ 135,983.70	\$ 169,872.01
Manager Land & Building Services	Hourly	\$ 62.04	\$ 77.29
	Annual	\$ 121,407.03	\$ 151,225.61

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Manager Operations	Hourly	\$ 63.76	\$ 79.94
	Annual	\$ 124,772.38	\$ 156,430.17
Manager Planning & Sustainability Services	Hourly	\$ 62.04	\$ 77.29
	Annual	\$ 121,407.03	\$ 151,225.61
Manager Recreation & Facility Services	Hourly	\$ 58.44	\$ 73.21
	Annual	\$ 114,363.27	\$ 143,242.69
Manager Water & Waste Services	Hourly	\$ 63.49	\$ 80.26
	Annual	\$ 124,224.53	\$ 157,036.72
Associate Manager Engineering Services	Hourly	\$ 56.96	\$ 74.45
	Annual	\$ 111,447.94	\$ 145,668.87
Deputy Fire Chief	Hourly	\$ 57.36	\$ 69.87
	Annual	\$ 112,230.58	\$ 136,727.21
Manager Business & Technology	Hourly	\$ 62.65	\$ 78.31
	Annual	\$ 122,580.99	\$ 153,240.91
Manager Bylaw Services	Hourly	\$ 60.83	\$ 76.67
	Annual	\$ 119,039.54	\$ 150,032.09
Manager Human Resources	Hourly	\$ 66.31	\$ 86.21
	Annual	\$ 129,742.15	\$ 168,678.49
Manager Legislative Services	Hourly	\$ 56.86	\$ 70.65
	Annual	\$ 111,252.28	\$ 138,253.36

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Manager Parks & Community Development	Hourly	\$ 58.34	\$ 73.16
	Annual	\$ 114,167.61	\$ 143,144.86
Manager Transit Services	Hourly	\$ 57.86	\$ 77.39
	Annual	\$ 113,208.88	\$ 151,421.27
Manager Strategic Communications	Hourly	\$ 72.47	\$ 86.28
	Annual	\$ 141,794.80	\$ 168,815.45

SECTION TWO CONFIDENTIAL EXCLUSION

ATTENDANCE AND HOURS OF WORK

125. Salary ranges for Employee's covered by Section Two of this bylaw are set out in Schedule B".
126. Each standard work day will include a 1 (one) hour unpaid meal break (scheduled as close to the mid-point of the work day as possible) and 2 (two) 15-minute rest breaks (scheduled approximately mid-way through each half day).
127. When determined to be an operational necessity, the City Manager may require Employees to work non-standard days and hours. It is a condition of employment that all Employees covered under this bylaw will be available for unscheduled work duties.
128. Employees and the Employer by mutual agreement may introduce daily flexible work hours so long as such arrangements do not result in additional costs/premiums, and without interrupting the delivery of City services or otherwise reducing the resources necessary to meet operational requirements.
129. Confidential Exclusion Employees who are required to work outside of their standard hours of work will be paid at the prevailing rate of pay for the actual time spent at work.
130. Employees who have the approval of their direct manager and who are required to attend conferences or any training/ professional development courses required to maintain the certifications specified in the Position Description during non-standard work hours will be paid at straight time for the actual time spent at the conference or attending training/professional development courses.

SALARIES, CLASSIFICATIONS

131. Employees covered by this bylaw will be paid in accordance with the classifications and salary ranges set out in Section Two Schedule "B" which forms part of this bylaw. No qualified Employee shall receive less than the minimum rate specified for the position.
132. Where an existing classification or position is modified or a new classification or position is created by the City to address operational needs, budgetary constraints or to fulfil human resources objectives, the classification for the position will be determined through the City's job evaluation committee, salary range is determined by market.
133. If market realities demonstrate a significant deviation from the City's pay rates as detailed in this bylaw then a temporary market adjustment can be established for the position that will be reviewed and amended each time this bylaw is renewed.
134. In extraordinary circumstances and for bone fide emergencies, Employees may be paid in excess of the established pay rate at the discretion of the City Manager.

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135. Prior to receiving any pay, all Employees covered under this bylaw will take and subscribe the oath or affirmation set out in Attachment "B".
136. Pay for Employees covered under this bylaw will be direct deposited every second Wednesday. Employees will receive a statement indicating total pay and deductions for each pay period.

Overtime

137. Confidential Exclusion employees are eligible for overtime accruals and pay according to this section.
138. Approved hours of overtime will be paid or accrued as compensatory time at the following rates:

Time and one-half for the first two hours outside the regular shift and double time thereafter.

Time and one-half for the first seven hours, as applicable, worked on an Employee's first day of rest, and double time thereafter.

Double time for all hours worked on an Employee's second day of rest or any general holiday or day observed as such under the terms of this bylaw, or if instructed by the Employer to return to work while on annual vacation.

Double time pay for working on a general holiday (or day observed as such) is in addition to any general holiday pay that an Employee may be entitled to under other provisions of this bylaw.

139. Confidential Exclusion Employees required to work:
 - (1) through the regular established lunch period shall be paid the applicable overtime rate for the time of the lunch period and also be given ½ hour to consume the meal before or after the regular lunch period at the regular rate of pay;
 - (2) overtime which is arranged prior to the completion of their regular shift, and scheduled to be worked prior to the commencement of their next regular shift (excluding days of rest and general holidays), shall be paid according to this section;
 - (3) on their scheduled day of rest, or on a general holiday or day observed as such, shall receive a minimum of four hours pay at the prevailing overtime rate.
140. Confidential Exclusion Employees called-out to work outside their regular shift shall be paid for a minimum of four hours at the prevailing overtime rate, except when called-out immediately prior to their regular starting time shall be paid at time and one-half for a minimum of two hours.

Compensatory Leave

141. Overtime hours earned by an employee may at the employee's option be accrued as compensatory leave at the applicable overtime provision. In any calendar year,

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employees may only use a maximum equivalent of three standard work weeks of compensatory leave for leave requests.

142. Any remaining compensatory leave shall be paid out at a time convenient to the employee subject to the following restrictions;

Compensatory leave credits, which remain unused at the end of the calendar year, may be carried over into the following year.

Carried over credits which remain unused at August 31 of the current year shall be paid by the employer.

143. Compensatory leave shall be approved for leave requests of a minimum of one hour or greater subject to the operating requirements of the Employer.

Performance Evaluation

144. A performance review and evaluation of each Employee will be conducted annually.

Performance Reward

145. The Employer may grant Employees a performance award as defined in the relevant administrative directive.

Acting Pay

146. Employees who are temporarily assigned to a higher paying position/ classification shall receive an additional 5% of their salary or the minimum salary range for the new classification (whichever is higher), for all hours worked in the position. Acting pay will continue for all days worked during the full period of the assignment (including statutory holidays). Employees on an approved absence during an acting assignment will be paid at their regular rate of pay as defined in the Acting Assignment Administrative Directive.

147. Employees requested to assume the duties of a manager, director or City Manager, or whose job descriptions outline this responsibility, will be paid at the appropriate salary range for all hours worked in the position. The Employee will receive either an increase of 10% or Step 1 of the salary range for the higher classification, whichever is greater and subject to the approval of the City Manager. Under no circumstances will the Employee receive more than the maximum for the range.

Increment Date

148. Confidential Exclusion employees not at the top of the pay range will have their annual salary reviewed on their increment date. Satisfactory performance will result in the Employee moving up to the next Step up to the maximum for that Range.
149. The increment date of an employee shall be the anniversary of the date of commencement of continuous service except that where an employee has been reclassified with a resulting salary increase or promotion, the increment date shall become the anniversary of the date of reclassification or promotion.

