



REGULAR COUNCIL MEETING AGENDA

Village of Haines Junction

September 23rd, 2026 – 7:00 pm

- 1. Call to Order**
- 2. Acknowledgement of Champagne and Aishihik First Nations Traditional Territory**
- 3. Adoption of Agenda**
- 4. Declaration of Pecuniary Interest**
- 5. Delegations**
- 6. Adoption of Minutes of Regular and Special Council Meetings**
 - a. Draft Minutes from the September 9th, 2026 Regular Council Meeting
 - b. Draft Minutes from the September 9th, 2026 Committee of the Whole Meeting
- 7. Public Hearings and Public Input Sessions**
- 8. Unfinished Business**
 - a. Accounts Payable to September 23rd, 2026
 - b. RTC – Surplus Item Disposal
 - c. RTC – Financial Report August 2026
 - d. RTC – #36-21 Free Use Policy – Amendment 1
Draft Free Use Policy – Amendment 1
 - e. RTC – Council Procedural Bylaw
Draft Bylaw (444-26) Council Procedural Bylaw
 - f. RTC – Pool/Rec Facility Consultant Engagement
- 9. New Business**
- 10. Correspondence**
 - a. Fairness By Design – Yukon Ombudsman Report
- 11. Council Reports and Notices of Motion**
- 12. Questions from the Public**
- 13. Motion to Close Meeting to the Public**
- 14. Adjournment**

Join by Zoom: **Meeting ID: 867 634 7100** <https://us02web.zoom.us/j/8676347100>

Join by Phone: **1-780-666-0144**

****Next Regular Council Meeting:** October 14, 2026 at 7:00 pm.

*The Village of Haines Junction respectfully acknowledges that we are situated
on the Traditional Territory of the Champagne and Aishihik First Nations.*

Municipal Accounts Payable to September 23, 2026

<u>Cheque #</u>	<u>Name</u>	<u>Total Invoice</u>	<u>Department</u>	<u>Description</u>
Transfer	Payroll Account #4305418	\$ 33,785.63	Administration	Net Pay - Pay Period 18
		\$ 5,396.96	Administration	RRSP Contribution - Pay Period 18
		\$ 9,199.64	Administration	Group Insurance Pay Period 18
		\$ 13,466.37	Administration	Receiver General September Pay Period 18
		<u>\$ 61,848.60</u>		
28627	Whitehorse Motors Limited	<u>\$ 78,178.74</u>	Public Works	Half Ton Truck replacement
28628	15042 Yukon Inc.(Grime Stoppers Janitorial)	<u>\$ 391.13</u>	Convention Center	Laundering linens
28629	Acklands - Grainger Inc.	<u>\$ 113.93</u>	Landfill & Recycling	Texas gate bonder
28630	Across the River Consulting (Mark Wickham)	<u>\$ 5,145.00</u>	Capital Project	Zoning Bylaw review property tax policy analysis**
28631	Associated Engineering	<u>\$ 4,326.00</u>	Capital Project	Haines Junction Rec Centre Geoexchange Feasibility**
28632	BC/Yukon Royal Legion	<u>\$ 1,055.00</u>	Administration	Military Service Recognition Book
28633	Cimco	<u>\$ 10,883.25</u>	Arena	Maintenance contract
28634	Debbie Busche	<u>\$ 294.43</u>	Legislative	AYC board meeting travel
28635	Ellen Stutz Petty - Cash	<u>\$ 1,996.15</u>	Recycling Centre	Refundables paid out *
28636	Evelyne Berezan	<u>\$ 80.00</u>	Landfill & Recycling	Free store volunteer honorarium
28637	Government of Yukon	<u>\$ 2,000.25</u>	Recreation	Recreational yearly lease bike park
28638	Josie Boyle	<u>\$ 40.00</u>	Landfill & Recycling	Free store volunteer honorarium
28639	KBL Environmental Ltd.	<u>\$ 378.00</u>	Landfill & Recycling	Lined self standing mega bags

* Denotes an item not directly funded by the Village

** Grant funded

Municipal Accounts Payable to September 23, 2026

28640	Kelly Beaulieu	<u><u>\$ 120.00</u></u>	Landfill & Recycling	Free store volunteer honorarium
28641	M&D Services	\$ 1,124.55	Convention Centre	August 2026 Custodial contract
		\$ 276.94	Mezzanine	August 2026 Custodial contract
		\$ 503.53	Administration	August 2026 Custodial contract
		\$ 335.69	Fire Department	August 2026 Custodial contract
		\$ 302.12	Public Works	August 2026 Custodial contract
		<u><u>\$ 2,542.83</u></u>		
28642	Source Motors	\$ 1,166.80	Landfill & Recycling	August 2026 fuel bill
		\$ 3,680.73	Public Works	August 2026 fuel bill
		\$ 100.08	Fire Department	August 2026 fuel bill
		<u><u>\$ 4,947.61</u></u>		
28643	Sylvain Human Resource Services	<u><u>\$ 6,575.63</u></u>	Administration	Administrative support
28644	Tech-Con Engineering Services	<u><u>\$ 1,596.00</u></u>	Water & sewer	Annual lagoon inspection report
28645	Urban Salvage & Scrap Ltd.	<u><u>\$ 111,777.75</u></u>	Landfill & Recycling	End of live vehicles removal from landfill
28646	Yari Izigzon	<u><u>\$ 1,480.00</u></u>	Administration	Administrative support
28647	Yukon Service Supply	\$ 107.00	Convention Centre	Single fold paper towels
		\$ 648.59	Water & Sewer	Sodium Hypochlorite
		\$ 173.88	Fire Department	Mop Bucket, mops, Mop handle
		<u><u>\$ 929.47</u></u>		
28648	Yukon University	\$ 250.00	Public Works	First aid
		\$ 250.00	Landfill & Recycling	First aid
		<u><u>\$ 500.00</u></u>		

* Denotes an item not directly funded by the Village

** Grant funded

Municipal Accounts Payable to September 23, 2026

Municipal Accounts Payable

\$ 297,199.77

Prepared by Ellen Stutz

Mayor _____ CAO _____



Village of Haines Junction Report to Council

September 23rd, 2026

☒ Council Decision
☒ Council Direction
☐ Council Information
☐ Closed Meeting

RE: Declaration of Surplus Goods – Fall 2026 Surplus Sale

Recommendation

That Council, by resolution, declare the items listed in this report as surplus and approve the proposed method of sale for each item, in accordance with Policy #005-93, Disposal of Surplus Goods Amendment #1.

Background

Policy #005-93 requires Council, by motion, to approve the assets to be declared surplus and any limitations on the means of tender. Amendment #1, adopted by Resolution 78-26 in March 2026, added the option for Council to direct staff to sell selected items through an online auction service such as GovDeals.ca. Other approved items are advertised and sold locally by sealed tender.

Through the Village's asset management process, several vehicles and pieces of equipment have become redundant, and a quantity of pipe and insulation is no longer required operationally. If the surplus items are approved, staff will initiate the surplus sale this fall.

Current Status

Staff recommend that the following items be declared surplus and sold by the method shown:

Item	Proposed Method of Sale
2008 Chevrolet Express Van	Local sealed tender
2007 Toyota Tacoma Truck	Local sealed tender
2006 Kubota B7510 Tractor	Online auction (GovDeals.ca)
1997 Kubota L4350DT Tractor	Online auction (GovDeals.ca)
225 m of 38 mm PE Pipe	Online auction (GovDeals.ca)
225 m of 150 mm x 38 mm HI40 Rigid Insulation (1.5" half-shell)	Online auction (GovDeals.ca)

Discussion/Analysis

Method of sale. The method proposed for each item is based on the size of its likely buyer pool. Used light vehicles are in steady demand locally, and staff expect the van and truck to attract sufficient bids through a local sealed tender. The downside is limited: the Policy provides that the

highest or any bid need not be accepted, and any item that does not sell may be re-listed in a future tender.

The tractors, pipe and insulation have a narrower market. The pipe and insulation in particular are of value to a limited set of buyers. An online auction reaches buyers across Yukon and Canada, increasing the pool of potential bidders and the likelihood of a competitive result. The Government of Yukon and the Federal Government uses GovDeals.ca for their own surplus assets.

Local access. All items, including those listed on GovDeals, will be advertised locally on the Village notice board and social media channels to raise local awareness, consistent with the Policy's intent that residents have an opportunity to purchase surplus goods. Notices for online items will include a link to the online catalogue. All notices will be posted a minimum of ten working days before closing.

Reserve bids. Staff do not recommend reserve bids for the online auction. A broad bidder pool is expected to establish fair market value. The Policy allows the Village to withdraw any item at any time before the close of sale, which provides protection if bidding is clearly inadequate.

Terms of sale. All items are sold "as is, where is," bids are non-retractable, all sales are final, and successful bidders are responsible for removal within one week of payment.

Financial considerations. GovDeals charges fees to the purchaser on completed sales a "buyer premium". Proceeds will be deposited to general revenue.

Asset Management Impact

Clearing old inventory through established policy is sound governance. Disposing of these items recovers residual value, ends insurance, registration, storage and maintenance costs for assets with no operational need, and frees yard and storage space. The asset register will be updated to reflect the disposals.

Alternatives Considered

- 1. Sell all items locally by sealed tender.** Maximizes local opportunity; likely to attract few bids on the tractors, pipe and insulation.
- 2. Sell all items online, including the van and truck.** May reduce the opportunity to support local purchasers.
- 3. Apply reserve bids to the online items.** Provides a price floor; may result in uncompetitive sales at or near the minimum bid value.

Alignment with Strategic Priorities

This recommendation supports responsible financial management and stewardship of public assets by recovering value from items no longer required, through a transparent and policy-based disposal process.

Next Steps

If Council approves the surplus declaration and methods of sale, staff will:

- Prepare item descriptions, photos and condition notes.
- Advertise all sales in accordance with the Policy.
- Receive, open and record sealed tenders for the van and truck in accordance with the Policy.
- Complete vehicle ownership transfers, cancel insurance and registration, and remove Village markings and equipment.
- Update the asset register and report the results of the sale to Council for information.

Draft Resolution

That Council declares the following items surplus and directs administration to dispose of the items in accordance with the Disposal of Surplus Goods Policy, as outlined in this report.

- a) 2008 Chevrolet Express Van and 2007 Toyota Tacoma Truck, to be sold locally by sealed tender; and
- b) 2006 Kubota B7510 Tractor, 1997 Kubota L4350DT Tractor. And approximately 225 m of -1/2-inch pipe and 6-inch HI40 rigid insulation, to be sold by online auction without reserve bids.

Prepared by

David Fairbank
Chief Administrative Officer



Village of Haines Junction Report to Council

September 23, 2026

☒ **Council Decision**
☐ **Council Direction**
☐ **Council Information**
☐ **Closed Meeting**

**RE: Policy #36-21 Amendment #1 – Free Use Policy
(formerly the Local Community Group and Individuals Support Policy)**

Recommendation

That Council adopt Amendment #1 to Policy #36-21 as presented, renaming it the **Free Use Policy**, and that the policy remain in effect, as amended, until the new recreation facility is constructed and a full review of the use, booking, and fee policies for all municipal facilities can be completed, and;

That Council directs staff to review the facility rental rates within Consolidated Fees Bylaw and provide Council with a RTC recommending updated pricing.

Background

Council adopted the Local Community Group and Individuals Support Policy by Resolution #308-21 on September 22, 2021. The policy allows eligible local community groups and individuals to use municipal recreation (Arena) and convention centre facilities at no charge, provides third-party liability insurance, and sets out booking and cancellation procedures.

Administration reviewed the 2021 minutes and Reports to Council related to the adoption of this policy and found no reference to COVID-19, and nothing indicating the policy was meant to be temporary. The rationale recorded in the policy is to increase use of municipal facilities, reduce financial barriers for community activities and provide liability coverage for organizers. It is noted in the Free Use Annual report that “In response to increasing requests to Council for waiving of fees (for events such as fundraisers for non-profit groups), in 2018/19 Council requested that staff develop a policy that could address these types of events.” The briefing note for the policy adoption (September 8th, 2021), notes that “Historically, the Village has waived a lot of fees to local groups. It is proposed that the decision of waiving fees to Community Groups become enshrined in the new policy.”

Current Status

The policy remains in effect and is applied daily by front-office staff. In applying it, Administration has identified four problems:

1. **Booking window.** Most Community bookings can only be made two months ahead. Groups running regular weekly or seasonal programs cannot secure their time far enough ahead to plan. This created unnecessary burden for users and staff.
2. **Paid rentals and free-use bookings.** The policy does not provide clear direction on what happens when a paying renter requests a time already held by a free-use group.

3. **Past arrangements.** Over time, some groups have been given free use without meeting the eligibility criteria, and practice has varied on whether user fees can be charged during free use.
4. **Additional services.** Only linens and wireless microphones are named as chargeable. Other services, such as Bouncy Cow Castle set-up and AV equipment are not addressed.

Administration is also moving facility bookings to a digital booking system linked to the Village website. The proposed amendments are written to work with that system.

5. **Non-profit.** The draft Policy clarifies that local community group may charge a nominal user fee to recover costs associated with paid instruction or the purchase of activity specific items, provided they are functioning similar to a registered non-profit and not accruing funding for purposes other than the service provided.

Discussion/Analysis

The key changes in Amendment #1 include:

1. **Booking window.** The current rule is replaced to allow advance booking up to 12 months in advance. This gives ongoing users certainty and is easier to set up in an online booking calendar.
2. **Paid rentals and free-use bookings.** A confirmed free-use booking may be moved to make room for a paying rental, at the discretion of the staff. Staff must consider how long and how regularly the group has used the facility, whether the activity can reasonably move to another room, day, or time, and how much notice can be given, and will try to offer an alternative. Leaving this to staff discretion, rather than a complex set of fixed rules, allows long-standing regular users to be protected and case by case circumstances to be considered.
3. **Reset of past arrangements.** All earlier free-use arrangements, written or not, are replaced. From January 1, 2027, free use requires an approved Free-Use Rental Application, and past free use does not in itself establish eligibility.
4. **Additional services.** A new definition of “Additional Services” covers Bouncy Cow Castle set-up and take-down, dining cloths and linens, AV equipment, and similar items in the Consolidated Municipal Fees Bylaw. Additional Services are charged to all users at the normal rate.
5. **Level of service.** Community groups under the Free use policy typically have realistic expectations about the facility and the services provided by Village staff. Paid users can have substantially higher expectations. Increasing the number of paid users will impact the level of service demands for staff.
6. **Lost revenue.** If the concern with the current policy relates to revenue generation, it is worth reviewing the Consolidated Fees Bylaw and updating rental fees for current paid users (government agencies, weddings, festivals, Etc.). Current fees are listed below.

Impact on users. Groups currently receiving free use without meeting the criteria will lose it on January 1, 2027, and all groups will need to apply. The transition period is intended to give groups time to apply and plan.

Duration. The new recreation facility will change what the Village offers, how it is booked, and what it costs to operate. A full review of all facility policies when services are expanded, will allow for a comprehensive review and rebalancing of the Village's recreation level of service.

