



MINUTES - VICTORIA CITY COUNCIL

January 6, 2022, 10:47 A.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT Mayor Helps in the Chair, Councillor Alto, Councillor Andrew,
ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Director, People and Culture, K. Hoese - Director of Sustainable Planning and Community Development, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, L. Van Den Dolder - Assistant City Solicitor, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, C. Kingsley - City Clerk, S. Stoltz - Committee Secretary, D. Atkinson - Acting Fire Chief, C. Anderson - Deputy City Clerk

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the meeting held November 4, 2021

Moved By Councillor Alto
Seconded By Councillor Dubow

That the minutes from the meeting held November 4, 2021 be adopted.

CARRIED UNANIMOUSLY

C.2 Minutes from the meeting held December 2, 2021

Moved By Councillor Alto

Seconded By Councillor Dubow

That the minutes from the meeting held December 2, 2021 be adopted.

CARRIED UNANIMOUSLY

C.3 Minutes from the meeting held December 9, 2021

Moved By Councillor Alto

Seconded By Councillor Dubow

That the minutes from the meeting held December 9, 2021 be adopted.

CARRIED UNANIMOUSLY

E. UNFINISHED BUSINESS

E.1 Council Member Motion: City of Victoria continues to support the legal challenge of the Government of Quebec – Bill 21

Council received a Council Member Motion dated December 15, 2021 from Councillor Dubow regarding the current legal challenge against the Government of Quebec's Bill 21.

Council discussed:

- *The importance of upholding the Charter of Rights and Freedoms*
- *The desire to keep any contribution from the City of Victoria proportionate to those from other municipalities of a similar size*

Moved By Councillor Dubow

Seconded By Councillor Potts

Therefore Be It Resolved:

1. That the City of Victoria support the current legal challenge against the discrimination of freedom of religion in Quebec's Bill 21 - An Act respecting the laicity of the State; and
2. That the Council of the Corporation of the City of Victoria authorize funding of up to \$50,000 from the 2022 Contingency to the joint legal challenges of Bill 21 by National Council of Canadian Muslims (NCCM), the World Sikh Organization of Canada (WSO) and the Canadian Civil Liberties Association (CCLA), with staff identifying the appropriate funding source; and
3. That a copy of this Resolution be sent to:
 1. the Union of British Columbia Municipalities, the Federation of Canadian Municipalities (FCM) and the Association of Vancouver Island and Coastal Communities requesting they share with all their members inviting municipal and local authorities to support the legal challenge; and

2. the Capital Regional District and all Members of Parliament-House of Commons that represent British Columbia, and all Members of the legislative assembly of British Columbia.

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Dubow

Therefore Be It Resolved:

1. That the City of Victoria support the current legal challenge against the discrimination of freedom of religion in Quebec's Bill 21 - An Act respecting the laicity of the State; and
2. That the Council of the Corporation of the City of Victoria authorize funding of **\$10,000** from the 2022 Contingency to the joint legal challenges of Bill 21 by National Council of Canadian Muslims (NCCM), the World Sikh Organization of Canada (WSO) and the Canadian Civil Liberties Association (CCLA), with staff identifying the appropriate funding source; and
3. That a copy of this Resolution be sent to:
 1. the Union of British Columbia Municipalities, the Federation of Canadian Municipalities (FCM) and the Association of Vancouver Island and Coastal Communities requesting they share with all their members inviting municipal and local authorities to support the legal challenge; and
 2. the Capital Regional District and all Members of Parliament-House of Commons that represent British Columbia, and all Members of the legislative assembly of British Columbia.

Amendment to the amendment:

Moved By Mayor Helps

Seconded By Councillor Young

Therefore Be It Resolved:

1. That the City of Victoria support the current legal challenge against the discrimination of freedom of religion in Quebec's Bill 21 - An Act respecting the laicity of the State; and
2. That the Council of the Corporation of the City of Victoria authorize funding of **\$7,650** from the 2022 Contingency to the joint legal challenges of Bill 21 by National Council of Canadian Muslims (NCCM), the World Sikh Organization of Canada (WSO) and the Canadian Civil Liberties Association (CCLA), with staff identifying the appropriate funding source; and
3. That a copy of this Resolution be sent to:
 1. the Union of British Columbia Municipalities, the Federation of Canadian Municipalities (FCM) and the Association of Vancouver Island and Coastal Communities requesting they share with all their members inviting municipal and local authorities to support the legal challenge; and
 2. the Capital Regional District and all Members of Parliament-House of Commons that represent British Columbia, and all Members of the legislative assembly of British Columbia.