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Promotion

150. Upon promotion to a higher classified position, an Employee will either receive the minimum salary rate of the applicable range for the new position or a salary increase of 10%.

Reclassification

151. When an Employee's position is reclassified to a higher salary range, the Employee will be granted a 5% salary increase, not to exceed the maximum of the new range. Where the minimum of the new salary range is more than 5% above the Employee's previous salary, the Employee will receive the minimum of the new range as outlined in the Job Evaluation Plan.
152. Employees will not have a salary reduction if their position is reclassified downward. However, the Employee will not be eligible for further wage increases until such time as their salary is less than the maximum of the reclassified range.
153. When an Employee's position is reclassified but remains in the existing salary range, the Employee's salary will remain unchanged.

Retroactive Pay

154. Employees who die or retire during a period covered by a retroactive pay adjustment will receive, or their estate shall receive, any salary benefit accruing.

ILLNESS

Wage Indemnity

155. Employees claiming non-occupational illness or accident for more than six consecutive days must apply for Wage Indemnity. The City's benefit carrier will determine whether the Wage Indemnity Policy entitlement conditions are met. Questions as to whether an Employee has met the Wage Indemnity Policy entitlement conditions shall be a matter between the Employee and the claims adjudicator.
156. If the Wage Indemnity claim is approved, Employees are entitled to time off with pay for a maximum of 17 weeks from the first day of hospitalization, accident or approved illness in accordance with the following schedule:

Wage Indemnity Entitlements for Approved Claims	
Completed Continuous Employment	Maximum Benefits
First 90 days	No provision
90 days to 1 year less 1 day	4 weeks at full pay, 13 weeks at 2/3 pay
1 year to 2 years less 1 day	7 weeks at full pay, 10 weeks at 2/3 pay
2 years to 3 years less 1 day	10 weeks at full pay, 7 weeks at 2/3 pay
3 years to 4 years less 1 day	13 weeks at full pay, 4 weeks at 2/3 pay
Over 4 years	17 weeks at full pay

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157. Successive periods of disability separated by less than 30 days of continuous employment will be considered one period of disability at the discretion of the claims adjudicator.

Long Term Disability

158. Employees who are continuously disabled due to a non-occupational illness or accident for a period in excess of 17 weeks may be eligible to receive Long Term Disability payments. The claims adjudicator will determine whether an Employee is eligible to receive long-term disability payments under the provisions of the long-term disability plan. Any questions regarding an Employee's eligibility for long-term disability benefits shall be a matter between the Employee and the claims adjudicator. Such matters must be pursued under the terms of the long-term disability plan.
159. Long Term Disability payments shall continue until the Employee is able to return to full time employment, reaches age 65, or ceases to meet the entitlement conditions of the insurer, whichever is earlier.
160. 100% of the Long Term Disability premium will be paid by the Employee.

Schedule "B" Employees

161. Payments will be based upon 60% of the monthly earnings to a maximum benefit of \$4,000.00 per month.

MEDICAL AND GROUP INSURANCE

Basic Medical Insurance

162. All Employees, whether full time, part time, or casual, shall participate in the Yukon Health Care Insurance Plan unless otherwise exempted.

Extended Health, Life and AD&D:

163. On the first of the month following 60 days of continuous employment, permanent Employees eligible for Group Benefit Coverage will be enrolled in the following benefits:
- Extended Health Care Plan;
 - Group Life Insurance \$25,000 or one times the employee's annual salary, whichever is greater;
 - Accidental Death and Dismemberment Insurance \$100,000.00.

The premiums shall be cost shared on the basis of 90% by the Employer and 10% by the employee.

Dental Plan

164. On the first of the month following 60 days of continuous employment, eligible permanent Employees shall be enrolled in a dental plan which shall include orthodontic procedures coverage.

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The premiums shall be cost shared on the basis of 90% by the Employer and 10% by the employee.

REGISTERED RETIREMENT SAVINGS PLAN

165. Upon the commencement date of hire, Permanent Employees shall enrol in the Employer's Group Registered Retirement Savings Plan.
- (3) All moneys remitted on behalf of the Employee shall be immediately vested with the Employee.
 - (4) Employees cannot withdraw from the Group Registered Retirement Savings Plan until termination or retirement from their employment with the City of Whitehorse, with the exception of withdrawals for home ownership, Lifetime Learning Plan, and/or settlement from marriage break-ups.

Schedule "B" Employees

166. All permanent employees shall enrol in the Employer's Group Registered Retirement Savings Plan (RRSP) which is subject to the specific provisions of federal legislation. The minimum contribution is 12.5% of which the employer contributes 8% over salary and the employee contributes 4.5%.

LEAVES

167. Employees have access to a number of paid leaves within this bylaw. If the Employee exhausts the number of paid days available in this bylaw to cover a leave for a purpose that is substantially similar to a leave identified within the *Yukon Employment Standards Act*, time off without pay shall be provided up to the amount of days contained in such Act.

General Holidays

168. Employees will receive 13 designated general holidays with pay annually. For each such holiday, Employees will be paid their regular earnings. Employees will receive holiday pay even if the holiday falls on a Saturday, Sunday, or on an Employee's day of rest, the next working day shall serve as the general holiday. The designated general holidays shall be:

New Year's Day	Discovery Day
Sourdough Rendezvous Friday	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Victoria Day	Christmas Day
National Indigenous Peoples' Day	Boxing Day
Canada Day	

and any other day declared or proclaimed a holiday by the Canadian or Yukon governments or the City of Whitehorse.

169. General Holiday pay provisions will prevail where an Employee, employed for a period of six months, is off work due to any circumstances for which compensation under the *Worker's Compensation Act* is receivable.

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170. When a general holiday falls within an Employee's scheduled vacation, the Employee will receive one additional day of vacation leave in lieu of each such general holiday.

Vacation Leave

171. Employees with a continuous service date before October 1, 2016 and who receive pay for at least ten days in a calendar month are entitled to vacation leave in accordance with the following schedule:

For Employees with a Continuous Service Date before October 1, 2016	
Years of Service	Monthly Accrual
1 year and less than 2 years	11.66 hours
2 years and less than 5 years	14.58 hours
5 years and less than 10 years	17.50 hours
10 years and less than 20 years	20.42 hours
20 years and over	23.33 hours

172. Employees hired on October 1, 2016 or later and who receive pay for at least ten days in a calendar month are entitled to vacation leave in accordance with the following schedule:

For Employees with a Continuous Service Date of October 1, 2016 or later	
Years of Service	Monthly Accrual
1 year and less than 3 years	11.66 hours
3 years and less than 10 years	14.58 hours
10 years and less than 20 years	17.50 hours
20 years and over	20.42 hours

173. Employees are encouraged to use their accrued paid vacation time for rest, relaxation, and personal pursuits.
174. Employees may carry vacation leave credits forward for a maximum of two years. At December 31st of each year the Employer will pay Employees all unused accumulated vacation leave credits in excess of the number of days that were accumulated during the two-year period.
175. Vacation leave may not be taken until it has been earned, with the exception that an Employee who has completed at least one year of continuous service may be granted up to one week of vacation leave in advance.
176. The Employer shall make a reasonable effort to grant an Employee the period of vacation leave requested.
177. Upon termination, permanent and probationary Employees shall be paid for all unused accumulated vacation leave, such payment to be calculated by multiplying the daily rate (based on the Employee's current salary) by the number of hours leave outstanding.

