



CITY OF YELLOWKNIFE

GOVERNANCE AND PRIORITIES COMMITTEE AGENDA

Monday, August 12, 2019 at 12:05 p.m.

Chair: Mayor R. Alty,
Councillor N. Konge,
Councillor S. Morgan,
Councillor J. Morse,
Councillor C. Mufandaedza,
Councillor S. Payne,
Councillor R. Silverio,
Councillor S. Smith, and
Councillor R. Williams.

<u>Item</u>	<u>Description</u>
1.	Approval of the agenda.
2.	Disclosure of pecuniary interest and the general nature thereof.
ANNEX A	
3.	A memorandum regarding whether to enter into a Memorandum of Understanding with the Yellowknives Dene First Nation.
ANNEX B	
4.	A memorandum regarding whether to approve a Child Care Facility as a Conditionally Permitted Use at Lots 21, 22, 23, & 24, Block 47, Plan 140 (5203 53 rd Street).
ANNEX C	
5.	A memorandum regarding whether to authorize Mayor Alty to attend the Livable Cities Forum in Victoria, B.C. from October 28 – October 30, 2019.
ANNEX D	
6.	A discussion regarding whether to present for adoption a resolution to establish a Community Grants and Heritage Grants Working Group.
<u>IN CAMERA</u>	
ANNEX E	
7.	A contractual matter.
8.	A personnel matter.



<u>Item No.</u>	<u>Description</u>
9.	Business arising from In Camera Session.



CITY OF YELLOWKNIFE

MEMORANDUM TO COMMITTEE

COMMITTEE: Governance and Priorities

DATE: August 12, 2019

DEPARTMENT: Administration

ISSUE: Whether to enter into a Memorandum of Understanding with the Yellowknives Dene First Nation.

RECOMMENDATION:

That Council direct the Mayor and City Administrator to enter into a Memorandum of Understanding with the Yellowknives Dene First Nation (YKDFN).

BACKGROUND:

The City and the YKDFN first entered into a memorandum of understanding in 2002. Since that time the social, political, and legal environment has changed. The relationship between the City and the YKDFN has evolved along with these changes, however a new Memorandum of Understanding that reflects these changes has not been established.

COUNCIL POLICY / RESOLUTION OR GOAL:

2019 – 2022 City of Yellowknife Strategic Plan

Value – Reconciliation: The City is committed to reconciliation with Indigenous peoples

GOAL #3: Ensuring a high quality of life for all, including future generations

Council Motion #0324-15

That Council adopt the following recommendations on how to move forward on the actions recommended by the *Truth and Reconciliation Commission of Canada: Calls to Action*:

Article 43: Adopt the *United Nations Declaration on the Rights of Indigenous Peoples*

Article 47:	The Mayor corresponds with the GNWT to ensure that any and all laws that rely upon the Doctrine of Discovery and terra nullius are repudiated.
Article 57:	That funding be identified for the provision of skill-based training for all City staff to undergo that will provide a learning experience on the history of Aboriginal peoples relating to residential schools; UN Declaration on the Rights of Indigenous Peoples; Treaties and Aboriginal Rights, Indigenous Law; and, Aboriginal–Crown relations.
Articles 75, 76, and 77:	The Mayor correspond with the GNWT and School Boards encouraging them to ensure that they provide any and all information pertaining to identification, documentation, maintenance, commemoration, and protection of residential school cemeteries/sites where residential school children are buried, and for them to provide all known records to the National Centre for Truth and Reconciliation.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:

1. *Truth and Reconciliation Commission of Canada: Calls to Action*; and
2. United Nations Declaration on the Rights of Indigenous Peoples.

CONSIDERATIONS:

Indigenous Relations

The City and YKDFN have been working proactively together without a formal agreement that reflects the current relationship. The Memorandum of Understanding will reflect the current relationship and provide a roadmap for how the City and YKDFN work together to continuously improve their relationship and work on common areas of interest.