St. Elias Convention Centre

Fee/Charge/Penalty	Hour	Day
Categories		
Grand Hall	\$45.00	\$270.00
Atrium	\$45.00	\$270.00
Stage	\$20.00	\$120.00
Kitchen	\$25.00	\$150.00
Council Chamber	\$25.00	\$150.00
Small Room		
Wellness Practitioner		\$45.00
Other User	\$15.00	\$90.00

Bill Brewster Arena

Fee/Charge/Penalty	Day	Month
Categories		
6 and under	\$2.00	\$20.00
7-18	\$3.00	\$30.00
19-60	\$4.00	\$40.00
Seniors (61+)	\$2.00	\$20.00

Ice Time

Adult		Youth/Senior	
Hourly	\$70.00		\$50.00
Daily Rate (up to 8 hours)	\$500.00		\$300.00
Each Additional Hour	\$60.00		\$40.00
Weekend Rate (3 days, including Mezzanine)	\$2,000.00		\$1,000.00

Curling Ice

\$480.00 per day. Includes Lobby, Ice, and Mezzanine.

Mezzanine

Hour	Day	
Mezzanine	\$30.00	\$180.00
Kitchen	\$15.00	\$90.00

*10% discount on Mezzanine rental with joint booking of Arena

Asset Management Impact

Charging Additional Services consistently helps recover the cost of cleaning, replacing, and maintaining items such as linens, dishes, and the Bouncy Cow Castle. The value of all fees waived under the policy in 2025 (including seniors and youth events) was \$58,498, and the annual cost of the insurance policy is \$4,855. If youth and seniors programming remained free use, of this amount, an estimated \$21,000 would be recoverable. This value includes consideration for an anticipated drop (30%) in facility use.

Alternatives Considered

1. Adopt Amendment #1 as presented.
2. Adopt Amendment #1 with additional changes identified by Council.
4. Make no changes now and address the policy as part of the full facilities review once the new recreation facility is built.

Alignment with Strategic Priorities

The policy supports community well-being and access to recreation by keeping municipal facilities free for local, non-profit community groups, while improving fairness in how facilities are used.

Next Steps

If Council adopts the amendment, Administration will:

- Notify current facility users of the changes and the January 1, 2027 application requirement.
- Implement the Free-Use Rental Application and booking rules in the new digital booking system.
- Report to Council annually on fees waived and insurance costs, as required by the policy.

Draft Resolution

THAT Council adopts Amendment #1 to Policy #36-21, the Local Community Group and Individuals Support Policy, as presented; and that the Community Free Use Policy be reviewed prior to completion of the new recreation facility, and;

That Council directs staff to review the facility rental rates within Consolidated Fees Bylaw and provide Council with a RTC recommending updated pricing.

Prepared by

David Fairbank
Chief Administrative Officer

Village of Haines Junction Free Use Policy

Formerly the “Local Community Group and Individuals Support Policy”

Policy #36-21 Amendment #1

Objective:

This policy defines the Village of Haines Junction support to local Community Groups and Individuals living in the Haines Junction/Dakwākāda region.

Parameters:

The policy is applicable to Local Community Groups and Individuals residing in the Haines Junction/Dakwākāda region.

Village Staff will annually report to Mayor and Council the value of the fees waived under this policy, the fees collected for Additional Services from Local Community Groups, and the cost of the Insurance Policy.

Rationale:

The rationale for this policy is to:

1. Provide support to community groups and individuals organizing services, programs, or activities by reducing complexity of obtaining the use of municipal recreation and convention centre facilities;
2. Support youth and seniors programming.
3. Reduce financial barrier for local people who want to participate in events, services or activities held at the convention centre or at recreational facilities;
4. Increase the usage of municipal facilities; and,
5. Provide 3rd Party Liability for organizers of activities where possible.

Definitions:

Fees – those fees ordinarily charged to individuals or groups for the use of Village of Haines Junction recreational or convention centre facilities and the fees for offsite use of tables and chairs.

Additional Services – items and services that go beyond the use of a room or facility itself, including set-up and take-down of the Bouncy Cow Castle, dining cloths and linens, wireless microphones, deploying the theatre seating, and any similar item or service listed in the Consolidated Municipal Fees Bylaw.

Cost-Recovery Fee. A Local Community Group may charge participants a fee, this is intended to cover only the direct costs of offering its activity in the facility. Examples include the cost of bringing in an instructor from outside the Haines Junction/Dakwākāda region (including their travel), supplies or equipment used in the activity such as yoga mats, and Additional Services charged by the Village. A Cost-Recovery Fee must not be used to pay local residents for providing instruction or leading the activity, to buy items of value that could be sold for a meaningful profit, or to raise money for other purposes. Approval to charge or collect any fees under the Free Use

provision must be approved in advance by the CAO.

Insurance Policy. A insurance policy that provides \$2,000,000 third (3rd) party liability insurance, or as amended.

Local Community Group. A group of people comprised mainly of people residing in the Haines Junction / Dakwākāda. It will ordinarily meet the following criteria:

- a. Membership to the group is open to everyone. Exemptions may be granted to groups serving specific interests, addictions recovery, women's groups, etc. at the CAO's discretion;
- b. Provides a service, program, or activity to our community (Haines Junction/Dakwākāda);
- c. Access to the service, program, event, or activity is open to all residents, See "a" above;
- d. Does not charge attendees a fee, other than a Cost-Recovery Fee, or has received written approval from the CAO to charge fees;
- e. The group may be a registered society or simply a group of individuals;

Private Party. These are groups holding activities, programs, events, or services that are restricted to specific individuals. Examples of a Private Party include weddings and birthday parties.

Excluded Activities. Activities for which the Village Insurance Policy does not apply may be restricted or denied.

Youth and Seniors programming. An activity whose primary purpose is programming for local youth or seniors may be approved for Free Use regardless of whether the host organizer is a Local Community Group, provided the activity is not operated for profit.

Support:

This policy will:

- Permit Local Community Groups to use municipal owned recreation and convention centre facilities at no cost to the Community Group. No rental or user fee will be charged for a use that qualifies under this policy. Free use covers the room or facility only; Additional Services are charged to every user at the normal rate;
- Provide 3rd Party Liability insurance to eligible Community Groups and,

Local Community Group and Individual Exceptions:

The Chief Administrative Officer may grant exceptions to the eligibility criteria to Local Community Groups and Individuals on a case-by-case basis.

Additional Services:

Free use under this policy covers the use of the room or facility only. Additional Services are charged to all users, including Local Community Groups, at the rates set in the Consolidated Municipal Fees Bylaw 343-19, as amended from time to time.

Previous Arrangements:

This policy, as amended, replaces every earlier free-use arrangement, approval, understanding, or practice, whether written or not. Any free use granted before January 1, 2027 to a group or individual that does not meet the criteria in this policy ends on that date.

Beginning January 1, 2027, no group or individual will receive free use unless they have submitted a Free-Use Rental Application and the Village has confirmed in writing that they qualify. Past free use does not, on its own, establish eligibility.

Review:

This policy will remain in effect, as amended, until the new recreation facility is constructed. At that time the Village will complete a full review of the use, booking, and fee policies for all municipal facilities, and this policy will be replaced or amended as part of that review.

Implementation:

The Chief Administrative Officer is responsible for the implementation of this policy.

Adopted by Resolution #308-21 on the 22nd day of September, 2021.

Amended by Resolution #XXX-26 on the 23rd day of September, 2026.

Diane Strand, Mayor

David Fairbank, CAO

Free Use Policy Procedures

Individuals Attending Events, Programs, Service or Activities

Adults may be required by employees to provide documentation of their residency in the Haines Junction/ Dakwākāda region. Children need to be accompanied by an adult with the required residency document.

Community Group Use

Community Groups must complete the Free-Use Rental Application (Appendix “A”) before their first free-use booking and again whenever the Village asks them to. A booking will not be confirmed as free use until the application has been approved.

Youth and Elder Programing

In considering a request under Youth and Senior Programming, the CAO will confirm that: participants are predominantly local youth or seniors; the activity is open to the community; and that any participant fee does not exceed the organizer's cost of delivering the activity.

Cost-Recovery Fees

A Community Group that plans to charge participants a Cost-Recovery Fee must say so on its Free-Use Rental Application and list the costs the fee will cover. The fee must be set so that the money collected covers those costs and no more.

If asked, the group must show staff how the fee was set and what the money was spent on. If a fee goes beyond cost recovery, the Chief Administrative Officer or delegate may require the group to change the fee, or may treat the group’s future bookings as paid rentals.

Additional Items

Additional Services, such as set-up and take-down of the Bouncy Cow Castle, dining cloths and linens, wireless microphones, and deploying the theatre seating, are charged at the normal rate set in the Consolidated Municipal Fees Bylaw. These charges apply to all users, including Community Groups using a facility free of charge under this policy.

Offsite Use

Materials may be used off-site at the discretion of the Chief Administrative Officer or delegate.

Facility Cleaning

Community Groups will be required to clean the facilities and return all used items to storage after use or pay an agreed upon cleaning fee.

Community Group Booking

Community Groups may book facilities up to twelve (12) months in advance.

The location of a booking is at the discretion of the Village and may be changed at any time to accommodate other users. The Village will strive to provide advance notice regarding any location changes.

Paid Rentals and Free-Use Bookings

A confirmed free-use booking may be moved, or in some cases cancelled, to make room for a paying rental. This decision is at the discretion of the Chief Administrative Officer or delegate.

In making that decision, staff will consider how long the group has been using the facility, how regular its use is, whether the group's activity can reasonably move to another room, day, or time, and how much notice can be given.

The Village will give the group as much notice as possible and will try to offer an alternative room, day, or time.

Community Group Booking Cancellations

Groups must provide at least one-week prior notice of a cancellation. Failure to provide notice twice within a thirty (30) day period will result in the Group losing the right to make a free-use booking for a thirty (30) day period.

First Come First Served

Bookings will be made on a First Come First Served basis. All Community Groups are requested to ensure that other Community Groups are afforded good times slots during which to hold events or activities.



Village of Haines Junction Report to Council

September 23, 2026

☒ Council Decision
☒ Council Direction
☐ Council Information
☐ Closed Meeting

RE: Council Procedural Bylaw Amendment #2 – Legal Review

RECOMMENDATION

That Council accepts the Procedural Bylaw for first reading (next agenda item) and, that Council directs staff to amend the Draft Council Procedural Bylaw as directed and bring the updated Bylaw to Council for second reading at a future Council meeting.

PURPOSE

To summarize the substantive changes in Amendment #2 to Council Procedural Bylaw #352-19 following legal review by Norton Rose Fulbright (NRF), to seek Council direction on two matters raised in that review, and to present the bylaw for first reading.

BACKGROUND

Amendment #2 is a comprehensive update to the Council Procedural Bylaw. It clarifies committee structure, public notice, delegations, minutes, voting and decorum, and adds provisions on the Council–administration relationship, information flow and electronic communications. NRF has completed a review of the draft. NRF recommended adding several definitions (now included) and advised on two matters based on Council's direction:

- the wording of section 12.1.3, which describes the Presiding Officer's role in debate; and
- whether sections 42 to 45 belong in the Procedural Bylaw or in the Chief Administrative Officer Bylaw (#358-19).

DISCUSSION

The Presiding Officer's role in debate (section 12.1.3)

The draft that went to NRF read:

12.1.3 Acting impartially in the conduct of the meeting, so as not to influence the other members, while retaining the right, when it is the Presiding Officer's turn to speak, to express an opinion on the matter before Council;

The intent, based on earlier advice from YG Community Services, was to confirm that the Mayor is entitled to an opinion and a vote, and to adopt the practice of the Mayor speaking last so as not to sway other members.

NRF's advice is that the Mayor is a full member of Council who also chairs the meeting. Under the Municipal Act, "council" means the mayor together with all the councillors (section 1). Every member must vote unless excused or prohibited because of a pecuniary interest, with no exception for the presiding officer (section 209(1)). The presiding officer's statutory duties are procedural only: maintaining order and decorum, and deciding questions about the order of the meeting (section 207(2)). The Act imposes no duty of impartiality on the chair. In NRF's view, "acting impartially ... so as not to influence the other members" goes beyond the Act by suggesting the Mayor should hold back on substance.

Administration agrees with NRF's analysis. The draft language was meant to recognize the Mayor's voice, not limit it, but the words "impartially" and "so as not to influence" point the other way. Additionally, Section 2.2 of the bylaw falls back on Robert's Rules of Order where the bylaw is silent. The model of a strictly impartial chair in Robert's Rules applies to large assemblies. For small boards like a five-member Council, Robert's Rules allows the chair to take part in discussion and to vote.

NRF's wording and administration's intent can both be met by separating two ideas:

1. fairness in how the meeting is run, and
2. the order in which the Mayor speaks and votes.

Option A (recommended) – NRF wording, with voting confirmed:

12.1.3 Managing the conduct of the meeting fairly, so that all members have an equal opportunity to speak and be heard. The Presiding Officer retains the right to participate in debate, to express an opinion on any matter before Council, and to vote on any matter in accordance with the Municipal Act;

Under Option A, the existing section 12.1.2 ("Joining discussions after other members have spoken") stays as written and keeps the speak-last practice. Section 18.3 is revised from "The Presiding Officer votes last as to not influence the votes of Council Members" to "The Presiding Officer ordinarily votes last." This keeps the practice, removes the language suggesting the Mayor's view should be held back, and uses "ordinarily" so that the practice cannot be read as a statutory limit.

Option B: NRF wording exactly as proposed, with sections 12.1.2 and 18.3 unchanged.

Option C: Retain the draft wording. This is not recommended, given NRF's advice that it goes beyond the Municipal Act.

Placement of sections 42 to 45

Administration asked NRF whether these sections, which deal with the Council–administration relationship, information flow and electronic communications, extend beyond Council meeting procedure. NRF’s responded that *“these sections may be better included in the CAO bylaw as they do not really deal with Council meeting procedures.”*

Administration recommends keeping these sections in the Procedural Bylaw, for the following reasons:

1. **It is the bylaw Council uses to govern itself.** Members consult the Procedural Bylaw at the table and between meetings. Rules about how members raise matters, request information and communicate on Council business are most effective where members will find and apply them. The CAO Bylaw is rarely consulted by Council in its day-to-day work.
2. **Most of the provisions support members of Council, not the CAO.** Channelling operational matters through a Notice of Motion (43.1), handling operational questions raised in a meeting (43.2), information requests (44.4), use of municipal email (45.2) and the rule against decisions by email or text (45.3), all govern how members conduct Council business. The CAO Bylaw deals with the office, powers and duties of the CAO. Placing rules there that bind members of Council would be an awkward fit and could make them effectively invisible to Council.
3. **The provisions channel business into the meeting.** Although they are not rules of debate, most of them direct matters toward a properly convened meeting: operational concerns become Notices of Motion, routine reports and accounts payable listings come to the agenda, members raise inter-meeting communications under Council Reports. These are procedures for how Council operates in and between meetings and there is no other Policy appropriate for these considerations.
4. **The obligations are reciprocal and belong together.** Section 43 describes a two-way relationship: administration owes Council timely, complete and equal information, and Council exercises its role through collective mechanisms. Moving administration’s duties to the CAO Bylaw while Council’s obligations stay here would separate commitments that were designed to balance each other.

NRF’s point has merit for sections 44.1 to 44.3 (the CAO’s duty to inform, the equal-information principle and the routine reporting schedule). These are duties of the CAO and would fit naturally in the CAO Bylaw. However, they are also the obligations Council relies on when it sets agendas and holds administration to account, which is the reason for keeping them beside Council’s own obligations.

To strengthen the fit, Council may also wish to amend section 3.1 before second reading to state that the bylaw governs the conduct of Council business, including relations between Council and administration.

Alternatives.