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Non-Occupational Illness or Accident Leave

178. Upon completion of 90 days of continuous service all permanent employees shall be granted sick leave when the employee must be absent from work by reason of bona fide non-occupational illness or accident, medical, dental or health professional appointment.
179. In order to qualify for paid time off due to illness, Employees unable to report for scheduled shifts shall notify their immediate supervisor prior to the starting time of the working day or as soon after the beginning of the working day as possible.
180. On January 1 each year, Employees will be granted 10 Illness or Accident Leave days to be used for non-occupational illnesses less than six consecutive business days. The wage indemnity provisions of this bylaw shall govern absences in excess of six consecutive working shifts for all Employees when qualified.
181. Employees are required to use other accrued leaves pending a decision of qualification for Wage Indemnity. If the claim is approved, accrued leaves for the approved period will be reversed back to the Employee.
182. The Employer may require an Employee to undergo an independent medical examination or produce additional medical evidence (acceptable to the Employer) to substantiate any period of absence claimed to be illness.
183. Unused illness or accident leave at the end of the calendar year will not be carried over or paid out.

Special Leave

184. The City of Whitehorse recognises that there may be occasions when employees need to take time off work for reasons that do not necessarily fall under normal leave provisions.
185. Any special leave granted is always on the provision that it is subject to the operational needs of the work area of the particular employee and requires prior permission. The City Manager may delegate authority for the operation of this policy to a nominated individual, e.g. manager or director in accordance with local reporting procedures.
186. The aim of the Special Leave Policy is to provide a framework that enables employees to request a reasonable period of paid leave when personal circumstances occur.
187. It is recognised that it is not possible to cover all circumstances where special leave may be appropriate, therefore for specific examples please refer to the Special Leave Admin Directive or for exceptional circumstances, please contact the HR department.
188. Employees are expected to use special leave with a view toward responsibly balancing their work and personal requirements.

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189. Each month, Employees will be credited with .75 additional special leave days for each completed calendar month in which the Employee has received pay for at least an equivalent of 2 standard workweeks in the calendar month.
190. Special leave use is subject to the approval of the Employee's supervisor/ manager who may ask the nature of the leave and the length of the leave required. The supervisor/manager may also ask for proof of the need for the leave.

Restrictions:

191. An Employee is not entitled to take special leave while the Employee is on:
 - (1) Pre-retirement vacation leave (this is the period of vacation leave often taken prior to retirement);
 - (2) Leave of absence without pay;
 - (3) Suspension; or
 - (4) Long-term disability benefits.
192. Special leave cannot be used to supplement/increase weekly indemnity, vacation, maternity, paternity, adoption, or parental leave.
193. Special leave days have no accrued value other than for authorized paid time off. There is no entitlement to have unused special leave days paid out at any time, including upon termination of employment for any reason. The maximum number of days within the Employee's special leave reserve is limited to 25 days at any given time, and special leave days will not accrue above 25 days at any given time.
194. Definition of family for the purposes of special leave:
 - spouse or common-law partner resident with the employee;
 - children (including foster children or children of spouse or common-law partner), stepchildren, son-in-law, daughter-in-law and grandchildren,
 - parents (including step-parents and foster-parents), father-in-law, mother-in-law, step-in-laws and grandparents;
 - brothers and sisters, brothers-in-law and sisters-in-law;
 - any relative residing in the employee's household or with whom the employee permanently resides

Injury on Duty Leave

195. Permanent Employees who are injured on the job and have their claim approved by the Yukon Workers' Health and Compensation Board (YWH&CB) shall be granted Injury on Duty Leave with pay for such reasonable period as may be determined by the YWH&CB.
196. Where such leave is granted, permanent Employees shall assign to the Employer all payment received from the Workers' Health and Compensation Board covering the period of Injury on Duty Leave. Non-permanent Employees on leave due to an approved YWH&CB claim will receive compensation directly from YWH&CB.

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Maternity Leave

197. An Employee qualifying under the *Yukon Employment Standards Act* shall be entitled to request maternity leave in accordance with the provisions of the *Yukon Employment Standards Act*. The following provisions shall apply only to permanent employees:
- (1) After completion of one (1) year continuous employment, an employee who:
 - (a) Agrees to return to work for a period of at least six (6) months after the expiry of maternity leave, and
 - (b) Provides the Employer with proof that she has applied for, is entitled to and in receipt of unemployment insurance benefits pursuant to the Employment Insurance Act, shall be paid a maternity leave allowance in accordance with the Supplementary Employment Insurance Benefit (SEIB) Plan.
 - (2) An employee under paragraph (1)(a) above shall sign an agreement with the Employer, providing that:
 - (a) she will return to work after the expiry of her maternity leave, unless this date is modified with the Employer's consent; and
 - (b) she will work for a period of at least six (6) months after her return to work; and
 - (3) Should the employee fail to return to work as per the provisions of subparagraphs (2)(a) and (b) above for reasons other than death, lay-off or disability, the employee agrees that she is indebted to the Employer for the full amount received as maternity leave allowance.
 - (4) In respect of the period of maternity leave, maternity leave allowance payments made according to the Supplementary Employment Insurance Benefit plan will consist of the following:
 - (a) where the employee is subject to a waiting period of one (1) week before receiving employment insurance maternity benefits, an allowance of ninety-three percent (93%) of her weekly rate of pay for each week of the waiting period, less any other monies earned during this period; and
 - (b) for up to a maximum of fifteen (15) weeks, payments equivalent to the difference between the Employment Insurance benefits that the employee received at the actual time of the maternity leave and ninety-three percent (93%) of her weekly rate of pay, less any other monies earned during this period.
 - (c) The duration of the allowance will be reduced by any time spent on short-term disability.
 - (d) Where an employee has received the full fifteen (15) weeks of maternity benefit under Employment Insurance and thereafter remains on maternity leave without pay, she is eligible to receive a further

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maternity allowance for a period of one (1) week, equivalent to ninety-three per cent (93%) of her weekly rate of pay, less any other monies earned during this period.

- (5) The weekly rate of pay referred to in paragraph (4)(d) above shall be:
 - (a) for a full-time employee, the weekly rate of pay for the classification prescribed in her certificate of appointment to her position to which she is entitled on the day immediately preceding the commencement of her maternity leave;
 - (b) for a part-time employee, the weekly rate of pay for the classification prescribed in her certificate of appointment to her position to which she is entitled on the day immediately preceding the commencement of her maternity leave, multiplied by the fraction obtained by dividing the part-time employee's assigned regular weekly hours of work averaged over the preceding six (6) month period of continuous employment by the regularly scheduled full-time weekly hours of work for the employee's classification;
 - (c) where an employee becomes eligible for a pay increase or an economic adjustment during the SEIB Plan period set out in paragraph (c) above, the employee's weekly rate of pay in sub-paragraphs (a) and (b) above shall be adjusted accordingly.
 - (6) A regular employee who is on lay-off status shall not be entitled to receive any allowance payment under the SEIB Plan pursuant to paragraph (c) above.
 - (7) For the purpose of payments received under the Supplemental Employment Benefit Plan, the Plan shall provide that the employees have no vested right to payment under the plan except to payments during a period of unemployment specified in the plan.
 - (8) An employee's continuous service date will not be advanced by the amount of the maternity leave taken.
198. There shall be no duplication or overlap with the parental leave provisions of this bylaw.