ALTERNATIVES TO RECOMMENDATION:

The City not enter into a Memorandum of Understanding with YKDFN.

RATIONALE:

The City and the YKDFN each have distinct governance authorities and responsibilities towards their residents and members, however the interests of all persons living in the communities are best served by the Parties working together in the spirit of reconciliation and cooperation to achieve mutual benefits.

Building stronger government-to-government relationships will help create a level of certainty for the City and the YKDFN’s respective communities and ensure an important dialogue that seeks to improve the quality of life for all residents.

Entering into the Memorandum of Understanding will contribute to establishing cooperative relationships for the purpose of sharing information, improving communications, addressing specific issues of mutual interest, and raising awareness and understanding of the Yellowknives Dene.

ATTACHMENTS:

Memorandum of Understanding between the City of Yellowknife and the Yellowknives Dene First Nation (DM #560555).

Prepared: August 1, 2019; KS

Revised:



CITY OF YELLOWKNIFE

THIS MEMORANDUM OF UNDERSTANDING executed this _____ day of _____, 2019.
(the "MOU")

BETWEEN:

**THE MUNICIPAL CORPORATION
OF THE CITY OF YELLOWKNIFE**
(the "City")

AND

YELLOWKNIVES DENE FIRST NATION
(the "Yellowknives Dene")

MEMORANDUM OF UNDERSTANDING

WHEREAS:

- A. Action is given to this Memorandum of Understanding (MOU) through BCR # _____ of the Yellowknives Dene First Nation and Motion # _____ of the City of Yellowknife.
- B. The City is a municipal corporation under the *Cities, Towns and Villages Act*.
- C. Yellowknives Dene First Nation is the representative of the Yellowknives Dene people who have lived on, and been a part of, the land in and around Yellowknife since time immemorial.
- D. The Yellowknives Dene have been caretakers of the Yellowknife area since time immemorial.

- E. The municipality of Yellowknife is located on Chief Drygeese territory, the unceded lands of the Yellowknives Dene and Treaty 8 territory.
- F. Development on Yellowknives Dene territory has had immeasurable impact on the land and lives of the Yellowknives Dene.
- G. Council of the City expressed a desire to address the *Truth and Reconciliation Commission of Canada: Calls to Action* ("TRC Calls to Action"), by adopting recommendations (Council Motion #0324-15).
- H. In response to TRC Call to Action 43, Council of the City adopted the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") in Council Motion #0324-15.
- I. The City and the Yellowknives Dene are committed to reconciliation, as defined by the Truth and Reconciliation Commission of Canada, as "establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country". In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted and a willingness to take the steps necessary to follow a path forward defined by collaboration and respect.
- J. The City and the Yellowknives Dene each have distinct governance authorities and responsibilities towards their residents and members, and acknowledge that the interests of all persons living in the communities are best served by the Parties working together in the spirit of reconciliation and cooperation to achieve mutual benefits.
- K. The City and the Yellowknives Dene seek to work together and support each other, guided by common values and mutual interests.
- L. The City and the Yellowknives Dene recognize that building stronger government-to-government relationships will help create a level of certainty for their respective communities and ensure an important dialogue that seeks to improve the quality of life for all residents.
- M. The City and the Yellowknives Dene wish to enter into an agreement with the intention and desire to establish cooperative relationships for the purpose of sharing information, improving communications, addressing specific issues of mutual interest, and raising awareness and understanding of the Yellowknives Dene.

NOW THEREFORE the parties agree to uphold a government to government relationship, as partners towards a better future and in the spirit of reconciliation, as follows:

1 PRINCIPLES OF COOPERATION

- 1.1 The Parties will meet regularly at the political level through joint Council meetings and at the administrative level to promote and encourage open and constructive dialogue based on mutual trust, honesty and respect.
- 1.2 The Parties will approach the work set out in this MOU in a way that ensures that each Party acquires and maintains a full understanding of the others' public initiatives, governing structures, traditions, jurisdiction and responsibilities.

2 JOINT COUNCIL MEETINGS

- 2.1 Councils of the respective Parties will meet at least once per year to discuss matters under this MOU or any other matter of common interest.
- 2.2 Unless the Parties agree otherwise, the meetings referred to in this section will alternate between locations within the City of Yellowknife, Ndilo and Dettah.
- 2.3 Joint Council meetings shall be chaired by the Mayor or Chief of the host community and minutes will be taken by the host community to be shared and approved by both parties.
- 2.4 A quorum for a Joint Council Meeting will be two Members of Council from the City and four Members of Council from the Yellowknives with at least one Member of Council from each Ndilo and Dettah present.
- 2.5 The Parties may invite such additional participants to the meetings referred to in this section as they consider necessary or advisable from time to time to aid in their consideration of the matters to be discussed.

3 KEY AREAS OF MUTUAL INTEREST

- 3.1 The Parties agree to work together on the following key interests and any other shared interests identified in the future:
 - (a) intergovernmental coordination;
 - (b) land use planning and management;
 - (c) culture and heritage protection;
 - (d) environmental protection;

- (e) economic development;
- (f) infrastructure planning and management;
- (g) shared and reciprocal services;
- (h) capacity building;
- (i) sustainable healthy communities;
- (j) emergency management;
- (k) appropriate engagement and consultation protocol;
- (l) the development and maintenance of good working relationships; and
- (m) any other matter, as mutually agreed to by both parties.

4 COMMUNICATION

- 4.1 The Parties acknowledge that the success of these government-to-government relationships will hinge upon open and transparent communications based on trust, respect, and mutual understanding.
- 4.2 Each of the Parties acknowledges that information provided to the other Party in the course of activities contemplated by this MOU may be subject to the information and privacy legislation and the Parties agree to abide by any such legislation.
- 4.3 In cases where a Party wishes to provide information to the other Party in expectation of confidentiality, it may so indicate and the other Party will, acting reasonably, accept and hold such information in confidence to the extent permitted by law.

5 TERM OF AGREEMENT

- 5.1 This MOU shall take effect upon the adoption of authorizing resolutions by each respective Council.
- 5.2 The Parties recognize that this MOU is a living document and may be subject to amendment from time to time by mutual agreement. The amendments must be in writing and authorized by resolution of each respective Council.

5.3 This MOU will remain in effect unless terminated by a Party by providing thirty (30) days' notice in writing, to be delivered by hand, facsimile or registered mail requiring acknowledgement on delivery.

6 EFFECT OF MOU

6.1 This MOU does not in any way fetter, limit or restrict the legislative jurisdiction of the respective Councils nor does it commit a Party to any obligation not specifically set out herein.

6.2 This MOU does not affect any Aboriginal or Treaty right, title or interest of the Yellowknives Dene.

6.3 This MOU does not create any rights or legal obligations between the Parties.

7 ADDRESSES

7.1 Where notice is required, or is permitted to be served on one Party by the other, the notice will be given in writing and may be delivered personally, delivered or sent by mail at the following addresses:

Notices to: City of Yellowknife
P.O. Box 580
Yellowknife, NT X1A 2N4
Attention: City Administrator

Notices to: Yellowknives Dene First Nation
P.O. Box 2514
Yellowknife, NT X1A 2P8
Attention: Chief Executive Officer

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF the parties hereto have executed this Memorandum of Understanding as of the day and year first written above.

MUNICIPAL CORPORATION OF
THE CITY OF YELLOWKNIFE

YELLOWKNIVES DENE FIRST
NATION

Mayor

Chief

Chief

City Administrator

Chief Executive Officer

DRAFT



CITY OF YELLOWKNIFE

MEMORANDUM TO COMMITTEE

COMMITTEE: Governance and Priorities

DATE: August 12, 2019

DEPARTMENT: Planning and Development

ISSUE: Whether to approve a Child Care Facility as a Conditionally Permitted Use at Lots 21, 22, 23, & 24, Block 47, Plan 140 (5203 53rd Street).