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe, Councillor Young
OPPOSED (4): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

CARRIED (5 TO 4)

On the amendment:

Therefore Be It Resolved:

1. That the City of Victoria support the current legal challenge against the discrimination of freedom of religion in Quebec's Bill 21 - An Act respecting the laicity of the State; and
2. That the Council of the Corporation of the City of Victoria authorize funding of **\$7,650** from the 2022 Contingency to the joint legal challenges of Bill 21 by National Council of Canadian Muslims (NCCM), the World Sikh Organization of Canada (WSO) and the Canadian Civil Liberties Association (CCLA), with staff identifying the appropriate funding source; and
3. That a copy of this Resolution be sent to:
 1. the Union of British Columbia Municipalities, the Federation of Canadian Municipalities (FCM) and the Association of Vancouver Island and Coastal Communities requesting they share with all their members inviting municipal and local authorities to support the legal challenge; and
 2. the Capital Regional District and all Members of Parliament-House of Commons that represent British Columbia, and all Members of the legislative assembly of British Columbia.

Amendment to the amendment:

Moved By Councillor Isitt

Seconded By Councillor Dubow

Therefore Be It Resolved:

1. That the City of Victoria support the current legal challenge against the discrimination of freedom of religion in Quebec's Bill 21 - An Act respecting the laicity of the State; and
2. That the Council of the Corporation of the City of Victoria authorize funding of **\$9,500 based on a contribution of 10 cents per capita** from the 2022 Contingency to the joint legal challenges of Bill 21 by National Council of Canadian Muslims (NCCM), the World Sikh Organization of Canada (WSO) and the Canadian Civil Liberties Association (CCLA), with staff identifying the appropriate funding source; and
3. That a copy of this Resolution be sent to:
 1. the Union of British Columbia Municipalities, the Federation of Canadian Municipalities (FCM) and the Association of Vancouver Island and Coastal Communities requesting they share with all their members inviting municipal and local authorities to support the legal challenge; and
 2. the Capital Regional District and all Members of Parliament-House of Commons that represent British Columbia, and all Members of the legislative assembly of British Columbia.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Andrew, Councillor Thornton-Joe, Councillor Young

CARRIED (6 TO 3)

On the amendment:

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

OPPOSED (2): Councillor Thornton-Joe, Councillor Young

CARRIED (7 TO 2)

On the main motion as amended:

Therefore Be It Resolved:

1. That the City of Victoria support the current legal challenge against the discrimination of freedom of religion in Quebec's Bill 21 - An Act respecting the laicity of the State; and
2. That the Council of the Corporation of the City of Victoria authorize funding of \$9,500 based on a contribution of 10 cents per capita from the 2022 Contingency to the joint legal challenges of Bill 21 by National Council of Canadian Muslims (NCCM), the World Sikh Organization of Canada (WSO) and the Canadian Civil Liberties Association (CCLA), with staff identifying the appropriate funding source; and
3. That a copy of this Resolution be sent to:
 1. the Union of British Columbia Municipalities, the Federation of Canadian Municipalities (FCM) and the Association of Vancouver Island and Coastal Communities requesting they share with all their members inviting municipal and local authorities to support the legal challenge; and
 2. the Capital Regional District and all Members of Parliament-House of Commons that represent British Columbia, and all Members of the legislative assembly of British Columbia.

Council discussed:

- *The importance of solidarity in situations like these, and the hope that other municipalities will contribute as well*
- *What will be done to foster support for this action throughout the Province*

Councillor Loveday requested that the questions be called separately.