Parental Leave

199. An Employee qualifying under the *Yukon Employment Standards Act* shall be entitled to request parental leave without pay in accordance with the provisions of the *Yukon Employment Standards Act*. There shall be no duplication or overlap with the maternity and adoption leave allowance provisions of this bylaw.
200. In respect of the period of parental leave, parental leave allowance payments made according to the Supplementary Employment Insurance Benefit plan will consist of the following:
 - (i) where the employee is subject to a waiting period of one (1) week before receiving employment insurance parental benefits, an allowance of ninety-three

Management and Confidential Exclusion Bylaw 2020-30

percent (93%) of the employee's weekly rate of pay for the waiting period, less any other monies earned during this period. (An employee's continuous service date will not be advanced by the amount of the parental leave taken.

Compassionate Care Leave

201. An employee requesting leave of absence for compassionate reasons in accordance with the Employment Insurance Act will be given special consideration, and may be required to substantiate the reason before beginning the leave, and where not possible, before returning to work.
202. Where the employee is subject to a waiting period of one (1) week before receiving Employment Insurance compassionate care leave benefits, the Employer will provide an allowance according to the Supplementary Employment Insurance Benefit Plan of ninety-three percent (93%) of his/her weekly rate of pay for the waiting period, less any other monies earned during this period.
203. No employee shall lose seniority, nor will an employee's continuous service date be advanced.

Critical Illness Leave

204. An employee requesting leave of absence for critical illness reasons of family in accordance with the Employment Insurance Act will be given special consideration, and may be required to substantiate the reason before beginning the leave, and where not possible, before returning to work.
205. Definition of 'family member' as defined in the Employment Insurance Regulations (Canada) – includes immediate family and other relatives, as well as other individuals considered to be like family regardless of marriage, common-law partnership, or legal parent-child relationships.
206. Where the employee is subject to a waiting period of one (1) week before receiving Employment Insurance Critical Illness leave benefits, the Employer will provide an allowance according to the Supplementary Employment Insurance Benefit Plan of ninety-three percent (93%) of his/her weekly rate of pay for the waiting period, less any other monies earned during this period.
207. No employee shall lose seniority, nor will an employee's continuous service date be advanced

Court Leave

208. Employees summoned to jury duty, subpoenaed as a witness, or attending court proceedings and providing proof shall be granted leave with pay. It is understood that any compensation received in connection with these activities shall be remitted to the Employer.

Leave Without Pay

209. Following guidelines in the Administrative Directive and under special circumstances where operational efficiency will not be adversely affected, leave without pay may be

Management and Confidential Exclusion Bylaw 2020-30

granted to an Employee. All applications for leave without pay in excess of ten working days are subject to the City Manager's approval.

210. Except where provided otherwise by statute, an Employee who has been granted leave without pay which results in that Employee receiving less than the equivalent of two standard work weeks of pay in any calendar month may be required to prepay the full cost of medical and group insurance plan premiums in order to maintain benefit coverage for the period of leave.
211. Except where provided otherwise by statute, Employees who have for any reason been granted leave without pay in excess of thirty (30) calendar days will have their increment date and Continuous Service date to be advanced by the total amount of leave taken.
212. Applications for leave without pay should be submitted at least 31 calendar days in advance of the intended commencement date of the leave if at all possible. The Employee shall receive written notification of the decision within 14 calendar days of the date of application.

ALLOWANCES

Health Spending Allowance

213. As of January 1, 2020 all permanent Employees will be eligible to receive a health spending allowance each year to a maximum of \$1,500.00.
214. Submissions must be made by Dec 31st of each year to be eligible.
215. The health spending allowance will be paid to the total amount of submitted receipts for health related spending, for the Employee or any member of the Employee's immediate family subject to approval by the City and any applicable policies or administrative directives.
216. Definition of Immediate Family for the purpose of health spending allowance:
 - spouse or common-law partner resident with the employee;
 - dependent children (including foster children or children of spouse or common-law partner).

Long Service Bonus

217. Permanent Employees with a continuous service date prior to October 1, 2016 are entitled to the following yearly long service bonus:

5 years and less than 10 years	2% of base salary
10 years and less than 15 years	3% of base salary
15 and more years of service	4% of base salary

218. The long service bonus shall become payable in the pay period containing the Employee's continuous service date.

Management and Confidential Exclusion Bylaw 2020-30

219. Employees who are entitled to a long service bonus and who terminate prior to completion of a further full year of continuous service shall be entitled to a long service bonus on a pro rata basis proportional to the completed months of service since their last long service bonus entitlement date.
220. Employees with a continuous service date on or after October 1, 2016 at the completion of each 5-year interval (e.g. 5 years, 10, 15 etc.) are entitled to 1 week of long service leave on the anniversary date, to be used over the next 5 years. Unused long service leave will be paid out at the end of 5 years.

Retirement Allowance

221. An Employee who retires from employment at the city in accordance with the relevant Administrative Directive will receive a retirement allowance in the amount of two weeks' pay for the first completed year of service and one week's pay for each succeeding complete year of employment to a maximum of 28 weeks, less any period in respect of which severance, retirement or resignation allowance was previously granted.

Resignation Allowance (non-culpable)

222. An Employee with a continuous service date before October 1, 2016 who has five or more years of continuous service shall on resignation receive resignation allowance in the amount of two weeks' pay for the first completed year of service and one week's pay for each succeeding complete year of employment to a maximum of 28 weeks, less any period in which the Employee was previously granted severance, retirement or resignation allowance.
223. Employees with a continuous service date on or after October 1, 2016 shall not be eligible for a resignation allowance.

Yukon Bonus

224. Permanent Full-time Employees with one or more years of continuous service will receive an annual Yukon Bonus travel benefit in the amount of \$2,900.00. Terminating Employees are entitled to a payment on a pro-rated basis proportional to the number of completed months of service since their last eligibility date.
225. Part time employees who have completed one or more years of continuous service shall be entitled to receive a Yukon Bonus travel benefit on a pro rata basis and be entitled to the Yukon Bonus each subsequent year of continuous service thereafter.
226. Unless the employee provides written direction otherwise to the Employer, the Yukon Bonus travel benefit shall be paid out as a taxed benefit. Such benefit shall be automatically paid out in the pay period immediately following the entitlement date and prior to December 31st of each year.

DISCIPLINE, SUSPENSION AND TERMINATION

227. Termination of employment for the purposes of this bylaw is also deemed to be the revocation of the appointment of the Employee (as applicable). Subject to the terms

Management and Confidential Exclusion Bylaw 2020-30

- of this bylaw or any applicable legislation, the discipline, suspension and termination of employment of an Employee shall be governed by the terms of this bylaw.
228. The City may discipline an Employee for any material breach of this bylaw or any other City bylaw or resolution, any material breach of any of the City's policies, procedures, administrative directives and practices, and any other conduct deemed by the City to be inappropriate for an Employee.
229. When imposing discipline on an Employee, the City shall attempt to correct behaviour through the application of progressive discipline. However, it is within the sole discretion of the City to determine the level of discipline appropriate under each circumstance including verbal warnings, written warnings, demotions, suspensions with or without pay and termination of employment.
230. Pursuant to section 189 of the *Municipal Act*, an Employee may appeal in writing to council within five working days of a disciplinary suspension with cause under this section pursuant to section 184 of the *Municipal Act*.
- (1) After hearing the Employee and others as council deems necessary, council shall extend, reduce, or confirm the suspension, or overturn the suspension and/or reinstate the Employee.
 - (2) The City's internal procedural obligations pursuant to this provision shall be fully discharged, and the rights of the Employee fully and fairly satisfied if the Employee has been provided written notice summarizing the reasons for the suspension and the opportunity to provide written submissions to council prior to a decision being made.
 - (3) The City may invoke non-disciplinary leaves with or without pay pending investigation and such non-disciplinary leaves do not constitute discipline, a suspension or termination/dismissal for the purposes of this section of the Bylaw until a decision to impose discipline or termination is made and communicated to the employee. For greater clarity, there is no entitlement to appeal to Council for non-disciplinary leaves invoked by the City.
231. The employment relationship between the City and the Employee may be terminated in any of the following manners:
- (1) By written agreement between the City and the Employee.
 - (2) By the Employee, upon providing one month's written notice of resignation to the City. The City may waive such notice in whole or in part and if it does so then the Employee shall be entitled to payment of salary in lieu of any of the remaining one month's notice.
 - (3) By the Employee retiring pursuant to the retirement allowance provision in this bylaw.
 - (4) By the City, at any time without any notice or pay in lieu of notice, for Cause. "Cause" shall include, but not be limited to:
 - (a) conduct by the Employee that brings or has the potential to bring the City or its representatives into public disrepute or ridicule;