RECOMMENDATION:

That Council approve Development Permit PL-2019-0211 for a proposed Child Care Facility as a Conditionally Permitted Use at Lots 21, 22, 23, & 24, Block 47, Plan 140 (5203 53rd Street) with conditions regarding provisions of the Zoning By-law as required by the Development Officer.

BACKGROUND:

The Yellowknife Daycare Association's newly constructed Child Care Facility at 5121 52nd Street is operating at full capacity. To effectively service the residents of Yellowknife, the Association is seeking approval for a supplementary Child Care Facility within an existing institutional building known as the St. Patrick Parish Hall at 5203 53rd Street. Located on the periphery of downtown, the proposed Child Care Facility will allow the Association to care for an additional 30 children.

Map-1 indicates that the proposed Child Care Facility is located approximately 100m from the newly constructed facility on 52nd Street. Between the facilities are well maintained sidewalks in addition to a four-way-stop intersection with traffic-calming features. The proximity of the existing and proposed facilities with the pedestrian friendly connection will allow for a safe and timely transit between the two venues. This is why the Association is looking to use part of St. Patrick Parish Hall as a satellite facility.

The existing Child Care Facility at 5121 52nd Street is located in the Downtown zone. Child Care Facilities are a permitted use in the Downtown zone and a development permit for the new building was issued in 2017. The proposed Child Care Facility at St. Patrick Parish Hall is located in the R2-Residential zone. Child Care Facilities are a Conditionally Permitted Use in the R2 zone. As such, a decision from Council is required.

Map-1 – Location of the proposed Child Care Facility and the newly constructed Yellowknife Day Care Association Child Care Facility.



COUNCIL POLICY / RESOLUTION OR GOAL:

Council Goal #3 - Ensuring a high quality of life for all, including future generations

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:

1. *Community Planning and Development Act, S.N.W.T. 2011;*
2. *General Plan By-law (2011) No. 4656, as amended; and*
3. *Zoning By-law No. 4404, as amended.*

CONSIDERATIONS:

Legislative

The City of Yellowknife is granted the authority to control land uses by way of a Zoning By-law under Section 12 of the *Community Planning and Development Act*.

2011 General Plan

Lot 21, 22, 23, & 24, Block 47 is designated as Residential Community within the General Plan. This designation allows for institutional and commercial uses that are compatible with neighbourhoods such as an education facility, community centre, and church. Commercial and Institutional uses shall be generally limited to sites along arterial or collector roads. 52nd Street is classified as a collector road.

Zoning By-law

Section 2.4(1)(a) of the Zoning By-law states that Council shall:

“Make decisions and state any terms and conditions for development permit applications for those uses listed as Conditionally Permitted Uses.”

Zones within the Zoning By-law list the land uses that are permitted on an applicable parcel of land. In addition, zones may also list a series of Conditionally Permitted Uses that may be permitted by Council for a parcel of land after due consideration is given to the impact of the use upon neighbouring land and other lands in the City.

The subject property is located within the R2 – Residential Low Density zone and is adjacent to the DT – Downtown zone boundary. Child Care Facility is a Conditionally Permitted Use in the R2 zone. The purpose of the R2 zone is to provide an area for low density residential development in the form of single detached & duplex dwellings in addition to other compatible uses. Child Care Facility is defined as *“The use of a non-residential building for child care providing supervision outside the home of the parents”*. Child Care Facilities and Public & Quasi-public uses play an important role in the establishment and maintenance of a neighbourhood’s built form and community identity and the proposed use will operate in a long-established institutional use building.

Land uses within close proximity to the proposed Child Care Facility include restaurants, convenience store, multi-unit residential and single detached dwellings. Should Council choose to approve this Conditionally Permitted Use, there is still the requirement to complete the Development Permit process for the Child Care Facility. Administration recommends approval of the Child Care Facility with any conditions deemed necessary by the Development Officer through the development permit review process. Approval of the land use is the logical first step for the developer.