Retain sections 42 to 45 in the Procedural Bylaw and Amend section 3.1. (Recommended).

Move sections 42 to 45 to the CAO Bylaw. The Procedural Bylaw would keep a cross-reference. This is not recommended as it places Council obligations in the CAO Bylaw.

Split them: move the CAO's duties (sections 44.1 to 44.3) to the CAO Bylaw and keep the provisions that bind members of Council here. Not recommended as this breaks the reciprocal relationship and Council may lose track of the CAO's duties and obligations.

Draft Motion

That Council accepts the Council Procedural Bylaw for first reading and, that Council directs staff to amend the Council Procedural Bylaw as directed and bring the updated Bylaw to Council for second reading at a future Regular Council Meeting.

Prepared by
David Fairbank
Chief Administrative Officer

VILLAGE OF HAINES JUNCTION

Bylaw #352-19

A Bylaw to Create Rules Governing Council Meeting Procedure

WHEREAS the Municipal Act, being Chapter 154 of the Revised Statutes of the Yukon, 2002 and amendments thereto, Section 210 provides that a Council shall make procedural rules;

NOW THEREFORE the Council for the Village of Haines Junction, duly assembled, hereby enacts as follows:

1. Short Title

1.1 Council Procedural Bylaw.

2. Governing Provisions

2.1 The procedures of Council will be governed by the Yukon Municipal Act and this Bylaw.

2.2 When situations are encountered that are not covered by these Rules, reference to Robert's Rules of Order Newly Revised, as amended and replaced, will be used by the Presiding Officer.

2.3 Rules are used to facilitate the orderly progression of Members through the Meeting Agenda and are to be applied in the spirit of fairness, equality and common sense.

3. Application

3.1 The following rules shall be observed and shall be the rules and regulations for the order and conduct of business, including the relations between Council and Administration in all Regular Council Meetings, Special Council Meetings, Council committees and those committees, boards, commissions created by bylaw pursuant to section 191 of the Yukon Municipal Act, unless the Bylaw creating the committee, board, commission specifically excludes this Bylaw or sections of this Bylaw.

4. Definitions

4.1 Individual – any person attending a Meeting who is not a Member.

4.2 Meeting – a meeting of Council or any Committee.

4.3 Member – the Mayor or a Council member.

4.4 Presiding Officer – the Member, ordinarily the Mayor, who chairs the meeting.

4.5 Public Hearing or Public Input Session – a time defined in this Bylaw which enables Individuals to provide comment to Council on an agenda item before Council.

4.6 Rules – the rules established defined in this Bylaw and, where not established under this Bylaw, Robert's Rules of Order Newly Revised.

4.7 Business Day – any day other than a Saturday, a Sunday, a statutory holiday observed in the Yukon, or a day on which the Municipal Offices are closed to the public.

4.8 Agenda-Response Delegation – a person registered under section 14.11 to address Council at a Regular Council Meeting in response to a specific item on the published agenda for that meeting.

4.9 Notice of Motion – a verbal or written statement by a Member, given under section 16.12, of the Member’s intention to place a proposed motion on the agenda of a subsequent Council meeting for Council deliberation.

4.10 Regular Council Meeting – a meeting of Council held on the dates and at the time set out in sections 8.1 and 8.2.

4.11 Special Council Meeting – a meeting of Council, other than a Regular Council Meeting, called and held in accordance with the Municipal Act and section 8.4.

5. Committees, Boards and Commissions

5.1 Council Committees. Pursuant to section 190 of the Yukon Municipal Act, Council establishes the following Council Committees, each composed of the Mayor and all Members of Council:

5.1.1 Audit Committee – the mandate of this Committee is to meet annually with the Village’s auditors to review the auditors’ findings and to have the auditors address any questions or concerns of the Committee.

5.1.2 Committee of the Whole – the mandate of this Committee is to consider any matter that Council refers to it or that is of interest to the municipality and to report back to Council where appropriate.

5.2 Council Committees – proceedings and effect.

5.2.1 A Council Committee may appoint its Chair and adopt motions to conduct its own proceedings and to formulate its advice to Council, including a motion to recommend a course of action to Council.

5.2.2 A Council Committee does not make Council decisions. A recommendation or motion of a Council Committee is advisory only and does not bind Council. A matter that requires a Council decision is determined by Council by resolution or bylaw at a Regular Council Meeting or Special Council Meeting.

5.2.3 A Council Committee reports to Council through its Chair, or designate, who brings the Committee’s recommendations before Council at a Regular Council Meeting or Special Council Meeting for Council’s consideration.

5.3 Boards, Commissions and other Committees.

5.3.1 Pursuant to section 191 of the Yukon Municipal Act, Council may, by bylaw or resolution, establish boards, commissions and other committees, the membership of which need not be limited to members of Council.

5.3.2 Council will, by resolution or bylaw, create the terms of reference for each board, commission or other committee established. The terms of reference will include:

5.3.2.1 the appointment and composition of members;

5.3.2.2 the term;

5.3.2.3 the mandate; and,

5.3.2.4 the reporting requirements of the board, commission or committee.

5.3.3 The Mayor or the Mayor's designate is ex-officio a member of each board, commission or other committee established under this section and, when in attendance, possesses all the rights, privileges and duties of the other members, whether elected or appointed.

5.3.4 A member of Council who is not a member of a board, commission or other committee may, with the prior consent of that body, attend its meetings and take part in the discussion, but may not vote.

5.3.5 No board, commission or other committee, and no member of one, shall enter into a contract or incur or authorize any debt or expenditure on behalf of the municipality, or act in any manner that would suggest to a reasonable person that it, or the member, is acting on behalf of the municipality.

5.3.6 If, in the opinion of Council, a board, commission or other committee has contravened this section or any applicable municipal bylaw, policy or code of conduct, Council may by bylaw dissolve it. If, in the opinion of Council, a member of a board, commission or other committee has contravened this section or any applicable municipal bylaw, policy or code of conduct, Council may by resolution remove the member and appoint a replacement.

6. Council Members

6.1 Members of Council will:

6.1.1 Be respectful of citizens, delegates at meetings, administration and each other, including being respectful of each other's right to hold different and diverse opinions;

6.1.2 Keep an open mind and reserve making decisions until public input; administration input and Council debate is completed;

6.1.3 Act impartially and with integrity; and,

6.1.4 Make decisions in the best interest of the municipality, while acknowledging that most decisions require Council to weigh competing interests.

6.2 The role of Council and the role of administration are further set out in sections 42, 43, 44 and 45 of this Bylaw, and in the Code of Conduct Bylaw (Bylaw 337-18) and the Chief Administrative Officer Bylaw (Bylaw 358-19).

7. Quorum

7.1 A quorum of Council will be the majority of its members; or, if a vacancy exists on Council, the majority of its remaining members.

7.2 If, due to a pecuniary interest of a member of Council in relation to a matter, only two members of Council are entitled to vote, those two members constitute a quorum for the matter.

7.3 When a quorum is not present within thirty (30) minutes of the time fixed for the start of the meeting, the recording secretary shall record the names of the members present and the meeting will stand adjourned until the next regularly scheduled or special meeting date.

8. Meeting Schedules

8.1 Regular Council Meetings will be held on the second and fourth Wednesday of each month.

8.2 Meetings will begin at 7:00 pm and end on or before 9:30 pm.

8.3 Council may, by motion, extend a meeting beyond the time it would otherwise end, by a defined period of time.

8.4 Special Council Meetings will be held pursuant to the process described in the Yukon Municipal Act.

8.5 Council committee meetings will be scheduled by Council resolution or by bylaw.

8.6 All other meetings of committees, boards, and commissions will be by committee, board or commission resolution.

9. Notification of Meetings

9.1 The Chief Administrative Officer shall give public notice of all Regular Council, committee, board and commission meetings at least five (5) calendar days prior to the meeting by:

9.1.1 Posting on the Village of Haines Junction website;

9.1.2 Whenever Possible, posting on the Village's social media accounts and any social media sites, pages or forums where, in the opinion of the Chief Administrative Officer, it is likely to provide notice to citizens of the Village of Haines Junction;

9.1.3 Distribution through the Village's email subscription list; and

9.1.4 Posting at the Village office bulletin board.

9.2 Public notice shall include: Date; Time; Agenda, and Location of the meeting.

9.3 The Agenda and related documentation will be posted on social media and paper copies will be made available at the Municipal Offices.

9.4 Agenda items and materials for inclusion for Regular Council Meetings must be submitted to the Chief Administrative Officer by noon at least six calendar days before the meeting date.

9.5 No later than 6:00pm, five calendar days before a meeting date, the Chief Administrative Officer must make the Council Agenda available:

9.5.1 To Members by delivering a copy of the Council Agenda package to their Village of Haines Junction email account; and,

9.5.2 To the public by posting a copy of the Council Agenda at the Municipal Offices and on the Village of Haines Junction's website.

9.6 Notice of Special Council Meetings will be provided pursuant to the Yukon Municipal Act.

10. Electronic Participation at Meetings

10.1 Council members may participate in a meeting by electronic means.

10.2 The person who will be the meeting's Presiding Officer may not participate electronically.

10.3 If the electronic communication fails, the meeting will be held in abeyance for five (5) minutes while communication is re-established.

10.4 If after five (5) minutes communication is not re-established with the member, the member will be deemed to have left the meeting.

10.5 If a member is deemed to have left the meeting and the member was required to meet the requirements of a quorum; the meeting will be immediately adjourned.

10.6 Electronic Attendance by Persons Who Are Not Members of Council

10.6.1 This section applies to persons who are not members of Council participating or observing electronically.

10.6.2 In addition to the meeting decorum requirements in section 13, a person attending or participating by electronic means must, when asked by the Presiding Officer or the designated municipal officer, confirm their presence, by using the platform's "raise hand" function, by unmuting and briefly speaking, or by enabling their camera. A person who does not respond to two (2) such requests may be removed from the electronic meeting.

11. Selection of Presiding Officer

11.1 Ordinarily the Mayor will chair the meeting.

11.2 In the absence of the Mayor, the Deputy Mayor will chair the meeting.

11.3 If the Mayor and Deputy Mayor are absent from the meeting, the three members present will elect a chair for the meeting.

12. Responsibilities of Presiding Officer

12.1 The duties of the Presiding Officer include:

12.1.1 Maintaining the orderly progression of the meeting;

12.1.2 Joining discussions after other members have spoken;

12.1.3 Managing the conduct of the meeting fairly, so that all members have an equal opportunity to speak and be heard. The Presiding Officer retains the right to participate in debate, to express an opinion on any matter before Council, and to vote on any matter in accordance with the Municipal Act;

12.1.4 Preserving order and encouraging Council members who stray from the topic to stay focused on the issue being debated;

12.1.5 Guiding Council through the Council agenda by introducing each item on the approved agenda for discussion and resolution;

12.1.6 Making decisions to maintain order and preserve the decorum of the meeting. These decisions are binding, but subject to appeal;

12.1.7 Determining which member or individual has the right to speak;

12.1.8 Ruling when a motion is out of order;

12.1.9 Calling a member to order if required;

12.1.10 Censuring members or individuals; and,

12.1.11 Expelling members or individuals from the meeting.

13. Meeting Decorum

13.1 Members and any individuals attending a meeting must behave in a manner which contributes positively to the decorum of the meeting.

13.2 Any person in attendance or joining remotely shall:

13.2.1 Remain quiet when another individual or member is speaking;

13.2.2 Not use electronic devices in the meeting except as aides to hearing, seeing, safety or emergency monitoring and for referencing information germane to the discussion on hand;

13.2.3 Not make physical gestures towards any person, staff member or member of Council;

13.2.4 Not speak on matters other than the matter on the floor;

13.2.5 Not interrupt except on a point of order or question of privilege;

13.2.6 Not shout or immoderately raise their voice or use offensive, vulgar or profane language;

13.2.7 Not applaud, cheer, boo, or otherwise demonstrate approval or disapproval in a manner that disrupts the meeting;

13.2.8 Not make personal attacks, allegations, or defame any person, staff member or member of Council; and

13.2.9 Not repeat arguments or comments unless introducing new information or perspective.

13.3 Any member of Council, delegation, or individual who has the right to the floor (or is participating in a public hearing/public input session) shall:

13.3.1 When wishing to speak, raise their hand and be recognized by the Presiding Officer before beginning to speak; and

13.3.2 When raising points or questions on an issue under discussion, raise only one point or question at a time. The Presiding Officer may direct the order of other members or individuals attending before returning to any one member or individual attending.

13.4 If, in the opinion of the Presiding Officer, a member or individual has contravened any of these rules, the member or individual may be admonished, and their name and the censure be recorded in the meeting minutes.

13.5 If, in the opinion of the Presiding Officer, a member or individual has contravened any of these rules a second time, the member or individual may be directed to leave the meeting.

13.5.1 If the individual refuses to leave, the meeting will temporarily be adjourned while the members wait for the Royal Canadian Mounted Police to escort the individual from the building or if attending electronically are removed from the meeting by having their connection ended.

13.6 Council Members must comply with the Haines Junction Code of Conduct Bylaw, the Chief Administrative Officer Bylaw, and all other applicable Village bylaws and policies.

14. Delegations

14.1 Delegations must relate to a matter of bylaw, policy, or strategic significance to the Village.

14.1.1 Questions of a routine operational nature are not heard as delegations and may be directed to the Chief Administrative Officer and dealt with by staff.

14.1.2 A Notice of Motion may be raised concerning the delegation following the process outlined in section 16.12.

14.2 Any person or delegations wishing to appear before Council or committee must give notice prior to 11:00 am, five (5) calendar days prior to the meeting. For a Regular Council Meeting on Wednesday, the cutoff to provide notice and supply materials is 11:00 am on the preceding Friday.

14.3 Persons or delegations are requested to provide any information materials by 11:00 am, five (5) calendar days before the meeting so that the documents may be included in the Agenda Package.

14.4 Persons or delegations requesting to appear are required to provide their name, address, contact information and reason for wishing to appear before Council or committee.

14.5 Persons or delegations addressing Council or a committee are required to state their names, addresses, and the purpose of their presentation.

14.6 Persons or delegations will be given five (5) minutes with which to make their presentation.

14.7 Council or a committee may agree by vote to extend the time available for a presentation if the persons or delegations have given advance notice to the Chief Administrative Officer or designate that they require additional time.

14.8 Council will only hear up to a maximum of (3) three delegations at one meeting.

14.9 If a Member asks the delegation a question of clarification, the delegation may answer the question.

14.10 A general discussion or dialogue between Council or the committee and the person or delegation shall not take place unless Council adopts a resolution to suspend the rules.

14.11 Notwithstanding section 14.2, a person wishing to address Council in response to a specific item on the published agenda for an upcoming Regular Council Meeting may register as an Agenda-Response Delegation by providing notice to the Chief Administrative Officer no later than 4:00 pm on the Business Day immediately preceding the meeting.

14.12 An Agenda-Response Delegation:

14.12.1 Must directly relate to a specific item on the published agenda for the meeting at which the person wishes to appear;

14.12.2 Will be limited to five (5) minutes to present;

14.12.3 Will not include the submission of new information materials (information materials supporting a delegation are governed by section 14.3);

14.12.4 Will be heard at the appropriate place in the agenda, before Council's deliberation of the related agenda item; and

14.12.5 Is subject to all other provisions of this Bylaw governing delegations, including the requirement to provide name, address and contact information (section 14.4) and the requirement to state name, address and purpose at the meeting (section 14.5).

14.13 The maximum number of Agenda-Response Delegations at any meeting is five (5). This limit is independent of the limit in section 14.8.

14.14 The Presiding Officer may decline to hear an Agenda-Response Delegation that, in the Presiding Officer's view, does not directly relate to a specific item on the agenda. Such a decision is subject to appeal pursuant to section 36 of this Bylaw.

15. Public Hearings and Public Input Sessions

15.1 When a matter is on the agenda of a Regular Council Meeting or Special Council Meeting for the purpose of a Public Hearing or Public Input session, any individual or delegation may appear without giving notice.

15.2 An individual or delegation may participate by electronic communication if arrangements are made with the designated municipal officer prior to 12:00 pm (noon) of the day of the meeting.

15.3 The time allotted to each speaker or delegation will be five (5) minutes.

15.4 Each speaker or delegation will only be heard once per public hearing or input session.

15.5 If a member asks a question of the delegate or delegation, the delegate or delegation will have five (5) minutes to respond.

15.6 The Presiding Officer shall call three times for appearances from the gallery and should there be no appearances, the Presiding Officer will declare the Public Hearing or Public Input session closed.

15.7 When the Presiding Officer declares a Public Hearing closed, they shall advise that no further submissions will be considered by Council except those provided by administration.

15.8 When the Presiding Officer declares a public input session closed, individuals or delegates may submit further submissions to Council members either in person or in writing.

15.9 Written submissions for a public hearing, including submissions by e-mail will be accepted at the office of the designated municipal officer no later than 11:00 am five (5) Business Days prior to the public hearing. Thereafter, written submissions may only be deposited with the designated municipal officer at the location of the meeting.

15.10 Written submissions, with respect to any public hearing, that are received after the public hearing is declared closed will not be considered.

15.11 All documentation received and considered by members will be deemed public information and available to the public for review.

15.12 A general discussion or dialogue shall not take place unless Council adopts a resolution to suspend the rules.

16. Agenda

16.1 For all meetings, the order of business will ordinarily follow the standard agenda set out in Appendix "A" to this Bylaw. The sections are:

16.2 Call to Order

16.2.1 The Presiding Officer will call the meeting to order at the prescribed time.

16.3 Acknowledgement of Champagne and Aishihik First Nations Traditional Territory

16.4 Adoption of the Agenda

16.4.1 The Presiding Officer will ask the members if there are any additions, amendments, or deletions to the agenda.

16.4.2 After any amendments are made, the agenda will be adopted by a motion by Council members.

16.4.3 If individual Council members are concerned about the addition or deletion of an agenda item, they can ask for its addition or deletion to be voted upon separately. Upon receiving the request, the Presiding Officer will ask for a show of hands for the inclusion or deletion of the item.

16.4.4 As the agenda has been adopted by Council members, individual items will not require motions to accept for discussion and instead will simply be introduced by the Presiding Officer.

16.5 Declaration of Pecuniary Interest

16.5.1 As defined in the Municipal Act with regard to a matter to be discussed by Council.

16.6 Delegations

16.6.1 Delegations will ordinarily be given five (5) minutes to present. A maximum of three delegations will be allowed at any meeting, not including Agenda-Response Delegations.

16.6.2 Agenda-Response Delegations registered under section 14.11 are heard at the appropriate place in the agenda, prior to Council's deliberation of the related agenda item, rather than during this section.

16.7 Adoption of Minutes of Regular and Special Council Meetings

16.7.1 Members review the minutes and raise any concerns regarding the accuracy of the minutes.

16.7.2 The test for any correction is whether the minutes accurately reflect the decisions made and direction given by Council at the meeting.

16.7.3 Typographical, spelling, grammatical, and minor semantic corrections shall be submitted to the Chief Administrative Officer by email in advance of the meeting, where practical, so that meeting time is preserved for substantive matters.

16.7.4 Substantive corrections, particularly to motions, resolutions, or the record of Council direction, shall be raised in the meeting for Council discussion.

16.7.5 After any amendments are made, the minutes will be adopted by a motion of Council members.

16.8 Public Hearings and Public Input Sessions

16.8.1 See section 15 of this Bylaw.

16.9 Unfinished Business

16.9.1 Agenda items that have been on previous agendas and are being placed on the agenda again.

16.9.2 A bylaw returning for a further reading or for adoption, together with any corresponding Report to Council, is placed under this section.

16.10 New Business

16.10.1 Agenda items that are new to the agenda.

16.10.2 Items of correspondence requesting action from Council will be placed under New Business.

16.10.3 A bylaw being introduced for first reading, together with its corresponding Report to Council, is placed under this section.

16.11 Correspondence

16.11.1 Items of correspondence providing information will be placed here. Council may adopt a motion to receive and file some or all the correspondence without further discussion.

16.12 Council Reports and Notices of Motion

16.12.1 Verbal and written reports from Members on Council committee work, governance matters, and community engagement.

16.12.2 A Member may give a Notice of Motion under this section.

16.12.3 Where a Notice of Motion advances to a carried motion of Council, administration shall prepare a Report to Council for the matter at a future Council meeting, in accordance with section 44.5.

16.13 Questions from the Public

16.13.1 If there is a member of the public in attendance, Council may wish to vary the sections and items on the agenda so that the individual may avoid having to sit through an entire agenda.

16.13.2 Should a member of the public ask a question, the Presiding Officer will either answer the question or request a Council member or staff to respond.

16.13.3 General discussion or dialogue will not take place unless Council adopts a resolution to suspend the rules.

16.13.4 The time allotted for questions from the public will not exceed five (5) minutes per resident and must not exceed fifteen (15) minutes in total.

16.14 Motion to Close Meeting to the Public

16.14.1 This motion allows the meeting to become an in-camera meeting or meeting in which there is not any public audience.

16.15 Adjournment

17. Minutes

17.1 Minutes must be kept for all Council meetings and all Council committee meetings.

17.2 Meetings or portion of meetings closed pursuant to section 213 of the Yukon Municipal Act do not require minutes.

17.3 Minutes will be recorded as action minutes with bullet point highlights. For each item, the minutes will record the motions and recommendations considered, the mover and seconder of each, and the disposition of each, including the result of any vote, together with a brief summary, in bullet point form, of the key points or considerations raised, recorded without attribution to individual members. Where a recorded vote is taken under section 18.4, the minutes will record

the matters set out in section 19.2.1. This section applies to the minutes of Council meetings and Council committee meetings, including a Committee of the Whole.

17.4 On a matter before Council, a member of Council may request that a specific statement or position be recorded "on the record". Where a member makes such a request, that statement or position will be recorded in the minutes and attributed to the member, notwithstanding that the bullet point highlights are otherwise recorded without attribution to individual members.

17.5 Members may demand a recorded vote pursuant to section 209(4) of the Municipal Act.

17.6 The minutes of a meeting will, subject to amendments, be adopted at the next meeting.

17.7 The audio recording of Regular Council Meetings will be posted to the Village website ordinarily within five (5) Business Days of the meeting, subject to more time being required. Minutes of Committee Meetings are not posted online.

18. Voting

18.1 Council makes decisions by voting on motions.

18.2 Council Members and the Presiding Officer vote on motions unless disqualified pursuant to the Municipal Act or excused from voting by Council Resolution.

18.3 The Presiding Officer ordinarily votes last.

18.4 A recorded vote will be taken on any motion that does not carry unanimously. Where a recorded vote is taken, the minutes will record the matters set out in section 19.2.1.

19. Motions

19.1 General Process

19.1.1 In crafting motions, members shall ensure that each motion provides clear and complete direction for administrative action.

19.1.2 The designated municipal officer shall record that a motion has been made and seconded. Generally, a motion that does not receive a seconder is not considered by the assembly. The exceptions are: Point of Order, Appealing a Decision of the Presiding Officer, and Call for Orders of the Day.

19.1.3 Before a motion is offered, all members shall ensure that each member has several opportunities to express their opinion on the issue at hand.

19.1.4 Members shall ensure they are not repeating themselves but are bringing forward new information or ideas that are relevant to the discussion each time they speak or are responding to new issues raised by other Members.

19.1.5 If, after discussion there appears to be no consensus, the Presiding Officer may ask for a motion.

19.1.6 When a motion is made and seconded the Presiding Officer will ask by a show of hands if the motion passes ("calling the question").

19.1.7 A motion that is tied is deemed to have failed.

19.2 Recorded Vote

19.2.1 When a recorded vote is demanded by a member or a motion does not carry unanimously, or more than a majority is required on a vote, the designated municipal officer must record in the minutes:

19.2.1.1 The name of each member of Council who was present for the vote;

19.2.1.2 Whether the member cast their vote in approval or disapproval;

19.2.1.3 The name of any member who was prohibited from voting by paragraph 193.02(1)(a) of the Yukon Municipal Act; and,

19.2.1.4 The name of any member who was excused by Council from voting in that vote.

19.3 Negative Motions

19.3.1 When phrasing a motion, members shall phrase the motion in the positive.

19.3.2 If Council does not wish to take action, no motion is required to indicate this.

20. Common Motions

21. Excused from Voting

21.1 The Yukon Municipal Act requires that all members vote on the matter before Council unless that member is excused from Council or is prohibited from voting due to a pecuniary interest as defined in Paragraph 193.02(a).

21.2 Council may, if requested by the member, excuse a member from voting, by passing a motion to excuse the member.

22. Motion to Extend the Meeting

22.1 This motion is used to extend a meeting beyond the time it would otherwise end, by a defined period of time, pursuant to section 8.3 of this Bylaw. The motion must be made before the meeting is adjourned.

23. Motion to Postpone

23.1 This motion is used when the mover wishes to postpone further discussion of an issue to another time. The motion must include the 'when' in the existing meeting or at what future meeting the discussion will renew.

24. Motion to Postpone Indefinitely

24.1 This motion stops any further discussion or debate on the issue at hand during the current meeting. The issue may reappear on a subsequent agenda.

25. Motion to Amend a Motion

25.1 A member may feel that a motion needs to be changed. This can be done by offering a motion to amend a motion by adding and/or removing language from the original motion. This motion to amend is voted on and, if adopted, the original motion is amended. If there are no further changes the amended motion is then voted upon.

25.2 A friendly amendment is a proposal by a Member who wishes to slightly alter a motion that has been proposed. If the change is approved by the originator of the motion and the seconder, if the motion has been seconded, the change to the motion can be made without going through the formality of making a motion to amend a motion.

26. Motion to Split a Motion

26.1 This motion is used when a motion is made which joins two or more items together. A member may make a motion that the motion being discussed is split so that each part of the motion is voted on separately.

27. Motion to Refer

27.1 When a member wishes more information about an issue or wishes to have a recommendation prepared, the member can make a motion referring the issue to a committee or to staff for either additional information or a recommendation.

28. Motion to Reconsider

28.1 This motion can be used either in a meeting during which a motion was adopted or in the subsequent meeting to the meeting during which a motion was adopted.

28.2 The purpose of the motion is to enable members to reconsider a hasty, ill-advised or erroneous action, or to take into consideration added information or a changed situation that has developed since taking the vote.

28.3 A member may only bring forward the motion to reconsider an issue once in a six (6) month period.

29. Motion to Recess

29.1 This motion is used to suspend the meeting for a specified time so that members can take a break.

30. Motion to Suspend the Rules

30.1 This motion is used to vary the order of the adopted agenda. It is used when a member believes that an important item on the agenda will not be dealt with before the meeting runs out of time. When making this motion, the mover needs to identify the change in the agenda that they believe is required.

31. Motion to Call the Question

31.1 This is a motion to end debate on an issue and require that the motion that is in front of the meeting be immediately voted on. The motion to call the question needs to be seconded and then voted upon. If two-thirds of the members present approve the motion, the motion that was in front of the meeting must then be voted on without any further discussion.

32. Motion to Rescind

32.1 This motion is a proposal to cancel a previous motion. It cannot be used to cancel a bylaw as bylaws can only be cancelled by another bylaw.

33. Motion to Receive and File

33.1 This motion is used when Council does not wish to act on the report or letter but simply wants to acknowledge that the information has been received.

34. Motion to Adjourn

34.1 This motion proposes to close or terminate the meeting. When adopted, it is the official end of the meeting and the members are no longer in session and cannot act as a Council. The motion needs to be seconded and be voted upon.

35. Motion to Close Meeting to the Public

35.1 This motion is used to close a meeting to the public. The Yukon Municipal Act allows Councils to hold part of a meeting in camera. The meeting can be closed for a discussion on:

35.1.1 Commercial information which, if disclosed, would likely be prejudicial to the municipality or parties involved;

35.1.2 Information received in confidence which, if disclosed, would likely be prejudicial to the municipality or parties involved;

35.1.3 Personal information or personnel information;

35.1.4 The salary and benefits and any performance appraisal of an employee or officer;

35.1.5 A matter still under consideration and on which the Council has not yet publicly announced a decision and about which discussion in public would likely prejudice a municipality's ability to carry out its activities or negotiations;

35.1.6 The conduct of existing or anticipated legal proceedings;

35.1.7 The conduct of an investigation under, or enforcement of, an Act or bylaw;

35.1.8 Information, the disclosure of which could prejudice security and the maintenance of the law; and,

35.1.9 The security of documents or premises.

35.2 Council is not able to adopt a bylaw nor pass a resolution during the closed portion of the meeting.

35.3 Council shall indicate that the meeting is being closed to discuss a matter pursuant to section 213(3) of the Municipal Act.

36. Appealing a Presiding Officer Decision

36.1 The Yukon Municipal Act section 207 empowers a member to make a motion to appeal a decision of the Presiding Officer made to maintain the order and decorum during a Council meeting; or on any question respecting the order of a Council meeting.

36.2 The appeal motion needs to be seconded.

36.3 The Presiding Officer shall cause the appeal to be voted upon by the other members present.

36.4 If the Presiding Officer refuses to put the appeal to a vote, then Council shall forthwith appoint a member present to act as Presiding Officer for the purpose of deciding the appeal.

36.5 Each member present must vote on the motion.

36.6 The result of the vote is binding.

37. Question of Privilege

37.1 Questions of Privilege are raised when a member believes that the situation is affecting the comfort, convenience, integrity, rights or privileges of the meeting or of a member. Examples include, without limitation: ventilation, temperature, noise, or the introduction of a confidential subject in the presence of the public.

37.2 The member who wishes to raise a Question of Privilege does not need to be recognized by the Presiding Officer and can interrupt the speaker.

38. Points of Order

38.1 Points of Order are raised when a member believes that the Yukon Municipal Act and this Bylaw are not being followed. The rules for raising a Point of Order are:

38.1.1 The member can interrupt a speaker who has the floor;

38.1.2 The motion does not need to be seconded;

38.1.3 The motion is not debatable and cannot be amended.

38.1.4 The decision to accept or reject the motion is decided by the Presiding Officer.

38.1.5 The motion cannot be reconsidered.

38.1.6 When a Point of Order is called, all discussion shall cease until the Point of Order has been decided.

38.1.7 When the Presiding Officer is called upon to decide a Point of Order, the Point of Order shall be stated clearly and without unnecessary comment.

39. Call for Orders of the Day

39.1 This motion is made when a member feels that the meeting agenda is not being followed.

39.2 The motion does not need to be seconded.

39.3 The Presiding Officer may agree and redirect the meeting to the order of business that should be discussed.

39.4 The Presiding Officer may identify the order of business and then make a motion that the current issue under discussion be continued. If a two-thirds vote approves the Presiding Officer's motion, then the Call for Orders of the Day is defeated.

40. Bylaws

40.1 Proposing Bylaws

40.1.1 Unless the Council otherwise resolves, the Council may not consider a proposed bylaw unless: (a) the Chief Administrative Officer, or their designate, has given a copy of it to each Council member and to the Mayor, and (b) it is on the agenda for the meeting.

40.2 Readings and Adoption of Bylaws

40.2.1 The only motion required for the introduction of a Bylaw shall be "That the "...Bylaw" (giving the short title) be now Introduced and Read for the First, Second, or Third Time", whichever the case may be.

40.2.2 A member can request that the whole or any part of the draft bylaw shall be read before the motion is put.

40.2.3 The only motion necessary for the adoption of the bylaw shall be "That the "...Bylaw" (giving the short title) be adopted".

40.2.4 A Bylaw may be given two readings at one Council meeting.

40.3 Reconsideration of Bylaws

40.3.1 The Council may reconsider any part or all of a proposed bylaw before its adoption.

41. Pecuniary Interest

41.1 Council Members shall identify their pecuniary interest at the beginning of a meeting.

41.2 The Municipal Act Paragraph 193.01 defines being in Pecuniary Interest if:

"The matter could monetarily affect the member of Council or an employer of the member of Council; or

The member of Council knows or should know that the matter could monetarily affect a member of their family.

41.3 Council members must identify their pecuniary interest prior to the issue being discussed and then withdraw from the meeting, subject to Municipal Act paragraphs 193.02(1) and 193.02(2).

42. Council Role and Governance

42.1 The role of Council is to provide good governance for the Village, including:

42.1.1 Representing the community as a whole and considering the health, well-being, and interests of the community in all deliberations;

42.1.2 Setting strategic direction, vision, and priorities for the municipality;

42.1.3 Developing and regularly evaluating municipal policies, programs, and services;

42.1.4 Ensuring administrative policies and procedures are in place to implement Council direction;

42.1.5 Ensuring that appropriate policies, systems, and reporting are in place to support the accountability and transparency of the municipality's operations;

42.1.6 Maintaining the long-term financial health, viability, and integrity of the municipality; and

42.1.7 Preserving and protecting the integrity of the elected office.

42.2 The role of administration, led by the Chief Administrative Officer, is to implement Council direction, manage the day-to-day operations of the Village, and provide Council with the information and advice necessary for Council to exercise its governance role. The powers and duties of the Chief Administrative Officer are set out in the Chief Administrative Officer Bylaw (Bylaw 358-19).

42.3 Where direction is provided to the Chief Administrative Officer, that direction shall come from a resolution or bylaw of Council. The Mayor may convey Council's collective direction to the Chief Administrative Officer but does not provide individual direction. No individual member of Council provides direction to the Chief Administrative Officer outside of a properly carried motion of Council, except as specifically authorized by this Bylaw, the Chief Administrative Officer Bylaw, or the Code of Conduct Bylaw.

43. Council–Administration Working Relationship

The relationship between Council and administration is a reciprocal one: administration owes Council timely, complete, and equal information and professional advice (Municipal Act section 184), and Council exercises its governance role through the collective mechanisms set out in this Bylaw. To protect that relationship and ensure all members are equally informed, the following apply:

43.1 Where a member of Council wishes to raise an operational matter for Council's collective consideration, the appropriate mechanism is a Notice of Motion pursuant to section 16.12 of this Bylaw.

43.2 Where, during a Council meeting, a member raises a question regarding an operational matter not on the agenda, the Presiding Officer may:

43.2.1 Refer the member to the information request process in section 44.4 of this Bylaw;

43.2.2 Invite the member to bring a Notice of Motion at the appropriate place in the agenda;
or

43.2.3 With Council's consent, allow the Chief Administrative Officer to respond briefly or take the question on notice for a written response to Council.

44. Information and Communications Between Council and Administration

44.1 Affirmative Duty to Inform Council

44.1.1 The Chief Administrative Officer shall provide Council with the information necessary for Council to exercise its governance role and make strategic decisions, in a timely manner and in a form suited to Council deliberation.

44.1.2 The Chief Administrative Officer shall proactively bring to Council's attention matters of strategic significance, anticipated policy requirements, and material risks or opportunities affecting the municipality.

44.1.3 Where appropriate, reports of the Chief Administrative Officer to Council shall identify the linkage between the matter being considered and the municipality's adopted strategic priorities.

44.2 Equal Information principle

44.2.1 Information provided by the Chief Administrative Officer to one member of Council in response to an inquiry or in support of Council's governance role shall be provided to all members of Council.

44.2.2 Where the Chief Administrative Officer provides substantive operational or strategic information to the Mayor outside of Council meetings, that information shall be shared with

Council at the next available opportunity unless its confidential nature prevents it. Routine procedural coordination between the Chief Administrative Officer and Mayor in support of meeting management and agenda setting is exempt from this section.

44.3 Routine Reporting to Council

44.3.1 The Chief Administrative Officer shall provide Council with the following routine reports on the schedule indicated, subject to Council's amendment by resolution:

- 44.3.1.1 Budget variance report - semi-annually;
- 44.3.1.2 Capital projects status report - semi-annually;
- 44.3.1.3 Legal services and expenditure summary - annually;
- 44.3.1.4 Strategic plan progress report - annually;
- 44.3.1.5 Human resources summary report - annually;
- 44.3.1.6 Other reports as Council may direct by resolution.
- 44.3.1.7 Accounts Payable listing – at each Council Meeting.

44.3.2 Routine reports under section 44.3.1 are in addition to, and do not replace, statutory reporting requirements (including the annual audit) or specific reports directed by Council through Notice of Motion or resolution.

44.3.3 Accounts payable listings are published in the agenda, for information. Expenditures are authorized through Council's adoption of the annual operating and capital budget in accordance with section 239 of the Yukon Municipal Act, and are issued under the signing authority set out in section 240 of that Act. Council does not approve individual expenditures, and the listing is received and filed.

44.3.4 Where a question respecting an item in the accounts payable requires research, or concerns personal information or a matter subject to legal privilege, the appropriate mechanism is a request to the Chief Administrative Officer under section 44.4, or consideration in camera under section 213 of the Yukon Municipal Act.

44.4 Information Requests by Members of Council

44.4.1 Routine information requests requiring minimal staff time shall be addressed by the Chief Administrative Officer in a reasonable time.

44.4.2 Information requests requiring substantial staff time or requiring the production of records beyond what is ordinarily prepared for Council, shall be brought to Council for consideration by motion before being undertaken. Before declining or deferring a request under this section, the Chief Administrative Officer shall advise the member whether the request can reasonably be met within the threshold or scoped to do so. This section does not apply to information reasonably required in respect of a matter already before Council.

44.4.3 Pursuant to the Code of Conduct Bylaw section 8.6.1, members shall only access information where there is a bona-fide connection between the information and a matter before Council, a board, body, or entity created by Council.

44.4.4 Information provided in response to a member's inquiry, where of general relevance to Council, shall be provided to all members of Council in accordance with section 44.2 of this Bylaw.

44.5 Notices of Motion and Council Direction

44.5.1 A Notice of Motion under section 16.12 places a proposed motion on a future agenda. Where such a motion is brought forward and adopted by Council, administration shall prepare a Report to Council for the matter to be acted upon, unless the motion itself concludes the matter or directs another course.

44.5.2 A Notice of Motion that does not advance to a carried motion of Council does not trigger administrative action.

45. Electronic Communications Between Council Members and Between Council and Administration

45.1 Application

45.1.1 This section governs electronic communications, including email and text messages, between members of Council, and between members of Council and the Chief Administrative Officer, on matters of municipal business.

45.1.2 This section does not apply to personal communications between members of Council and/or staff on matters unrelated to municipal business.

45.2 Channels of Record

45.2.1 Communications between members of Council on municipal business, and communications between members and the Chief Administrative Officer, in their capacity as Council members, shall be conducted through municipal email accounts.

45.2.2 Where the Chief Administrative Officer communicates substantive information by email to one member of Council, the Chief Administrative Officer shall ordinarily provide the same information to all members of Council, in accordance with section 44.2.

45.3 No Decisions by Electronic Communication

45.3.1 Council decisions are made at duly convened meetings. No resolution, motion, or other formal decision of Council shall be made by electronic communication.

45.3.2 Where a matter requires Council decision between Regular Council Meetings, the proper mechanism is to schedule a Special Council Meeting convened pursuant to the Yukon Municipal Act.

45.4 Chief Administrative Officer's Consultation on Operational Matters

45.4.1 The Chief Administrative Officer may, on a matter that falls within the Chief Administrative Officer's operational authority and where the Chief Administrative Officer wishes to confirm Council awareness or invite Council input before proceeding, communicate the matter to Council by text message or email.

45.5 Council Reports on Inter-meeting Communications

45.5.1 Any member of Council may, under Council Reports (section 16.12), raise for Council's discussion any matter arising from communications under section 45.4 where the member considers Council deliberation or public discussion warranted.

45.6 Records

45.6.1 Electronic communications between members of Council, and between members and the Chief Administrative Officer, on municipal business are records of the municipality and shall be retained in accordance with the municipality's records retention policy #38-22.

Repealed Bylaws

Bylaw #49-93 Council Procedural Bylaw is hereby repealed.

Bylaw #79-95 Council Procedures Amendment Bylaw is hereby repealed.

This bylaw shall come into full force and effect upon the final adoption thereof.

Read a first time this __th day of _____, 2026.

Read a Second time, this __th day of _____, 2026.

Read a Third time and adopted this __th day of _____, 2026.

Amended by Bylaw #368-20.

Amended by Bylaw #442-26, Council Procedural Bylaw Amendment #2.

Mayor

Chief Administrative Officer

APPENDIX "A"

Regular Council Meeting – Standard Order of Business

This Appendix is provided for reference. The order of business is governed by section 16 of this Bylaw.

1. Call to Order
2. Acknowledgement of Champagne and Aishihik First Nations Traditional Territory
3. Adoption of the Agenda
4. Declaration of Pecuniary Interest
5. Delegations
6. Adoption of Minutes of Regular and Special Council Meetings
7. Public Hearings and Public Input Sessions
8. Unfinished Business
9. New Business
10. Correspondence

11. Council Reports and Notices of Motion
12. Questions from the Public
13. Motion to Close Meeting to the Public
14. Adjournment



Village of Haines Junction Report to Council

September 23, 2026

☒ Council Decision
☒ Council Direction
☐ Council Information
☐ Closed Meeting

RE: Limited-Scope Consulting Contract – Preparation of the Progressive Design-Build Request for Proposals, Recreation Centre and Pool Project

Recommendation

That Council take this report into consideration, endorse the proposed approach to starting the design phase of the Recreation Centre and Pool Project, and confirm the initial design parameters identified in this report.

Background

A new pool and recreation centre has been a long-standing community priority. The 2023 Recreational Needs Assessment identified a pool as the community's most-needed recreation facility. The former pool has been closed since 2018, and the demolition of the Shakwak Hall and pool building was recently completed.

On September 9, 2024, the Village and Champagne and Aishihik First Nations (CAFN) signed the Haines Junction Recreation Centre Project Charter. The Charter set out a shared intent to plan and develop a recreation centre together, established a joint Project Task Team, and confirmed that each Party retains its own decision-making authority. Limited joint work has progressed under it to date, and there is no agreement on cost-sharing, governance, or ownership of a future facility.

The Village holds a Community Development Fund (CDF) agreement for \$110,000, with a \$10,000 contribution from the Village, to advance this project. Approximately \$10,000 has been spent to date. The funding expires on February 28, 2028, and any funds not spent by that date will be lost.

Current Status

Administration prepared a draft Request for Proposals (RFP) for a Design-Bid-Build (DBB) tender. In discussion with Artemis Consulting staff are recommending that the existing RFP be converted to a Progressive-Design-Build (PDB) procurement model. The PDB RFP issued for the Dawson City Recreation Centre was obtained by staff and has been provided to the consultant as a reference.

Scope of the proposed contract

This is a limited contract. It covers the preparation of one procurement document and support for its evaluation. It does not include project management, design, or construction oversight. The consultant's scope is to:

- Convert the draft RFP to the PDB model.
- Structure the RFP so that proponents price all phases (concept option design, schematic design, design development, construction documents and construction), while only the concept option design phase is awarded.
- Require hourly rates for professional disciplines so that scope changes after the concept phase can be priced.
- Require, as proponent deliverables, concept option designs, cost estimates for all phases, seasonal and year-round operating and maintenance (O&M) estimates based on comparable Yukon wages, and an estimate of the owner-side budget the Village should carry (project management, geotechnical, etc.).
- Provide follow-up support and assistance with the evaluation of the proposals received.

The consultant suggested budget of \$8,000 plus GST. Expenses are billed as incurred plus a 5% disbursement charge, and travel is billed at Government of Yukon rates. Administration recommends an upset limit of \$10,000 plus GST, inclusive of fees, disbursements and travel.

The value of this contract would fall within the existing project budget and CDF finding. It is being brought to Council because starting design work on the Recreation Centre and Pool is a policy decision for Council, and because several parameters in the RFP need Council's confirmation before it is issued.

Discussion/Analysis

What is Progressive Design-Build?

In a conventional design-bid-build project, the owner hires an architect to complete a full design, then tenders construction separately. Construction costs are not known with confidence until the tender closes, often after significant design fees have been spent. If bids come in over budget, the project must be redesigned and re-tendered.

Under PDB, a single design-builder (a contractor and designer working as one team) is selected early, mainly on qualifications, approach and rates. The design is developed in stages with the builder's cost input at each step. The owner approves and funds one stage at a time and can stop at the end of any stage, or change direction, without committing to construction. Construction is only awarded once the design and price are acceptable to the owner.

Why this model is recommended

- **Funding readiness.** Most major capital funding programs favour projects that are “shovel-ready,” with a defined design and a reliable cost estimate. PDB allows the Village to reach that point sooner and at lower up-front cost, positioning the project for the earliest possible funding intake, including the anticipated Build Communities Strong Fund and Government of Yukon contributions.
- **Cost certainty.** Cost is tested throughout the design rather than at the end. This is the top priority for a community of our size, where both the capital and long-term operating costs must be affordable.
- **Flexibility.** The design can be amended along the way with limited cost implications, for example if CAFN joins the project, if funding requirements change, or if the program needs to be scaled.
- **Local knowledge.** Involving the builder early brings practical knowledge of northern construction, local conditions and the current market into the design.

The Dawson City example

The Dawson City Recreation Centre was developed under a PDB with the RFP issued in April 2024. Completion is anticipated in 2028. The facility is funded by \$63.9 million from the governments of Canada and Yukon, plus \$8.3 million from Yukon for site preparation. The Dawson project differs from ours in scale and in that the Government of Yukon was the procuring owner. It is included here as a recent, local example of the model successfully taking a recreation facility from procurement through to construction.

Key considerations for Council

1. Operating and maintenance cost target. Council has previously been briefed that the Village can afford a maximum of approximately \$500,000 per year to operate a new facility. The draft RFP uses a design target of \$400,000 per year in FY2028/29, and this figure is included in the draft resolution for Council’s confirmation. The target would be given to proponents as a design constraint. A \$400,000 target leaves a margin below the \$500,000 ceiling unexpected costs and future program growth; a higher target would allow a larger facility or a longer operating season, with less margin. Confirming a target is not a budget approval, it sets the limit the design must be built around.