Management and Confidential Exclusion Bylaw 2020-30

- (b) unauthorized disclosure of confidential information or documents received or obtained by Employee in the course of employment without the written consent of council;
 - (c) use of such confidential information or documentation for the Employee's benefit or gain;
 - (d) significant or repetitive breaches of the City's bylaws, resolutions, policies, procedures, administrative directives, or practices; and
 - (e) any conduct that would constitute just cause for termination pursuant to the common law governing employment contracts.
232. The Employee may appeal in writing to council within five working days of a termination for cause.
- (1) The City's internal procedural obligations pursuant to this provision shall be fully discharged and the rights of the Employee fully and fairly satisfied if the Employee has been provided with a written notice summarizing the reasons for the cause and the opportunity to provide written submissions to Council.
 - (2) Council shall confirm the termination for cause, substitute the termination for cause with a termination without cause, reinstate the employee with no discipline, reinstate the employee with a warning or period of suspension, and may impose any conditions deemed appropriate.
233. For Employees other than casual and temporary Employees, the employment relationship may be terminated by the City for any reason at its sole discretion, on a without cause basis, by providing the Employee three months of notice during the first two years of employment plus one additional month of notice for each completed year of employment commencing upon completion of two years of employment, up to a maximum total notice of twelve months.
- (1) The City may at its sole discretion provide notice as written working notice, payment of base salary in lieu of notice, or any equivalent combination of written notice and base salary in lieu of notice.
 - (2) The City may at its sole discretion provide the payment of base salary in lieu of notice through salary continuance instalments and make such payments conditional on the Employee taking reasonable steps to search for new employment.
 - (a) The City may at its sole discretion cease salary continuance payments upon the Employee obtaining new employment or income.
 - (3) The provision to the Employee of any payment of salary in lieu of notice greater than the minimum notice required by the *Employment Standards Act* is conditional on the Employee providing a signed release from any legal claims against the City and confidentiality agreement about the affairs of the City in a form satisfactory to the City.
234. The employment of Temporary Employees will terminate at the end of the fixed term established by the City for the Temporary Employee unless terminated earlier by the

Management and Confidential Exclusion Bylaw 2020-30

City providing the minimum notice or pay in lieu of notice required by the *Employment Standards Act* (if any).

235. Unless otherwise agreed to in writing by the City, there is no obligation to provide any amount of work to Casual Employees, continue their employment for any period of time or provide any notice of termination of employment or pay in lieu of notice, unless otherwise required by the *Employment Standards Act* and then only the minimum entitlement will be provided.
236. Where notice is required pursuant to this bylaw and any applicable laws, all of the City's obligations related to the employment of an Employee and this bylaw are fully discharged and the rights of the Employee fully and fairly satisfied upon the City providing the greater of the notice or pay in lieu of notice pursuant to this section and the minimum entitlement pursuant to the *Employment Standards Act*. All notice pursuant to this section is inclusive of the entitlements pursuant to the *Employment Standards Act*.
237. It is within the sole discretion of the City to elect to continue all or any part of the remuneration and benefits of an Employee during a period of suspension pursuant to this bylaw including any suspension that is under appeal.
238. If the employment relationship is terminated in accordance with this section then all remuneration and benefits shall cease immediately upon the effective date of termination unless expressly stated otherwise in this bylaw, agreed to in writing by the City or required by the *Employment Standards Act*, and the Employee shall have no further legal claim of any kind against the City arising out of the termination of employment or arising out of this bylaw.
239. There are no procedural or appeal rights other than as expressly stated in this section of this bylaw.

GENERAL PROVISIONS

240. Employees required by the Employer to complete a driver's examination during their regular work schedule will be paid for their time at the applicable rate of pay.
241. If, in the opinion of the Employer, a medical examination of an Employee is required, the Employee will be paid for the time spent with the doctor and the cost of the examination shall be borne by the City.
242. Any Employee suffering injury while on the job must report immediately, or as soon as practicable, to the Supervisor, his replacement or the nearest medical officer.
243. Conflict of interest rules as set out in Council's Employee Code of Conduct Policy will apply to all Employees.
244. The City Manager may choose to grant to an Employee additional discretionary benefits over and above those described by this bylaw, if he or she, further to consultation with Human Resources, is satisfied that special circumstances warrant such a decision.
245. To encourage use of public transit and the Canada Games Centre, the Employer shall reimburse 50% of the cost of a pass on the city operated public transit system

Management and Confidential Exclusion Bylaw 2020-30

and fifty percent (50%) of the cost for an Employee to purchase a membership pass (single or family) for the Canada Games Centre. For the purposes of this section, family means an Employee's spouse and children living in the Employee's residence.

APPLICATION AND DURATION

246. This bylaw shall be deemed to have been in full force and effect on and from January 1, 2019.
247. This bylaw is subject to amendment by Council from time to time.
248. It is intended that this bylaw will be brought forward for amendment prior to December 31, 2023.
249. The following economic increases shall be effective as indicated in the salary schedules attached hereto as Schedules "A" and "B" and forming part of this bylaw:

<u>Increase Effective Date</u>	<u>Percentage</u>
January 1, 2019	2.6%
January 1, 2020	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada
January 1, 2021	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada
January 1, 2022	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada

BYLAW REPEAL

250. Bylaw 2016-22, including all amendments thereto, is hereby repealed.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

Management and Confidential Exclusion Bylaw 2020-30

Schedule "B"

CONFIDENTIAL EXCLUSION EMPLOYEES	JOB CODE	RANGE
HR Administrative Assistant	247	9
Executive Assistant, Corporate Services	232	10
Executive Assistant Corporate Services	232	10
Coordinator, Human Resources	059	10
Executive Assistant, Mayor and City Manager	080	11
Communications Coordinator	245	11
Specialist, Communications	181	12
Clerk, Assistant City	005	12
HR Generalist	240	13
Specialist, Human Resources	060	14
Specialist OH&S	107	14

Management and Confidential Exclusion Bylaw 2020-30

Schedule A – Confidential Exclusion					
Effective January 1, 2019 to December 31, 2019					
2.60% increase			35 hours per week		
	Range	Step 1	Step 2	Step 3	Step 4
Hourly	7	\$ 27.86	\$ 29.50	\$ 31.14	\$ 32.76
Annual		\$ 50,876.82	\$ 53,871.72	\$ 56,866.62	\$ 59,843.26
Hourly	8	\$ 29.16	\$ 30.87	\$ 32.61	\$ 34.32
Annual		\$ 53,250.83	\$ 56,391.82	\$ 59,551.08	\$ 62,673.81
Hourly	9	\$ 30.53	\$ 32.32	\$ 34.11	\$ 35.92
Annual		\$ 55,770.93	\$ 59,021.49	\$ 62,308.58	\$ 65,613.93
Hourly	10	\$ 32.08	\$ 33.97	\$ 35.86	\$ 37.74
Annual		\$ 58,601.47	\$ 62,052.92	\$ 65,486.10	\$ 68,919.28
Hourly	11	\$ 33.90	\$ 35.88	\$ 37.87	\$ 39.87
Annual		\$ 61,906.82	\$ 65,522.62	\$ 69,156.68	\$ 72,827.26
Hourly	12	\$ 35.90	\$ 38.01	\$ 40.12	\$ 42.23
Annual		\$ 65,559.14	\$ 69,430.60	\$ 73,265.54	\$ 77,137.00
Hourly	13	\$ 38.06	\$ 40.30	\$ 42.54	\$ 44.77
Annual		\$ 69,521.91	\$ 73,612.51	\$ 77,684.85	\$ 81,775.44
Hourly	14	\$ 40.52	\$ 42.89	\$ 45.29	\$ 47.67
Annual		\$ 73,996.00	\$ 78,324.00	\$ 82,706.79	\$ 87,053.05
Hourly	15	\$ 43.29	\$ 45.82	\$ 48.37	\$ 50.91
Annual		\$ 79,054.47	\$ 83,692.91	\$ 88,331.36	\$ 92,988.07

Management and Confidential Exclusion Bylaw 2020-30

Schedule A – Confidential Exclusion					
Effective January 1, 2020 to December 31, 2020					
2.60% increase			35 hours per week		
Increase for 2020 the greater of 1.25% or CPI					
	Range	Step 1	Step 2	Step 3	Step 4
Hourly	7	\$ 28.58	\$ 30.26	\$ 31.95	\$ 33.61
Annual		\$52,209.91	\$55,277.86	\$58,345.81	\$61,395.50
Hourly	8	\$ 29.92	\$ 31.68	\$ 33.45	\$ 35.21
Annual		\$54,638.71	\$57,852.75	\$61,103.31	\$64,317.36
Hourly	9	\$ 31.33	\$ 33.16	\$ 35.00	\$ 36.85
Annual		\$57,213.59	\$60,555.47	\$63,933.86	\$67,312.26
Hourly	10	\$ 32.92	\$ 34.85	\$ 36.79	\$ 38.72
Annual		\$60,117.19	\$63,659.94	\$67,202.69	\$70,708.92
Hourly	11	\$ 34.78	\$ 36.81	\$ 38.85	\$ 40.91
Annual		\$63,532.11	\$67,239.21	\$70,964.58	\$74,708.21
Hourly	12	\$ 36.83	\$ 39.00	\$ 41.16	\$ 43.33
Annual		\$67,275.73	\$71,238.50	\$75,164.75	\$79,127.51
Hourly	13	\$ 39.05	\$ 41.35	\$ 43.64	\$ 45.94
Annual		\$71,329.81	\$75,511.72	\$79,711.88	\$83,893.79
Hourly	14	\$ 41.57	\$ 44.00	\$ 46.47	\$ 48.91
Annual		\$75,931.73	\$80,369.30	\$84,861.66	\$89,317.49
Hourly	15	\$ 44.41	\$ 47.01	\$ 49.62	\$ 52.23
Annual		\$81,118.03	\$85,866.04	\$90,632.32	\$95,398.60

Management and Confidential Exclusion Bylaw 2020-30

Schedule B – Confidential Exclusion					
Effective January 1, 2022 to December 31, 2022					
1.25% increase			35 hours per week		
Increase for 2022 the greater of 1.25% or CPI					
	Range	Step 1	Step 2	Step 3	Step 4
Hourly	7	\$ 29.30	\$ 31.03	\$ 32.75	\$ 34.46
Annual		\$53,324.40	\$56,466.91	\$59,609.42	\$62,712.64
Hourly	8	\$ 30.67	\$ 32.47	\$ 34.30	\$ 36.10
Annual		\$55,818.77	\$59,098.76	\$62,418.03	\$65,698.02
Hourly	9	\$ 32.12	\$ 33.99	\$ 35.88	\$ 37.78
Annual		\$58,450.62	\$61,868.09	\$65,305.21	\$68,761.97
Hourly	10	\$ 33.75	\$ 35.73	\$ 37.72	\$ 39.69
Annual		\$61,416.36	\$65,030.24	\$68,644.12	\$72,238.36
Hourly	11	\$ 35.66	\$ 37.74	\$ 39.83	\$ 41.94
Annual		\$64,892.75	\$68,683.40	\$72,493.69	\$76,323.62
Hourly	12	\$ 37.76	\$ 39.98	\$ 42.20	\$ 44.42
Annual		\$68,722.68	\$72,768.66	\$76,795.00	\$80,840.97
Hourly	13	\$ 40.04	\$ 42.39	\$ 44.74	\$ 47.09
Annual		\$72,866.86	\$77,148.53	\$81,430.19	\$85,711.86
Hourly	14	\$ 42.62	\$ 45.11	\$ 47.63	\$ 50.14
Annual		\$77,560.98	\$82,097.98	\$86,693.89	\$91,250.53
Hourly	15	\$ 45.53	\$ 48.20	\$ 50.87	\$ 53.55
Annual		\$82,863.96	\$87,715.21	\$92,586.09	\$97,456.98

ATTACHMENT “A”

CASUAL, PART-TIME, AND TEMPORARY EMPLOYEES

Casual Employees

Casual Employees are excluded from all provisions of this bylaw, except as specifically provided for as follows:

General Holidays

A Casual Employee will receive general holiday pay as set out in this bylaw provided they have worked five shifts prior to the general holiday and subject to the calculations of Yukon Employment Standards Act.

Annual Vacation

A Casual Employee will receive vacation pay at the rate of 4% of gross earnings at each pay period consistent with the terms and conditions within the *Yukon Employment Standards Act*.

Part Time Employees

Part time Employees will be pro-rated on full-time equivalency.

Overtime

Part-time employees are not eligible for overtime until their extra hours of work bring their total work hours to 35 hours for the week or their daily work hours exceed 7 hours.

General Holidays

Part-time employees shall be compensated for general holidays by establishing the average regular hours worked and number of paid leave hours taken by the employee in the previous 10 days of work prior to the general holiday

Temporary Employees

Temporary Employees are excluded from all provisions of this bylaw, except as specifically provided for as follows:

General Holidays

A Temporary Employee will receive general holiday pay as set out in this bylaw provided they have worked a minimum of five shifts prior to the general holiday.

Pay in Lieu of Benefits

A Temporary Employee will receive 12% of pay in lieu of benefits including 4% vacation pay each pay period effective upon the date of passage of this bylaw.

Management and Confidential Exclusion Bylaw 2020-30

ATTACHMENT "B"

OATH OF OFFICE AND SECRECY

I, _____, solemnly and sincerely swear or affirm that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service of the City of Whitehorse and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment.

Signature

Sworn or affirmed before me at the City of Whitehorse,
in the Yukon Territory, this _____ day
of _____, 20____.

A Notary Public or Commissioner for Oaths
in and for the Yukon Territory

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: September 8, 2020
RE: Budget Amendment – Hillcrest Water Supply

ISSUE

Budget amendment for the Hillcrest Water Supply project.