Traffic

Site circulation, vehicle pick up and drop off, parking, and any requested changes to the local speed limits will be considered and evaluated during the development permit review. Some pick up and drop off is expected to occur at the St. Patrick Parish Hall site; however, the majority will remain at the 52nd Street facility. The pickup and drop off area will be located on the St. Patrick Parish Hall property and not on the city road network.

Building Function

Development Permit review will include evaluations from applicable city departments including the Fire and Building Services Divisions. The developer will be advised of any further permitting requirements in order to address life safety and building function concerns.

Neighbourhood Notification

Section 3.7 (2) of the Zoning By-law specifies that all property owners within 30 metres or a greater circulation area specified by the Development Officer of land under consideration for a Conditionally Permitted Use must be provided notice. On August 2nd, 2019, all owners and lessees of land within 30 m of the subject property were mailed a letter prepared by staff advising of the proposed development. To date, no submissions in response to the proposed development have been received.

ALTERNATIVES TO RECOMMENDATION:

That Council not approve Development Permit PL-2019-0211 for a proposed Child Care Facility as a Conditionally Permitted Use at Lots 21, 22, 23, & 24, Block 47, Plan 140 (5203 53rd Street) with conditions regarding provisions of the Zoning By-law as required by the Development Officer.

RATIONALE:

The subject property is located on 52nd Avenue adjacent to the downtown core. The proposed Child Care Facility will be located in an established institutional use building and the land use is not anticipated to negatively affect the neighbourhood. The Child Care Facility aligns with municipal land use policies and authorized uses in the R2 – Residential Low Density zone.

ATTACHMENTS:

1. Neighbourhood notification letter (DM#567204); and
2. 30 m neighbourhood notification buffer map (DM# 568619).

Prepared: July 24, 2019; DL

Revised: August 2; RL



CITY OF YELLOWKNIFE

August 2, 2019

Lot 21, 22, 23, & 24, Block 47 Plan 140 - File: PL-2019-0211

«AddressBlock»

To Whom It May Concern,

NOTICE OF A PROPOSED LAND USE IN YOUR NEIGHBOURHOOD LISTED AS A CONDITIONALLY PERMITTED USE

Section 3.7(2) of the City of Yellowknife Zoning By-law No. 4404 requires the delivery of this notice. The purpose of this notice is to allow all affected landowners to comment on the proposal before the City makes a decision on it.

An application has been received from the Daycare Association of Yellowknife to use the building located at 5203 53 Street (also known as the St Patrick Parish Hall), as a Daycare. The Daycare has been identified as a "Child Care Facility", definition within Zoning Bylaw No. 4404. A "Child Care Facility" is a Conditionally Permitted Use within the R2 – Residential Low Density zone. There are no proposed additions to the outside of the structure.

Written comments of affected landowners must be received at City Hall by 4:30 PM on **August 19, 2019**. Comments may be sent via email to prough@yellowknife.ca or by regular mail at the address below.

Please note that after **August 19, 2019**, the Development Officer or Council may deal with the application whether or not the comments or recommendations have been received. Your views will be considered by the City. However, please keep in mind that the Zoning By-law's regulations limit the discretion, which may be used when making these decisions, and that all decisions must be consistent with the long-term goals of the community as a whole. All Property owners have been notified within a 30 m radius of the subject property.

Please feel free to call Darren Lucas, Planner at the City's Planning and Lands Division at 867-920-5675 (during regular business hours) if you have any questions about this notice or the proposed Conditionally Permitted Use.

Please address written comments to: Darren Lucas,
Planner
City of Yellowknife, Planning & Lands Division
P. O. Box 580
Yellowknife NT X1A 2N4



Scale 1:



CITY OF YELLOWKNIFE

MEMORANDUM TO COMMITTEE

COMMITTEE: Governance and Priorities

DATE: August 12, 2019

DEPARTMENT: Mayor's Office

ISSUE: Whether to authorize Mayor Alty to attend the Livable Cities Forum in Victoria, B.C. from October 28 – October 30, 2019.