2. Operating season. The proposed approach is a building capable of year-round use, designed to operate seasonally within the O&M target. Proponents would also estimate the cost of year-round operation, so that a future Council, or a partnership with CAFN, can consider extending the season with accurate information.

3. Relationship with CAFN. CAFN is currently in a period of governance transition. To maintain momentum and meet the CDF deadline, it is proposed that the Village advance the concept design phase now, as a contribution to the shared goal set out in the Project Charter and that CAFN be consulted as the design progresses:

- The Mayor would contact CAFN’s Chief and Council to explain the approach and reaffirm the Village’s interest in working together before the RFP is issued.

- The RFP would require the concept options to be able to accommodate a partnership, including the ability to scale the program should CAFN join.
- In the event a co-governance model can't be reached, the Village carries the full cost of this phase.

There is some risk that proceeding without CAFN's active participation could be perceived as the Village acting alone. Early, direct outreach and presenting the concept options as a starting point for joint discussion, are the best ways to manage that risk.

4. Timeline. The CDF funding must be spent by February 28, 2028. An indicative schedule would see the RFP finalized this fall, issued early in 2027, awarded in spring 2027, and concept options with public engagement completed by the end of 2027. This is achievable but leaves limited room for delay. The draft RFP references substantial completion in FY2028/29. That date should be considered a best case; it depends heavily on factors outside the Village's control, particularly the timing of external capital funding, as well as partnership decisions and construction market conditions.

5. Future decisions return to Council. Approving this contract does not commit the Village to a design-builder or to construction. The award of the concept option design contract, each subsequent design phase, any construction contract, the project's governance and partnership model, and the approach to long-term project management will each come back to Council for decision.

Financial considerations. The contract, to an upset limit of \$10,000 plus GST, will be funded from the CDF agreement and has no direct cost to the Village. The balance of the CDF funding is available for the concept option design phase, the cost of which will be known once proposals are received.

Asset Management Impact

A new recreation centre would be one of the Village's largest assets and ongoing operating commitments. The concept design phase will provide capital, operating and owner-side cost estimates to inform the Village's asset management and long-term financial planning before any commitment to construction.

Alternatives Considered

1. **Proceed as recommended.** Award the limited-scope contract, confirm the design parameters, and begin the PDB process while the Mayor contacts CAFN.
2. **Defer until CAFN's new Council is established.** This would allow CAFN to participate more fully in shaping the design work from the outset. However, it would delay the project, reduce the time available to spend the CDF funding before it expires, and delay the Village's readiness for capital funding intakes.
3. **Proceed using conventional design-bid-build.** Hire an architect to prepare concept designs, with construction tendered separately later. This is a familiar approach, but construction cost certainty would come later in the process and without the builder's input during design.

Alignment with Strategic Priorities

This initiative supports the Investing in the Community focus area of Council's 2025–2028 Strategic Priorities, including the ongoing action to work with CAFN, through the Recreation Charter, to explore the development of a new pool and recreation centre.

Next Steps

- The Mayor contacts CAFN's Chief and Council to explain the approach and invite CAFN's participation.
- Administration executes the contract with Artemis Consulting and finalizes the RFP, incorporating Council's direction on the O&M target, operating season and site.
- The RFP is issued, and the recommendation to award the concept option design returns to Council.
- Administration reports back on options for owner-side project management for later phases.

Draft Resolution

THAT Council endorse the use of a Progressive Design-Build procurement model for the Recreation Centre and Pool Project;

And, that Council authorize a contract with Artemis Consulting for the preparation of the Progressive Design-Build Request for Proposals and evaluation support, to an upset limit of \$10,000.

Prepared by

David Fairbank
Chief Administrative Officer

FAIRNESS BY DESIGN

An Administrative Fairness
Assessment Guide

2022



Canadian Council of
Parliamentary Ombudsmen

Conseil canadien des
ombudsmans parlementaires

A Message from the CCPO

This Fairness by Design guide is an assessment tool that can be used by public organizations across Canada to ensure they have fair decision-making processes and are fair in the design and delivery of their programs. The guide was developed by the Canadian Council of Parliamentary Ombudsman (CCPO). The CCPO is comprised of provincial and territorial Ombudsman (Ombuds) whose mandate is to ensure people are treated fairly in the delivery of public services.

Public organizations can use this guide to ensure their policies, programs and practices are consistent with administrative fairness standards. By following these fairness standards when reviewing or developing public programs, policies and procedures, those who deliver public services are more likely to achieve fair administration and excellence in service delivery. The CCPO encourages all public organizations to regularly review their policies using these fairness standards and invites proactive engagement and consultation with our offices to help build fairness into the design of their programs.

The first edition of this guide was issued in 2019. We are pleased to share this updated and revised second edition.

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INTRODUCTION

Using this Guide

How can you ensure your organization delivers its programs and services fairly and meets the public's expectation they will be treated fairly? You can do this by building fairness into your policies and programs from the start by designing your systems to support fairness in decision making and service delivery. Existing programs should also be evaluated regularly to ensure fairness.

This guide can be used to assess the fairness of your organization's systems, policies and practices. Fairness assessment requires a critical examination of existing and proposed systems and policies, taking steps where needed to revise processes to ensure they are administratively fair. This includes assessing whether your organization is meeting fairness obligations set out in your governing legislation, provincial and territorial Ombuds legislation and administrative law fairness principles, and also meeting broader societal fairness standards.

This guide provides seven fairness standards your organization can use to evaluate and ensure you are meeting your fairness obligations. Included in the guide are examples of what these standards look like in action and two practical resources to support you in implementing these fairness standards: a fairness self-assessment checklist and a one-page overview of the fairness standards.

As you evaluate your organizational framework using this guide, we invite you to think critically about the areas in your organization where gaps may result in unfairness, and use the guide and two resources provided to help identify those gaps and seek improvement where needed.

Benefits of fairness assessment

- ☐ **Demonstrates a commitment to fairness, which can increase public confidence in your organization**
- ☐ **Supports fair decision making and service delivery by your organization**
- ☐ **Gives your organization's employees confidence they are treating the public fairly**
- ☐ **May reduce complaints, improve stakeholder satisfaction and improve staff morale**
- ☐ **May enable public bodies to resolve issues more quickly and efficiently, saving time and money.**

What is Fairness?

Although we all may have an instinctive sense of what fairness is, it can be a difficult concept to define, and there are often different views of the requirements of fairness in any particular case.

In this guide, we focus on the three aspects of fairness shown in the Fairness Triangle below.



Fair Process

Public organizations must follow fair decision-making processes when making decisions that directly impact a person, group of people or organization. This includes meeting the duty of procedural fairness owed to those impacted by a decision. The duty of procedural fairness has two key elements:

1. **Right to be heard:** Those directly impacted by a decision should have an opportunity to understand and meaningfully participate and be heard in the decision-making process.
2. **Right to an impartial decision maker:** The decision maker must have an open mind, be unbiased and not prejudge the decision they will make.

Fair Decision

Public organizations must make fair decisions. Fair decisions follow the applicable rules, consider the individual circumstances and case, are equitable and reflect a fair exercise of discretion. Your organization should ensure it has policies and processes that support making fair decisions.

Fair Service

Public organizations must treat people fairly. Fair service is about how people are treated when they access public programs and services. It includes ensuring your organization provides respectful, accessible and responsive service and is accountable to the public it serves.

FAIR PROCESS STANDARDS

Fairness Standard 1: Participation and Being Heard

Overview

As part of your organization meeting its duty of procedural fairness, ensure that your decision-making processes provide opportunities for individuals to meaningfully participate and be heard when you are proposing actions or making decisions that impact them.

Why participation and being heard matter

Decisions made by public organizations can significantly impact people: This means people affected by a decision should be given information so they can understand the decision being made and meaningfully participate in the decision-making process.

Necessary to making a fair and informed decision: Decision makers need to hear from and gather all relevant information from those impacted by their decisions to make a fair and informed decision.



1.1 Advance notice of an action or decision

- ☐ As part of your organization's decision-making processes, ensure that people and organizations are notified in advance when a decision will be made that will directly impact them.
- ☐ Establish the following for your organization's decision-making processes:
 - Process to ensure those impacted by the decision are notified about it, including how far in advance of the decision this notice should be provided. This time period should be consistent with any notice period set out in legislation.
 - Process for providing notice when urgent decisions must be made. Advance notice may not be possible in urgent circumstances, but must still be provided when required by law. Where advance notice is not possible, the person should be notified as soon as possible about the decision.

How much notice?

The length and nature of notice given before a decision is made will depend on the decision being made.

Generally, the greater the impact and importance of the decision to those affected, the more advanced notice is required and the more information about the decision and decision-making process should be provided.



1.2 Adequate information about the decision being made and the decision-making process

- As part of your organization's decision-making processes, ensure those impacted by a decision are provided understandable information about the following:
- the nature of the decision to be made
 - the decision-making criteria
 - the decision-making process that will be used to make the decision
 - information about what evidence and information the person should provide so an informed decision can be made

In Action: Ensuring participation in the decision-making process

A student applying for a government student loan calls with questions about her application. The agent she speaks to explains to her the basics of the application process, including the eligibility criteria, what information and evidence she needs to provide to establish her eligibility and timelines for applying, and directs her to their website to learn more.

The student now better understands the eligibility criteria for funding and what steps she needs to take to provide the information necessary to determine her eligibility for a student loan.

1.3 Opportunity to be heard

- Decision-making processes should include an opportunity for those directly impacted by the decision to be heard and present their information, evidence and views in support of their position. The extent of the opportunity to be heard provided is flexible and variable and depends on the circumstances of the decision being made and the impact and importance of the decision to those affected by it. The opportunity to be heard provided may include:
- providing access to the information and evidence the decision maker will rely on to make the decision, particularly where it may lead to an unfavourable decision. This is so the person may prepare and provide a response to this information.
 - providing an opportunity to respond to the information and evidence the decision maker is considering, and provide any supplemental or contrary information relevant to the decision.

In Action: Providing an opportunity to be heard

A decision whether to grant a special event permit by a local government generally requires providing the permit seeker a chance to submit written information explaining how they meet the permit requirements.

A disciplinary decision at a correctional centre that may result in an incarcerated person being held in separate confinement requires a formal disciplinary hearing.

1.4 Communicate and document reasons for decisions

- Develop policies and procedures that ensure decisions are clearly communicated to those impacted by them. This includes providing those impacted by the decision an explanation of the decision that is understandable and meaningful to them. See section 4.1 and 4.3 of this guide for more on how to make and communicate fair and reasonable decisions.

Why explain decisions?

- It helps people understand how and why decisions are made. This can support people to accept decisions and also allows them to determine if they wish to appeal the decision.
- It gives the decision maker a chance to check their reasoning and ensure they have made an informed, evidence-based decision and their reasoning is clear and complete.

- Reasons should be documented in accordance with statutory obligations and any organizational requirements.
- Develop template documents to assist staff to effectively communicate reasons for decisions. Reasons should generally include an understandable explanation of:
 - **The issue being decided**
 - **The facts based on the information and evidence considered:** this includes documenting what information was gathered and considered and any findings of fact made. It also includes demonstrating that those impacted by the decision were listened to and their information and evidence was considered when making the decision

In Action: The importance of reasons

A small business owner applies for a wage subsidy so they can hire an extra employee during their busy tourist season. They receive an email about a week later that says:

“We regret to inform you that you are not eligible for a wage subsidy this year because you do not meet the eligibility criteria. Thank you for applying.”

The small business owner is frustrated and feels unfairly treated because they don't understand why their application was found ineligible. They spent several hours on their application and believe they are eligible.

The reasons provided are not adequate because they do not explain how the decision maker made their decision. The reasons should have explained what the eligibility criteria for the wage subsidy were and how the person's information was considered when determining they did not meet the criteria. It should also have informed the person of any appeal or review options.

- **The decision-making criteria:** this includes referring to the applicable law or policy and any other rules used to make the decision
- **An explanation of how the law or policy was applied to the facts:** this includes how the decision-making criteria were applied to the facts to reach the decision. This may include discussing how evidence was weighed and relevant considerations in the decision-making process, and why more weight may have been given to one piece of evidence and why other evidence may have been given less weight or rejected
- **The conclusion or decision reached**
- **Any review or appeal options**



1.5 Timely decisions

- ☐ Establish a clear and reasonable time frame in policy for your organization's decision-making processes. The time frame may be found in legislation, but in the absence of legislated time frames, clear service standards for decision making should be established in your organization's policy or other guidance documents.
- ☐ Establish a process for addressing and responding to delays in decision making. This should include informing those impacted by the delay of the reason for the delay, any steps being taken to address it and when they can expect to receive the decision.

In Action: Tribunal timelines

A tribunal has to appoint a new decision maker unexpectedly so this delays a decision being made by three months. The tribunal notifies the parties to the hearing process of the delay and reasons for it. The tribunal also reviews its practices to determine if steps can be taken to reduce the likelihood of this occurring in the future.



1.6 Adequate appeal or review mechanism

- ☐ Ensure there are avenues available for people to seek a review of a decision they disagree with.
- ☐ Information about your organization's appeal or review process should be clearly explained to the person when the decision is made, including the grounds or basis for appeal, any applicable time limits for requesting an appeal or review, and any other requirements for seeking review of the decision.
- ☐ Develop processes that ensure staff provide clear and meaningful reasons for appeal or review decisions and consistently document the rationale for their decisions. These reasons should include information about any additional internal or external appeal or review options that may be available.

What is an appeal or review?

- An appeal or review process may be formal or informal and provides a way to check that decisions made are fair and reasonable.
- When a person impacted by a decision disagrees with it, they generally should be able to request the decision be reviewed and submit supporting information about why they think the original decision was wrong or unfair.
- A decision maker who was not involved in making the original decision then determines whether there are any procedural or substantive errors that warrant reconsidering or changing the original decision, or asking the original decision maker to make a new decision.

In Action: Appeal granted

A person's application to be registered by their professional college was denied. When the person reviewed the decision, she believed the decision did not consider specific evidence she provided of her professional credentials and experience.

She successfully appealed the decision. On appeal, the decision maker noted that the original decision maker did not appear to have reviewed all of the person's evidence and on review, the evidence demonstrated the person met the requirements to be registered by her professional college.



1.7 Training on procedural fairness

- ☐ Provide staff with regular training in procedural fairness, standards for documenting and communicating reasons, and other topics relevant to ensuring meaningful participation for those affected by your decisions.

Fairness Standard 2: Impartiality and Integrity

Overview

Public bodies are responsible for ensuring employees understand the requirement to be impartial, act with integrity, and exhibit the highest standards of ethical conduct in the delivery of public programs and services. Public sector employees are expected to provide advice, deliver services and make decisions in a manner that is free from personal interest, preference or prejudice.

Why integrity and impartiality matter

Supports public confidence in your organization's decisions:

When the decision maker is and appears to be impartial, unbiased and free from any conflict of interest, this supports public and individual confidence in and acceptance of decisions.

Supports making fair decisions: Decision makers who act with integrity and impartiality are more likely to make fair decisions based on relevant facts and evidence and in accordance with the applicable rules. These decisions are less likely to be seen as arbitrary or based on irrelevant grounds.



2.1 Conflict of interest policy and training

- ☐ Establish a conflict of interest policy to prevent, manage and mitigate perceived, potential and actual conflicts. This includes a process for assessing, responding to and resolving concerns raised by the public about conflict of interest on the part of staff.
- ☐ Ensure all employees receive training on the conflict of interest policy and periodically review and sign off that they understand the expectations with regard to declaring a conflict.

2.2 Impartiality and bias policy and training

- ☐ Develop a process in policy for assessing and responding to concerns raised by the public about bias or lack of impartiality on the part of staff who are making decisions or delivering services. Establish procedures for assessing, responding to, resolving and mitigating such concerns.
- ☐ Provide staff who make decisions that directly impact people with training on impartiality and unconscious/implicit bias. This includes the obligation to assess, disclose and respond appropriately to issues of actual or perceived bias on their part.

Conflict of interest is different than bias

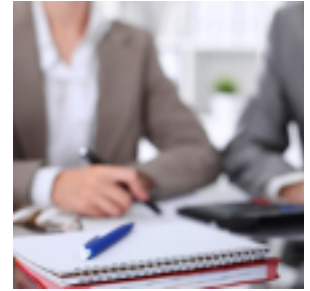
The element of financial or personal gain is what distinguishes conflict of interest from bias.

A conflict of interest arises when an individual's duty to act in the public interest is or may be affected by their personal or financial interest. Where a decision maker identifies a clear conflict of interest in a matter under consideration, they must declare this and refrain from influencing or participating further in the decision-making process.

Bias has been defined by the courts as "a leaning, inclination, bent or predisposition towards one side or another or a particular result" (*Wewaykum Indian Band v. Canada*, 2003 SCC 45 at para 58). Bias is the idea that at the outset, before gathering all the information and evidence required to make an informed decision, the decision maker is already leaning one way or another in terms of the decision they will make. If a decision maker determines they have a bias (actual or perceived) that impacts their ability to be impartial, they should step aside and another decision maker should make the decision.

2.3 Independence of reviews and appeals

- Establish a review or appeals policy that ensures that an independent decision maker is assigned to conduct any review or appeal of a previous decision. For the review of a decision to be fair and seen to be fair, it is important that the person reviewing the decision was not involved in the original decision. This supports an unbiased and objective fresh second look at the matter that is not influenced by the original decision maker.



2.4 Ethical and professional conduct

- Ensure that your organization has systems and policies in place that promote ethical and professional conduct by your staff and organization, and that these expectations are clearly communicated to all employees. This includes training staff in the ethical standards that are expected in your organization.
- Develop and regularly review a code of conduct policy that sets out the expectations for ethical conduct in your organization and creates a shared understanding of the standards your staff are expected to apply in their work. Ensure all employees in your organization review and sign off that they understand these standards of conduct.
- Develop systems to identify, disclose, investigate, record and monitor any code of conduct or ethical concerns or incidents of ethical misconduct that may arise. Ensure these systems comply with public interest disclosure legislation in your province or territory.

FAIR DECISION STANDARDS

Fairness Standard 3: Lawful and Fair Rules

Overview

Ensure your organization establishes and follows lawful and fair rules and decision-making criteria.

Why lawful and fair rules matter

Having fair rules and criteria is necessary to make fair decisions:

Unfair rules and decision-making criteria lead to unfair decisions and outcomes. The rules that are used to make a decision must be fair for the decision itself to be fair.

For rules to be fair they must be lawful: Fairness requires following the law. To ensure fairness, your organization's rules, including policies and decision-making processes, must be consistent with and follow any applicable laws.



3.1 Meet legal requirements

- Ensure compliance with the laws that apply to your programs, services, and decision-making processes, including any governing legislation, administrative law, human rights legislation and the *Canadian Charter of Rights and Freedoms*. To ensure compliance with the law, seek legal, policy and any other advice as necessary. Consider and ensure the following:
 - **Policies and rules must be lawful:** All rules, including policies, procedures and eligibility criteria, must be consistent with the legislation that your program or service operates under, including its intended purpose.
 - **Explain legislative framework:** Ensure policies and procedures explain the legislative framework that your program or service operates under and any legal requirements that must be met.
 - **Define the decision maker and the scope of their legal authority:** Make sure your policies and procedures identify who has legal authority to make specific decisions or take certain actions within your organization. This includes ensuring there is a process in place for the delegation of statutory decision-making power, and clearly outlining the scope and limits of that authority.
 - **Policy should not restrict discretionary power granted by legislation:** Ensure rules and eligibility criteria set out in policy are not more restrictive or burdensome than the governing legislative scheme. See section 4.2 of this guide for more on the fair use of discretion.
 - **Decision-making processes must be procedurally fair:** Decision-making processes must be designed to meet the duty of procedural fairness discussed in the Fair Process section of this guide.

In Action: Unlawful eligibility criteria

A public organization is offering grants to support homeowners to increase the energy efficiency of their homes. The legislation setting out the grant eligibility criteria says the homeowner must submit a quote for the work to be done. In practice, the organization also requires homeowners to submit a history of any other energy efficiency grants they previously received and has adopted a practice of denying applicants who have received a similar grant within the previous two years. The public organization is acting outside its legal authority by imposing an eligibility criterion not required by the legislation.

3.2 Fair rules and decision-making criteria

□ Your program's rules and decision-making criteria must be fair and just. Fair rules and decision-making criteria are:

- **Not arbitrary:** Your organization's decisions and actions should be reasonably tied to the rules, criteria and standards that apply in order to avoid appearing arbitrary.

To be arbitrary is to decide randomly, based on personal opinion or preference, or without regard to applicable rules or standards. Rules and criteria must provide a clear basis for decision making that is logical, understandable and meets the program objectives. When the legislation or policy sets out rules or criteria to apply, these should generally be applied consistently so that similar cases are treated in a similar way.

- **Not oppressive or unreasonably burdensome:** People should not experience unreasonable, burdensome requirements to access your organization's services or benefits.

A rule is oppressive if it overburdens a person seeking access to a process or legal entitlement, imposes unreasonable requirements on a person, is punitive or onerous, or results in an exercise of power by the public body that places the person at an unreasonable disadvantage.

- **Not improperly discriminatory:** Ensure your organization's rules are not improperly discriminatory. When delivering public services, to achieve the purposes of the program or service, public organizations are sometimes required to discriminate, in the sense of making distinctions between different people.

Making distinctions between people becomes *improperly* discriminatory when it distinguishes between people based on personal characteristics (e.g. race, disability or religious belief) in a manner that is contrary to human rights legislation.

Improper discrimination also occurs when the discriminating criteria is not reasonably required to meet the overall purpose of the legislation, program or service.

In Action: Improperly discriminatory

Student loan programs typically only provide funding to applicants who can prove they are registered in post-secondary education. This is an example of reasonable or proper discrimination because it is necessary to achieve the program's purpose of supporting students to attend post-secondary education and it does not exclude people based on personal characteristics protected under human rights legislation.

If the eligibility criteria for a grant intended for all low-income students in a province or territory had the effect of excluding students with a disability from being eligible for the grant, this would be considered improper discrimination. This is because the objective of providing grants to *all* low-income students is not being achieved and the exclusion of students with a disability may be contrary to human rights legislation.

Fairness Standard 4: Reasoned Decisions

Overview

Ensure that your organization has policies and procedures in place that support staff to make informed and well-reasoned decisions.

Why making reasoned decisions matters

Supports fair use of a public organization's power to make decisions that impact people: With this power comes the requirement for decision makers to make well-reasoned decisions that are justifiable, transparent and understandable to those impacted by the decision.



4.1 Framework to support well-reasoned decisions

- Develop policy and guidelines that clearly explain the decision-making steps that should be followed when making decisions on behalf of your organization. This includes:
 - the legislation, policy and other rules to follow when making the decision
 - guidance on how to interpret and follow these rules
 - the scope of decision-making power and how to act within this power
 - the information and evidence that must be gathered to make an informed decision, and
 - how to fairly and equitably consider each individual case and circumstance when making a decision.
- Provide decision makers with the training necessary to make fair and reasonable decisions. This should include knowledge of all relevant legislation, policies and rules and any technical or sector-specific knowledge or expertise required to make a fair decision.



What is a decision?

A decision is an outcome, action, or response by a public organization that directly impacts one or more people or organizations.

Decisions include administrative decisions made by public sector employees under specific legislation, as well as other decisions such as how to respond to a complaint or assess a general service request.

There are generally greater fairness requirements for administrative decisions, but fairness principles should be applied for all decisions where those decisions directly impact people or organizations.

4.2 Fair use of discretion

- Provide staff training and guidance on exercising discretion fairly.
- Policies and guidelines may be adopted to support decision makers to exercise their discretionary power. However, these policies and guidelines must not fetter or restrict the exercise of the full discretionary power granted to the decision maker by legislation and must not be more rigid than or contrary to any legislation that applies. Where applicable, staff should be informed of expectations to seek supervision or to consult with senior staff regarding the exercise of discretionary power.

What is discretion?

Discretion is the element of choice in decision making. It requires using professional judgment and expertise to decide based on the individual case and circumstances and in accordance with any applicable legislation. Exercising discretion fairly requires decision makers to make decisions:

- consistently with any legislation that applies. This includes being consistent with goals and purpose of the legislation and the purpose for which the discretionary power was granted
- independently based on the merits of the case or situation. This includes avoiding adopting policies and practices that lead to a rigid, one-size-fits-all approach to decision making that restricts or fetters the decision maker's discretionary power
- in good faith. The decision must not be based on any improper intent or hidden motive, or be made to achieve a purpose unrelated to the decision-making criteria in the applicable legislation
- based on relevant considerations and not on any extraneous or irrelevant considerations that are not set out in the decision-making criteria

In Action: Fettered discretion

A tribunal's legislation says it may establish non-binding guidelines for its hearing process. It also provides that tribunal members who hear cases may do anything they consider necessary to provide a fair hearing to participants. The tribunal's guidelines state hearings are held in-person.

About two months before a hearing, one of the participants requests the hearing be held by video because they have moved and do not have funds to travel to attend the hearing. The tribunal member denies the request saying the guidelines require the hearing to be in-person. The tribunal member may be fettering their discretion because they have deferred to the guidelines rather than considering the participant's request in light of their authority to do what they consider necessary to provide a fair hearing.

4.3 Reasonable decisions

- Ensure your organization's policies support staff to make reasonable administrative decisions. Administrative decisions generally must meet the legal test of reasonableness set out in administrative law.¹ Reasonable administrative decisions are justifiable, transparent and intelligible to those impacted by them.
 - **Justification:** Considering the legislation and other rules that apply and the particular facts and context of the matter being decided, the reasons given for the decision should justify the outcome.
 - **Transparency:** The reasoning and chain of analysis used to make the decision should be clear to those impacted by the decision.
 - **Intelligible:** The decision can be understood by those impacted by it.

Decision makers should demonstrate given the circumstances and facts of the case and the rules that apply that both the reasoning used to reach the decision and the outcome itself are reasonable.

Legal advice should be obtained to ensure decision makers are supported to make decisions that meet the legal test of reasonableness (or correctness, where applicable) in the context of your organization's decision-making framework.

Ensure decision makers demonstrate justification for decisions

A common pitfall in decisions is a lack of justification for how a decision maker reaches their conclusion on a matter. This can happen when the decision maker relies too much on implied reasoning, and fails to identify how they got from one step to the next in their chain of analysis. One way to avoid this is to ensure decision makers show their thinking when communicating decisions by clearly explaining how the information and evidence gathered was considered in the context of the rules that apply.

In Action: Reasonable decisions

A person who receives income assistance applied for a crisis supplement to pay her heating bill. Because of a late spring cold snap, her bill was unexpectedly \$75 more than usual. She received an email from the government ministry stating: "Your request for a crisis supplement has been reviewed. In your circumstances, we have decided you do not meet the eligibility criteria for a crisis supplement and your request is denied."

This is not a reasonable decision because the decision maker did not provide justification for the decision and did not provide a transparent and understandable explanation of the decision. The decision maker should have provided the person a transparent and understandable explanation of how and why the decision was made. This includes explaining the decision-making rules and criteria and how these were applied to the information and evidence the person provided about their specific circumstances to reach the decision.

¹ In *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 441 D.L.R. (4th) 1, the Supreme Court of Canada determined reasonableness is the presumptive standard for reviewing administrative decisions. It also found courts should use correctness as the standard of review in certain situations.

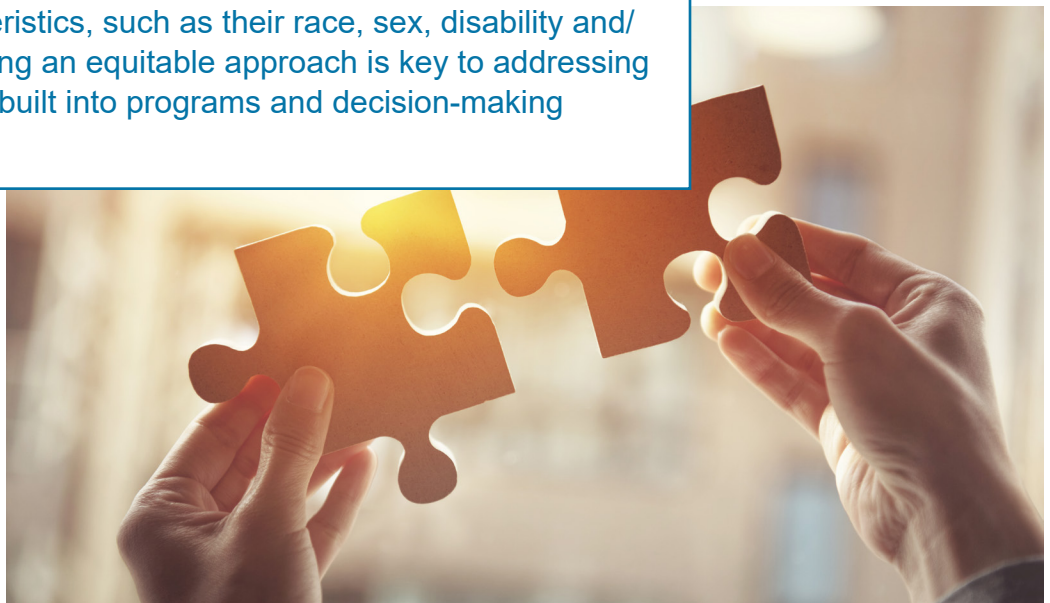
Fairness Standard 5: Equity

Overview

Develop policies and procedures that support equitable programs, policies and decisions that deliver equitable outcomes for all people and groups.

Why being equitable matters

Key to addressing existing inequities in public service delivery and decision making: All people should receive equitable and fair services and outcomes from public organizations. In Canada, institutional and systemic racism, ableism, sexism and other forms of discrimination exist in law, public policy and in our greater society. This means programs and decision-making processes, including those that may appear neutral and fair, may be inadvertently or purposely structured in a way that is inequitable and discriminatory. This leads to less favourable outcomes for certain groups of people because of their personal characteristics, such as their race, sex, disability and/or gender identity. Taking an equitable approach is key to addressing inequities that may be built into programs and decision-making processes.



5.1 Equity lens in program and policy development

- An equity lens should be used when developing or reviewing programs, policy and rules, including decision-making criteria. Using an equity lens requires considering whether people and communities may be unfairly treated differently based on their identity or personal characteristics. It requires your organization to consider whether your programs, policies and decision-making processes, in design or implementation, may intentionally or unintentionally lead to:
 - barriers to people receiving services or benefits
 - people being mistreated or excluded by your services
 - people receiving unfavourable decisions and outcomes based on their identity or personal characteristics
- Review existing eligibility criteria for programs and services to ensure they do not intentionally or unintentionally exclude people or groups or unfairly make it more difficult to meet program or eligibility criteria.
- Take proactive steps to ensure the benefits of your programs and services reach those who may have currently or historically not been treated equitably by your organization. This may include considering whether measures should be taken to address historical and systemic barriers particular groups or communities may face to access your organization's services.

Equity questions to ask

- Will the desired fairness and equity objectives and outcomes be achieved by the program, policy or legislation?
- Is our program and service fair given the circumstances of those groups, individuals or organizations we aim to serve?
- Will the policies or rules being developed unfairly or inadvertently exclude or lead to unfavourable outcomes for certain people or groups based on their personal characteristics?
- Do the eligibility criteria being used to make decisions unfairly advantage or disadvantage certain people or groups based on their personal characteristics?

What is equity?

Being equitable means taking steps to ensure the programs and services your organization delivers do not treat people unfavourably or lead to lesser outcomes because of their personal characteristics.

Why think about equity?

Considering equity in the development of your programs and policies will assist your organization to be fair to those your organization serves and to ensure all people receive the level and type of program and service they are entitled to. The goal should not be to treat everyone the same, but rather treat people according to their needs and circumstances and work to remove any structural barriers that impact people's access to public services.

5.2 Diverse and representative perspectives and approaches

- ☐ Your organization's staff recruitment and retention approaches should support creating and maintaining a diverse workforce. Your organization's staff should reflect the diversity of the population you serve.
- ☐ When revising or building your programs or services, seek input from a diverse range of people and perspectives in your community. The development of fair and equitable programs and services requires hearing from and incorporating the perspectives of the people and groups who use your organization's services.



Why are diverse perspectives important?

Every person has their own unique life experiences that shape their needs and expectations for receiving public services.

The meaning of fairness and justice can be shaped by personal characteristics, circumstances, worldviews and experiences. Hearing from and incorporating the perspectives from a diversity of people and groups will support your organization to deliver more equitable and effective services.

FAIR SERVICE STANDARDS

Fairness Standard 6: Accessibility and Responsiveness

Overview

Your organization's programs and decision-making processes should be accessible and responsive to all people and communities that use them. Establish processes and training programs that support respectful treatment and fair consideration of the needs and circumstances of all people in the delivery of your programs and services.

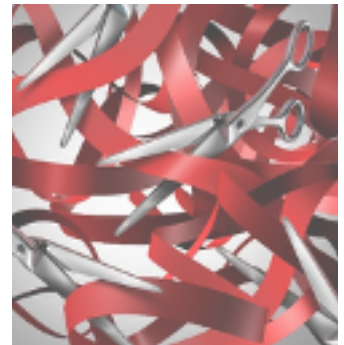
Why accessibility and being responsive matters

Everyone your organization serves should have timely and easy access to your programs and services: A diverse range of people access public programs and services. This should be accounted for in the design and delivery of your organization's programs and services. Administrative structure and policies should not present barriers to timely and easy access to your organization's services.



6.1 Accessible services and information

- Develop and implement a service model that is accessible to the diversity of people and communities who access your organization's services. This includes:
 - Create accessible, culturally safe and inclusive workspaces and services for your service users and staff.
 - Consider the needs and perspectives of the people who use your organization's services and seek their involvement and input when designing and delivering your service.
 - Ensure your service is accessible to and meets the diverse needs of those your organization serves, particularly those who may face barriers to accessing your service.
 - Minimize any unnecessary regulatory or administrative burdens to accessing your programs and services. It should not take unreasonable effort for members of the public to obtain the services and information they need from your organization.
 - Ensure understandable, plain language information about your programs, policies and decision-making processes is readily available to the people and communities served by your organization. This information should be accurate, complete, clear and understandable, and kept up to date. It should also be available in the languages of your service users. Additionally, translation and interpreter services should be made available in multiple languages, including local Indigenous languages where possible.
 - Offer access to your organization's services in a variety of ways, including online, in-person, by mail, fax and toll-free telephone line. Develop materials that explain your organization's services for people who do not have electronic access to such information (i.e., brochures, pamphlets, fact sheets).



- Ensure people can use the advocacy or support people and services of their choice when they access your organization's service
 - Conduct regular accessibility audits and reviews of your program and service delivery model to ensure any accessibility barriers are addressed. This should include regular surveys of program users to seek to understand and address any barriers they face to accessing your organization's services.
- ☐ Ensure your organization complies with any accessibility legislation in your province or territory.

6.2 Responsive service

- ☐ Train and support staff to provide responsive and people-centred service. This includes:
- Develop service delivery standards. This includes establishing reasonable timelines for delivering services, making decisions and responding to an enquiry or concern. Clearly communicate these standards to staff and the public who access your services.
 - Provide staff training and education on the service standards, rules and decision-making processes they are expected to follow in their work.
 - Develop policies and procedures that support delivering services in a way that reflects a trauma-informed approach and cultural humility.
 - Clearly and immediately communicate to staff about any policy and procedure changes that impact their work.
 - Support staff to provide timely service and avoid unnecessary delays in program delivery. Ensure any delay is explained to those impacted, including information about when a decision or service is expected to be provided. Efforts should be made to minimize any potential hardship resulting from the delay.
 - Develop policies and procedures that empower staff to respond efficiently and effectively to enquiries, requests and complaints.

Why have service standards?

Clear service standards can help manage expectations of those who are accessing your services, while holding the organization accountable for maintaining timeliness in service delivery. This demonstrates accountability and transparency on the part of the public body providing the service.

- Conduct regular education and training in issues relating to providing respectful, inclusive, accessible services. Training may include: trauma-informed practice, conflict resolution, administrative fairness, respectful communication, dealing with vulnerable persons, cultural humility, cultural fluency, mental health and responding to challenging behavior.

6.3 Indigenous perspectives

- ☐ Collaborate with Indigenous leaders and communities in the development and delivery of your organization's services, and ensure your services are respectful and accessible to these communities.
- ☐ Ensure your programs and services are designed in a manner that reflects and meets the Truth and Reconciliation Commission of Canada's [Calls to Action](#) and the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP), along with any provincial or territorial legislation relating to UNDRIP.

6.4 Privacy and information management

- ☐ Ensure your information and records management system complies with the privacy and information management laws in your province or territory. This include ensuring your systems adequately protect personal information held by your organization from a privacy breach. It also includes training staff on their obligations under privacy and information laws and informing staff of their duties to protect personal information in accordance with the requirements set out in the applicable privacy law.



Fairness Standard 7: Accountability

Overview

Demonstrate accountability by developing a robust and accessible complaints process, and by fostering a culture of ongoing quality review and continuous service improvement.

Why accountability matters

Supports public confidence in your organization: Organizations can demonstrate accountability by proactively reviewing and addressing service delivery issues in their programs or policies. This supports public confidence in government and the broader public sector.

Ensures programs or policies that are not functioning well are fixed: Delivering services fairly includes fixing programs and services that are not working well. Accountable public organizations work to improve policies, programs and processes that are unfair, do not function properly, or fail to meet their intended objectives.



7.1 Seek continuous improvement

- Regularly review your organization's processes, including policy, procedures and guidelines to assess how they are functioning. This may include seeking the views of stakeholders on how well your program is operating and what could be improved. Following each review, develop an implementation plan that identifies what actions are to be taken, by whom and any applicable timelines.
- When a program, policy or other aspect of your organization is not functioning well, take steps to address the problem. This may include collaborating with staff and other stakeholders to determine the best solution.
- Keep staff informed of any continuous improvement initiatives, including any policy or practice changes that result from a review of a complaint.



7.2 Develop a complaint process

- Develop a complaint resolution policy and process, and encourage service users to provide feedback on your programs and services by establishing an organizational culture of valuing and welcoming complaints.
- Ensure your complaint process is publicly available and that your service users are made aware of and can easily access it. This includes providing information about how to raise a concern or complaint about your organization and how complaints are assessed.

Why complaints are important

- Complaints are an important form of feedback on how well an organization is doing in terms of its services, systems and staff. An effective complaints resolution process can help to restore trust after something has gone wrong and help organizations improve their services.
- For more information on how to set up a complaint process, refer to the BC Ombudsperson's [*Complaint Handling Guide*](#).

7.3 Track feedback and complaints

- ☐ Develop and implement a system for tracking complaints and compliments to capture feedback about your organization's systems and processes. Track the outcome of complaints and any changes or service improvements made as a result of complaints.
- ☐ Regularly review and share your complaint data internally with a view to seeking improvement in your organization's service delivery.

7.4 Support apologies

- ☐ Develop an apology process or policy that details the procedure to be followed and the events and circumstances in which your organization believes apologies should be given.
- ☐ Provide practical training to staff at all levels of the organization on the importance of apologies, and empower them to apologize when appropriate by providing information about when and how to issue an apology for a service issue identified.

How to give an effective apology

Key features of an effective apology include the 5 Rs:

- **Recognition:** a description and recognition of the wrong and acknowledgment of the harm caused
- **Responsibility:** an acceptance of responsibility for the problem
- **Reasons:** an explanation of the cause of the problem or promise to investigate the cause
- **Regret:** an expression of sincere regret
- **Remedy:** an explanation of what you and your organization are going to do to address the problem

For more information: Refer to the BC Ombudsperson's [*On Apologies Quick Tip*](#)

FAIRNESS SELF-ASSESSMENT CHECKLIST

This checklist can be used by your organization to conduct a self-assessment of the fairness of your programs, policies and decision-making processes. It highlights and links back to the key principles of the *Fairness by Design: An Administrative Fairness Assessment Guide*. The checklist is fillable so you can note whether and how you are meeting each standard using the check boxes and fillable text box below each checklist.

ORGANIZATION:	
BRANCH/SERVICE:	
COMPLETED BY:	
DATE:	

Fairness Standard 1: Participation and Being Heard

Can those directly impacted by our organization's decisions meaningfully participate and be heard in the decision-making process?		
1.1	Do we provide advance notice of actions or decisions to those directly impacted by them?	☐
1.2	Do we give adequate information about the decision being made and the decision-making process?	☐
1.3	Do we ensure those impacted by the decision have an opportunity to be heard?	☐
1.4	Are the reasons for decisions effectively explained and communicated and well-documented?	☐
1.5	Do our policies and processes ensure timely decisions?	☐
1.6	Do we have an adequate appeal or review mechanism?	☐
1.7	Do our staff receive regular training on procedural fairness?	☐
Have we implemented this fairness standard? Describe how below.		

Fairness Standard 2: Impartiality and Integrity

Do we support our staff to act with integrity and be impartial?		
2.1	Have we established a policy that effectively manages any potential or actual conflict of interest and trained staff on the policy?	☐
2.2	Do we have a policy established to ensure impartial and unbiased decision making and have we trained staff on impartiality and bias?	☐
2.3	Do we ensure independent decision makers are used for reviews and appeals of decisions?	☐
2.4	Do we promote and support ethical and professional conduct by staff through our system and policy design, code of conduct and staff training?	☐
Have we implemented this fairness standard? Describe how below.		

Fairness Standard 3: Lawful and Fair Rules

Do we use lawful and fair rules when delivering our organization's services?		
3.1	Does the design and delivery of our programs, services and decision-making processes comply with all applicable laws and legal requirements?	☐
3.2	Do we have fair rules and decision-making criteria for making decisions and delivering our programs and services?	☐
Have we implemented this fairness standard? Describe how below.		

Fairness Standard 4: Reasoned Decisions

Do we have policies, procedures and systems in place to support staff to make informed and well-reasoned decisions?		
4.1	Do our policies, guidelines and training clearly explain the decision-making steps that decision makers should follow to make fair decisions on behalf of our organization?	☐
4.2	Do our policies, processes and training support staff to exercise discretion fairly?	☐
4.3	Do our policies, processes and training support staff to make reasonable administrative decisions?	☐
Have we implemented this fairness standard? Describe how below.		

Fairness Standard 5: Equity

Do our policies, procedures and systems support equitable program and service delivery and equitable decisions and outcomes for all people and communities we serve?		
5.1	Do we use an equity lens when developing or reviewing programs, policies and rules, including decision-making processes and criteria?	☐
5.2	Do we have a workforce that is diverse and representative of the diversity of the population our organization serves? When developing or revising our programs and services, do we seek input from the diverse range of people and communities we serve?	☐
Have we implemented this fairness standard? Describe how below.		

Fairness Standard 6: Accessibility and Responsiveness

Are our programs and decision-making processes accessible and responsive to the people and communities served by our organization?		
6.1	Is our service delivery model accessible to the diversity of people and communities our organization serves?	☐
6.2	Are staff trained and supported to provide responsive and people-centred service?	☐
6.3	Do we work collaboratively with Indigenous leaders and communities in the development and delivery of our organization's services?	☐
6.4	Do we have a privacy and information management system in place that complies with applicable privacy and information legislation and ensures personal information is protected?	☐
Have we implemented this fairness standard? Describe how below.		

Fairness Standard 7: Accountability

Do we demonstrate accountability in the delivery of our organization's program and services?		
7.1	Do we seek continuous improvement by regularly reviewing our programs, policies and processes and by fixing problems and things that are not working well?	☐
7.2	Do we have a complaint resolution policy and process that is accessible and effective?	☐
7.3	Do we track feedback and complaints and use this information to improve our organization's services?	☐
7.4	Do we have an apology process or policy that supports and empowers staff to apologize when warranted?	☐
Have we implemented this fairness standard? Describe how below.		

FAIRNESS STANDARDS OVERVIEW

Standard 1: Participation and Being Heard

- Provide advance notice of a decision
- Give adequate information about the decision and decision-making process
- Provide an opportunity to be heard
- Ensure reasons for decisions are explained and documented
- Ensure decisions are timely
- Have an adequate appeal/review process

Standard 2: Impartiality and Integrity

- Have a conflict of interest policy and training
- Ensure decisions are made impartially and without bias or personal interest or benefit
- Ensure an independent decision maker is used for appeals or reviews
- Ensure high ethical and professional standards

Standard 3: Lawful and Fair Rules

- Comply with all applicable laws and legal requirements when delivering services and making decisions
- Use fair rules and decision-making criteria to make decisions and deliver services

Standard 4: Reasoned Decisions

- Train and support decision makers to make well-informed, reasonable and fair decisions consistent with the applicable rules
- Ensure discretionary power is exercised fairly and reasonably
- Ensure decisions made are reasonable (justifiable, transparent & understandable)



Standard 5: Equity

- Use equity lens in design of programs, policies and decision-making processes
- Seek diverse perspective of communities served in developing and revising programs
- Ensure organization reflects the diversity of the communities the organization serves

Standard 6: Accessibility and Responsiveness

- Ensure service delivery model supports programs and services that are accessible to the people and communities served
- Train and support staff to provide responsive and people-centred service
- Collaborate with Indigenous communities in design and delivery of organization's services
- Meet privacy and information management obligations

Standard 7: Accountability

- Develop a culture of continuous improvement
- Have an accessible and effective complaint process
- Use feedback and complaints to improve services
- Support apologies when warranted



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OMBUDSPERSON
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Office of the Citizens' Representative
Province of Newfoundland and Labrador



Nova Scotia Office
of the Ombudsman



ONTARIO'S WATCHDOG
CHIEN DE GARDE DE L'ONTARIO



Ombudsman
Saskatchewan
Promoting Fairness



Yukon
Ombudsman