REFERENCE

2020-2023 Capital Expenditure Program 240c00213 - Hillcrest Water Supply

Infrastructure Agreement for Hillcrest Water Supply Project between Government of Yukon and the City of Whitehorse

Hillcrest Water Supply Main Figure

HISTORY

The City allocated funds in the 2020-2023 Capital Expenditure Program to extend a water main across the Alaska Highway to provide another connection to the Hillcrest neighbourhood. The City and Government of Yukon (YG) have since entered into an Infrastructure Agreement where the work was to be executed by YG as part of its Alaska Highway upgrade project in the area. The agreement expanded the scope of the watermain replacement to align with the highway reconstruction limits. YG put the project out to public tender this spring, awarded the work to Cobalt Construction and is currently under construction with completion of the Municipal Works expected by the end of October, 2020.

ALTERNATIVES

1. Amend the Capital Budget.
2. Refer back to Administration for further analysis.

ANALYSIS

Per the Infrastructure Agreement, the City is responsible for all costs related to design and construction of the Municipal Works. The agreement specified the cost was to be determined in accordance with the schedule of quantities attached to the tender documents executed by YG plus the fees for consulting services incurred for design. The City's allocated budget for the project was \$700,000, which was established before the partnership was conceived and this was based on an initial scope of work that only included the east-west portion of new water main and did not include the full replacement of the portion of water main fronting the businesses between Roundel and Burns Road.

The need to replace the water main fronting the businesses was driven by the alignment of the new frontage roadway. The expanded scope was presented in the agreement and was expected to be constructed in two phases over two years to align with the sequencing

of the highway reconstruction. YG's consultant prepared a pre-tender cost estimate in the amount of approximately \$688,000, not including GST, which included the replacement of water main fronting the businesses. At that time, the estimate suggested that the City's existing budget would likely cover the full costs. However, the total price for the Municipal Works in the tender awarded by YG exceeded the consultant's estimate. In addition, YG has since decided to construct both phases of the watermain in 2020. Additional funds are required to meet the City's obligations under the Infrastructure Agreement.

Due to the efficiencies gained by partnering with YG and bundling the watermain works with the larger highway improvements, the City was able to replace a significant amount of water main, installed in 1954, at the end of its useful life. The upgrade will also improve fire protection to the area by upsizing the water main. The City was able to install twice as much waterman at a very economical price than what was estimated for installing only the new water main connection across the highway. These are significant benefits to the City.

The amount to cover the construction costs including construction contingency and engineering design fees is estimated at an additional \$265,000, funded from Gas Tax. An amendment to the existing Gas Tax agreement will be made.

The contract executed by YG is a unit price contract where the total cost is based on the actual quantities of materials used instead of a lump sum, therefore the total value will not be determined until the Municipal Works are completed and final quantities are surveyed.

Payment is due to YG at the end of the project, which is in 2021.

ADMINISTRATIVE RECOMMENDATION

THAT the 2020-2023 capital expenditure be amended by increasing the 2020 project number 240c00213 in the amount of \$265,000.00, not including GST, funded from the capital reserve to cover the additional costs until an amended Gas Tax Transfer Payment Agreement is received.



BURNS ROAD

TIES TO EXISTING WATER MAIN

PLUG ABANDONED WATER MAIN

SALVAGE EXISTING HYDRANT & VALVES (deliver to City)

NEW HYDRANTS ALONG FRONTAGE ROAD

FUTURE FRONTAGE ROAD

ABANDON EXISTING WATER MAIN IN-PLACE

SALVAGE EXISTING HYDRANT & VALVES (deliver to City)

FUTURE MULTI USE TRAIL

ALASKA HIGHWAY

CENTENNIAL MOTORS

AIRPORT CHALET

PLUG ABANDONED WATER MAIN

NORSEMAN ROAD

TIES TO EXISTING WATER MAIN

BURNS ROAD

ROUNDEL ROAD

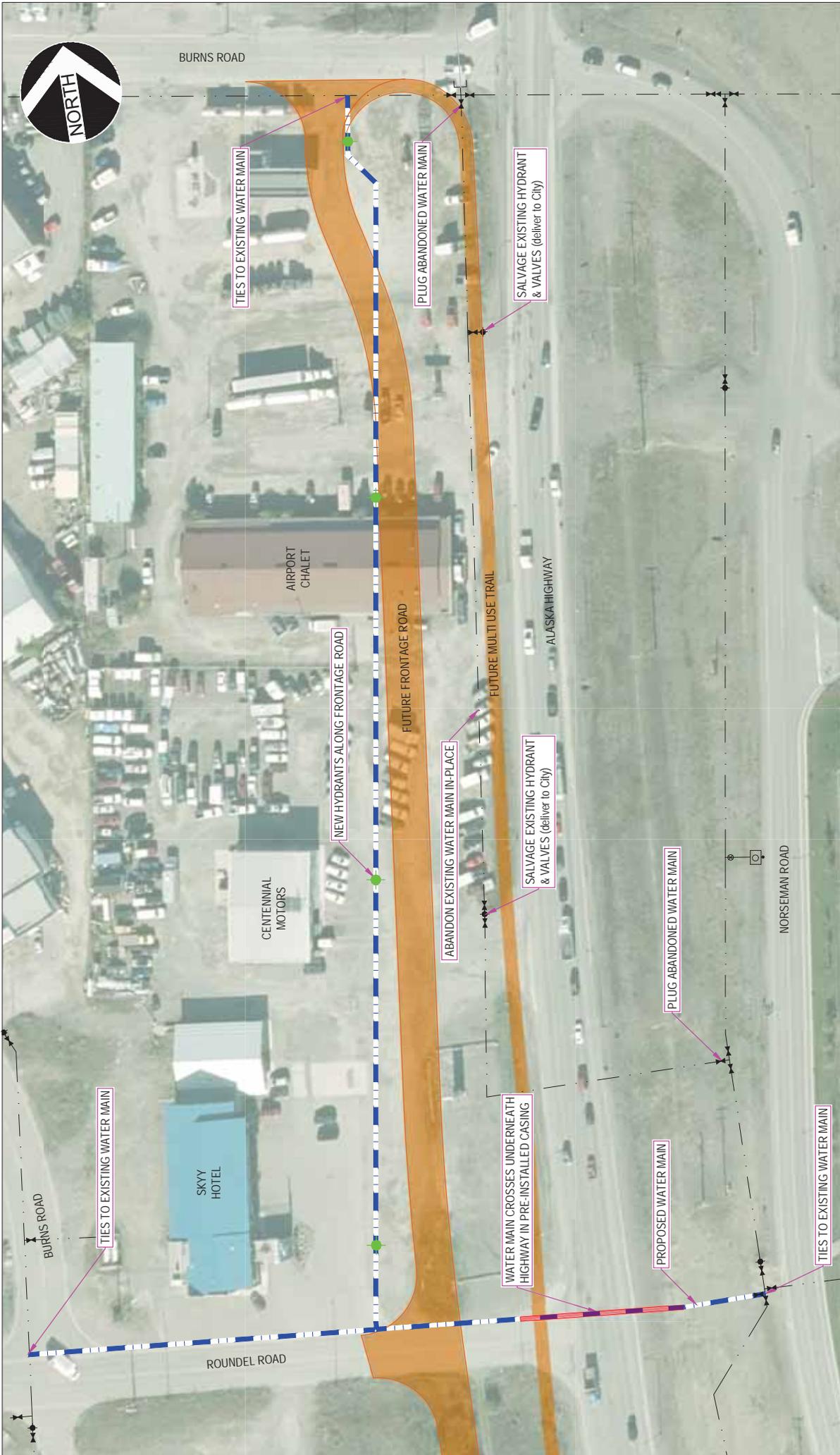
WATER MAIN CROSSES UNDERNEATH HIGHWAY IN PRE-INSTALLED CASING

PROPOSED WATER MAIN

TIES TO EXISTING WATER MAIN

PROPOSED HILLCREST WATER SUPPLY MAIN SCHEDULE A FIGURE

JAN 29, 2020



ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: September 8, 2020
RE: City Manager Bylaw Amendment

ISSUE

Amendment of the City Manager Bylaw re: City Manager Performance Review

REFERENCE

City Manager Bylaw 2018-17

HISTORY

The current City Manager Bylaw was adopted in 2018, but included no direction regarding how the city manager's performance reviews would be addressed. In 2020, Council met with a consultant who helped with the preparation of a proposed Schedule B to the bylaw, City of Whitehorse City Manager Performance Review Process (attached).