RECOMMENDATION:

That Council authorizes Mayor Alty to attend the Livable Cities Forum in Victoria, B.C. from October 28 – October 30, 2019.

BACKGROUND:

The Livable Cities Forum: Building Better Communities through Resilience will take place from October 28 – 30, 2019 at the Victoria Conference Centre in Victoria, British Columbia. This forum offers sessions and diverse speakers on climate change action. The 2019 Forum is designed to showcase the importance of climate change planning and implementation at the local level.

COUNCIL POLICY / RESOLUTION OR GOAL:

Policy 260-T1 To outline the procedures for authorizing members of Council, including the Mayor, (hereinafter referred to as "Council Members") to travel on City related business.

Motion #0365-93 It is the policy of the City of Yellowknife that:

- 1) (a) All City sponsor travel by Yellowknife City Council members, inclusive of the Mayor, be approved by formal resolution of Council either prior to commencement of the travel, or at the first regular Council meeting after commencement of the travel; and

(as amended by Motion #0373-02)

- 2) (a) All travel claims must be submitted with a detailed daily diary within three weeks of the Councillor's return from City sponsored travel.
- (b) Travel reports and claims are to be audited by the Mayor's Administrative

Assistant and provided to the City Clerk for review by the appropriate Committee of Council.

- (c) If, after three weeks, such claims and/or reports are not received, the Mayor's Office shall advise the Councillor in writing, with a copy provided to the City Clerk.
- (d) If claims and/or reports remain outstanding after four weeks, notice will be provided to the City Clerk so that the Claimant's name can be added as an action item to the next regular Priorities, Policies and Budget committee agenda.
- (e) Travel claims and/or reports that remain outstanding in excess of six weeks will result in a suspension of future travel on behalf of the City until such time as the travel claim and/or report is tabled.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:

- 1. Council Remuneration By-law No. 4982, and
- 2. Financial Administration By-law No. 4206, as amended.

CONSIDERATIONS:

The following is a cost estimate for attendance to the Livable Cities Forum in Victoria, B.C.:

Accommodation	\$	567.00 plus tax	(3 nights)
Travel	\$	585.11	
Meals and Incidentals	\$	528.80	(4 days)
Approximate cost:	\$	1,680.91	

ALTERNATIVES TO RECOMMENDATION:

That Council does not authorize Mayor Alty to attend the Livable Cities Forum in Victoria, B.C. from October 28 – October 30, 2019.

RATIONALE:

Attendance to the Livable Cities Forum in Victoria, B.C., will allow Mayor Alty to advance Council's Goals and Objectives for our community.

ATTACHEMENTS:

None.

Prepared: July 30, 2019 PM

GRANT REVIEW RESOLUTION

That a working group be struck made up of the following representatives:

- The Grant Review Committee;
- Three members of the Heritage Committee;
- Representation from Administration as appropriate.

That the working group be tasked with:

1. Consider ways that the Grant Review Committee and Heritage Committee can work together to allocate grant funding;
2. Consider whether Festivals should be reviewed and funded by PCED;
3. Review, from an accounting/legal perspective, whether funds allocated to a Festival need to be included in our cap on grants (2% of the unrestricted revenue of the municipal corporation for the previous fiscal year);
4. Review and revise the application process for grants to ensure it's as streamlined and simple for applicants as possible;
5. Review, and revise if applicable, the Grant Policy to determine:
 - a. Whether the current maximum amount eligible per stream is appropriate;
 - b. Whether the streams are appropriate and adequately defined;
 - c. Whether the guiding principles are appropriate and adequately defined;
 - d. Whether the funding priorities are appropriate and adequately defined; and
 - e. Other sections as deemed necessary.