Amendment:

Moved By Mayor Helps

Seconded By Councillor Dubow

3. That the Council of the Corporation of the City of Victoria authorize funding of \$9,500 based on a contribution of 10 cents per capita from the 2022 Contingency to the joint legal challenges of Bill 21 by National Council of Canadian Muslims (NCCM), the World Sikh Organization of Canada (WSO) and the Canadian Civil

Liberties Association (CCLA), ~~with staff identifying the appropriate funding source; and~~

CARRIED UNANIMOUSLY

On the main motions as amended:

1. That the City of Victoria support the current legal challenge against the discrimination of freedom of religion in Quebec's Bill 21 - An Act respecting the laicity of the State; and

CARRIED UNANIMOUSLY

2. That the Council of the Corporation of the City of Victoria authorize funding of \$9,500 based on a contribution of 10 cents per capita from the 2022 Contingency to the joint legal challenges of Bill 21 by National Council of Canadian Muslims (NCCM), the World Sikh Organization of Canada (WSO) and the Canadian Civil Liberties Association (CCLA), with staff identifying the appropriate funding source; and

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Andrew, Councillor Thornton-Joe, Councillor Young

CARRIED (6 TO 3)

1. That a copy of this Resolution be sent to:
 1. the Union of British Columbia Municipalities, the Federation of Canadian Municipalities (FCM) and the Association of Vancouver Island and Coastal Communities requesting they share with all their members inviting municipal and local authorities to support the legal challenge; and
 2. the Capital Regional District and all Members of Parliament-House of Commons that represent British Columbia, and all Members of the legislative assembly of British Columbia.

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the January 6, 2022 COTW Meeting

F.1.a.a Council Member Motion: North and South Jubilee Neighbourhood

Council discussed:

- *The potential non-statutory public hearing, and the fact that the area in question is one neighborhood with two associations that wish to continue doing their work separately*

Moved By Councillor Thornton-Joe
Seconded By Councillor Isitt

That no non-statutory public hearing be held with respect to the North Jubilee Neighbourhood and South Jubilee Neighbourhood as the neighbourhood associations have currently stated that they are not interested in merging their CALUC functions at this time.

CARRIED UNANIMOUSLY

G. BYLAWS

G.1 Bylaw for Parks and Recreation Fees Amendment Bylaw

Moved By Councillor Isitt
Seconded By Councillor Loveday

That the following bylaw **be given first, reading:**

1. Parks and Recreation Fees Bylaw, Amendment Bylaw (No. 12) No. 22-006

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Loveday

And that Council direct staff to bring a proposed amendment to the January 13 Council meeting modeled along the following language:

That the North Park Neighbourhood Association be exempted from the payment of fees for community events convened in the Royal Athletic Park.

Amendment to the amendment:

Moved By Mayor Helps
Seconded By Councillor Potts

And that Council direct staff to bring a proposed amendment as part of the 2022 Parks and Recreation Fees Amendment Bylaw modeled along the following language:

That the North Park Neighbourhood Association be exempted from the payment of fees for community events convened in the Royal Athletic Park.

CARRIED UNANIMOUSLY

On the amendment:

And that Council direct staff to bring a proposed amendment as part of the 2022 Parks and Recreation Fees Amendment modeled along the following language:
That the North Park Neighbourhood Association be exempted from the payment of fees for community events convened in the Royal Athletic Park.

CARRIED UNANIMOUSLY

On the main motion as amended:

That the following bylaw **be given first reading:**

1. Parks and Recreation Fees Bylaw, Amendment Bylaw (No. 12) No. 22-006

And that Council direct staff to bring a proposed amendment as part of the 2022 Parks and Recreation Fees Amendment Bylaw modeled along the following language:

That the North Park Neighbourhood Association be exempted from the payment of fees for community events convened in the Royal Athletic Park.

CARRIED UNANIMOUSLY

G.2 Bylaw for Temporary Borrowing

Moved By Councillor Alto

Seconded By Councillor Andrew

That the follow bylaw **be given first, second and third readings:**

1. Temporary Borrowing Bylaw, 2022 No. 22-005

CARRIED UNANIMOUSLY

G.3 Bylaw for Streets and Traffic Bylaw Amendment Bylaw

Moved By Councillor Alto

Seconded By Councillor Loveday

That the following bylaw **be adopted:**

1. Streets and Traffic Bylaw Amendment (No. 11) Bylaw, 2021 No. 21-111

CARRIED UNANIMOUSLY

G.4 Bylaw for 330-336 Michigan Street: Revised Victoria Housing Reserve Fund Grant Application

Councillor Potts recused herself at 12:24 p.m. due to a conflict of interest with this item, as she lives in close proximity to the parcel in question.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted:**

1. Housing Agreement (330-336 Michigan Street) Bylaw (2021) No. 21-104

CARRIED UNANIMOUSLY

Councillor Potts returned to the meeting at 12:24 p.m.