ALTERNATIVES

1. Amend the City Manager Bylaw by adding Schedule B.
2. Refer the matter back to Administration.

ANALYSIS

The proposed Schedule B was developed by Council with the support of a human resources consultant. It lays out a process and timelines whereby annual city manager performance reviews will be conducted.

ADMINISTRATIVE RECOMMENDATION

THAT Council amend City Manager Bylaw 2018-17 by adding a new Schedule B as proposed.

Performance Review Timelines:

The City Manager Performance Review is scheduled in September of each year. All components of the review, including any salary adjustment will be completed by September 30.

This means that:

- In an election year, the outgoing City Mayor and Council evaluates the City Manager’s performance over the prior year before the new Council is elected.
- The City Manager will already have performance goals/key objectives in place to share with a newly elected City Mayor and Council in the first year of their term.
- The new City Mayor and Council may use the mid-point evaluation as a way to fine-tune the performance goals/key objectives of the City Manager. Alternately, Council’s quarterly strategic priorities review discussion could be used for this purpose.
- The first time the new Mayor and Council evaluates the City Manager is one year after it has been elected.

City Manager Review Process:

Step 1: Objectives and Goal Setting

The purpose of this step is for the City Manager and Mayor and Council to jointly decide on any personal development goals and establish key performance objectives that are tied to the annual performance review feedback. These objectives should be established within the overall context of the Strategic Priorities for The City.

Goals are established based on annual performance review feedback, City priorities, initiatives and direction for the coming year.

Step 2: Mid – Year Check In

Mayor and Council and the City Manager meet to discuss progress on the achievement of key objectives and determine if there are any impediments to success or if objectives need to change as a result of a shift in strategic direction or priority. Mayor and Council could also complete periodic review of City Manager progress on key objectives through the quarterly strategic priorities discussions.

Step 3: Annual Performance Review (see detailed schedule below for more details)

City Manager

City Manager prepares a self-assessment of goals, key performance objectives and accomplishments for the year as well as gathers data from community surveys/feedback and employee surveys/feedback that reflect the satisfaction and well-being of the community and the workforce and provides it to the Mayor.

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City of Whitehorse City Manager Performance Review Process

Mayor/Council

Each City Council member completes the City Manager Performance Review form individually and forwards it to the Mayor. The Mayor then collates all feedback into a summary document.

Director Responsible for Human Resources

The Director responsible for Human Resources (HR director) coordinates preparation and administration of any confidential surveys of the Total Management Group and any other members of the City's workforce identified for each annual performance review. If a 360 tool is to be used in the Performance Review, the HR director sources and organizes it. Results of these surveys and the 360 (if used) are provided to the Mayor.

Pre-Performance Review Meeting

The Mayor collates all information gathered from the City Manager, Council and the HR director and holds a formal meeting with Council to discuss the results of the review and the level of success in achieving the key objectives. Council feedback is documented for provision to the City Manager. Council also determines any salary adjustment (merit increase) based on overall performance.

Performance Review Meeting

The Mayor and a selected Councilor meet with the City Manager to provide formal, documented feedback as gathered above and to communicate Council's compensation adjustment decision.

Cycle repeats beginning with Step 1.

Supporting Documents

- Annual Goal Setting
- Mid-Year Check-In
- City Manager Self-Assessment Tool
- Annual Performance Review

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City of Whitehorse City Manager Performance Review Process

Procedures

- 1 Council may use a facilitator to assist with the City Manager's work performance evaluation process. A majority of Council may decide to engage a process facilitator or to conduct the process without a facilitator, using the HR director as the process support resource.
- 2 The process shall commence at a time of the choosing of Council but generally annually beginning in June and triggered by the HR director. The process should be completed by September 30 annually.
- 3 In June the HR director shall consult with Council with respect to the preferred process. Engagement of an external facilitator, if requested, will be completed by the end of July.
- 4 Council shall review the previous year's assessment criteria, process and instrument for the current year. The instrument may be adjusted to include assessment of special projects or assigned issues that may arise from time to time.
- 5 Council shall determine whether and how to include the use of 360-degree input or other tool into the process. Council shall determine the sources of input into the chosen instrument. All of the input shall be kept completely confidential. The facilitator may prepare a 360-degree assessment instrument to complement the main assessment instrument. Council will determine to what degree any feedback is used.
- 6 The information shall be consolidated and composite results shall be shared with Council in September. At this point the City Manager shall not receive any of the input.
- 7 An in-camera meeting shall be scheduled with Council to arrive at a consensus that will become the official evaluation.
- 8 The document shall be signed by all members of Council and presented to the City Manager by the middle of September.
- 9 Mayor and one Councillor will meet with the City Manager to discuss the feedback at an in-camera meeting to enable complete feedback.
- 10 To complete the process:
 - a) The City Manager shall respond in writing to Council with respect to the feedback.
 - b) The City Manager shall be requested to sign the evaluation and the original kept on file by the HR director with copies to Council and the City Manager.
 - c) Council shall subsequently determine any salary adjustments and performance bonus based on economic conditions, benchmark data, performance and any other factors.

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City of Whitehorse City Manager Performance Review Process

Detailed Annual Performance Review Schedule

DELIVERABLE	WHO	DUE DATE
Send reminder of City Manager review timelines to Mayor	HR director	June 1
Meet with Mayor & Council to discuss components of evaluation, i.e., 360 feedback, survey of direct reports, etc.	HR director	June 15
Source external facilitator if requested	HR director	End of July
Develop and send out surveys for direct reports and/or others (if being used)	HR director	Mid-July
Source and implement a 360 process/tool for City Manager(if being used)	HR director	Mid-July
Advise City Manager to complete self-assessment	Mayor	August 1
Advise Council members to complete performance review document for City manager	Mayor	August 1
Complete performance review document for the City Manager, each Council member individually and submit to Mayor	Council Members	August 15
Complete self-assessment of goals, key performance objectives and accomplishments, plus gather data from employee or community surveys or feedback	City Manager	August 15
Collate and summarize Council feedback; collate all other information gathered and send to Council for review	Mayor	August 25
Meet to discuss City Manager review and provide overall feedback; decide on salary adjustment	Mayor and Council	September 1
Summarize all feedback from Council into City Manager performance review document	Mayor	September 10
Meet with City Manager to deliver feedback and advise of salary adjustment	Mayor + Councillor	September 15
Advise HR director to process salary adjustment for the City Manager.	Mayor	September 15
Process salary adjustment and performance bonus for City Manager, retroactive to January 1 of the current year	HR director	September 20
Develop key performance objectives for coming year	City Manager	September 20
Share and discuss key performance objectives for coming year with Council; finalize	City Manager, Mayor and Council	September 30
Mid-year check in on progress of key initiatives and determination of adjustments required due to emerging issues	City Manager, Mayor and Council	March 30