H. CORRESPONDENCE

H.1 Letter from the District of North Saanich

Council received a letter dated December 15, 2021 from the District of North Saanich regarding parental leave for elected officials.

Moved By Councillor Andrew
Seconded By Councillor Alto

That the letter be received for information.

CARRIED UNANIMOUSLY

H.2 Letter from the Minister of Public Safety and Solicitor General

Council received a letter dated December 7, 2021 from the Minister of Public Safety and Solicitor General regarding an extension of current Temporary Expanded Service Area (TESA) authorizations from June 1, 2022 to October 1, 2022.

Moved By Mayor Helps
Seconded By Councillor Alto

That the letter be received for information.

CARRIED UNANIMOUSLY

Council recessed at 12:30 p.m. and reconvened at 1:31 p.m.

I. NEW BUSINESS

I.1 Short Term Licence Appeal - 891 Fullerton Avenue

Council received a report dated December 7, 2021 from the City Clerk regarding documents from the Appellants and the City's Licence Inspector for Council's consideration under the Short-term Business Licence Appeal Process Policy for a short-term rental unit located at 891 Fullerton Avenue.

Mayor Helps provided a background on the Short Term Rental Business License Appeal process.

The City Clerk introduced the appeal and the recommended motion.

Council deliberated the appeal based on the evidence provided by the appellant and information provided by the License Inspector.

Moved By Councillor Isitt
Seconded By Councillor Young

That Council receive this report for information and uphold the License Inspector's denial of a business license for the short-term rental unit at 891 Fullerton Ave.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Young

OPPOSED (3): Councillor Andrew, Councillor Potts, Councillor Thornton-Joe

CARRIED (6 TO 3)

J. CLOSED MEETING

Moved By Councillor Andrew

Seconded By Councillor Young

MOTION TO CLOSE THE JANUARY 6, 2022 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

Section 90(1)(c) labour relations or other employee relations;

Section 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED UNANIMOUSLY

Council entered the closed meeting at 1:53 p.m.

K. APPROVAL OF CLOSED AGENDA

Moved By Councillor Andrew

Seconded By Councillor Alto

That the closed agenda be approved.

Amendment:

Moved By Councillor Thornton-Joe
Seconded By Councillor Andrew

That all Closed minutes be added to the Consent Agenda.

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

Council decided to postpone item E.4 by unanimous consent.

L. CONSENT AGENDA

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the following items be approved without further debate

CARRIED UNANIMOUSLY

L.1. Minutes from the closed meeting held October 14, 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the closed meeting held October 14, 2021 be approved.

CARRIED UNANIMOUSLY

L.2. Minutes from the closed meeting held October 21, 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the closed meeting held October 21, 2021 be approved.

CARRIED UNANIMOUSLY

L.3. Minutes from the closed COTW meeting held November 4, 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the closed COTW meeting held November 4, 2021 be approved.

CARRIED UNANIMOUSLY

L.4. Minutes from the closed meeting held November 4, 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the closed meeting held November 4, 2021 be approved.

CARRIED UNANIMOUSLY

L.5. Minutes from the closed COTW meeting held December 2, 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the closed COTW meeting held December 2, 2021 be approved.

CARRIED UNANIMOUSLY

L.6. Minutes from the closed meeting held December 2, 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the closed meeting held December 2, 2021 be approved.

CARRIED UNANIMOUSLY

L.7. Minutes from the closed meeting held December 9, 2021

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the minutes from the closed meeting held December 9, 2021 be approved.

CARRIED UNANIMOUSLY

N. NEW BUSINESS

N.1. Law Enforcement - Community Charter Section 90(1)(f)

Council discussed a law enforcement matter.

The discussion was recorded and kept confidential.

N.2. Appointment - Community Charter Section 90(1)(a)

Council discussed an appointment matter.

The discussion was recorded and kept confidential.

N.3. Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter.

The discussion was recorded and kept confidential.

N.4. Legal Advice - Community Charter Section 90(1)(i)

This item was deferred.

N.5. Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter.

The discussion was recorded and kept confidential.

All staff except for the City Manager were excused from the closed meeting at 3:02 p.m.

N.6. Employee Relations - Community Charter Section 90(1)(c)

Council discussed an employee relations matter.

The discussion was recorded and kept confidential.

R. ADJOURNMENT

Moved By Councillor Isitt

Seconded By Councillor Dubow

That the Closed Council meeting be adjourned at 3:30 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR