



**REGULAR MEETING OF MUNICIPAL COUNCIL
RESORT MUNICIPALITY OF WHISTLER
MINUTES**

Tuesday, November 21, 2023, 5:30 p.m.
Franz Wilhelmsen Theatre at Maury Young Arts Centre
4335 Blackcomb Way, Whistler, BC V8E 0X5

PRESENT: Mayor J. Crompton
Councillor A. De Jong
Councillor J. Ford
Councillor R. Forsyth
Councillor C. Jewett
Councillor J. Morden
Councillor J. Murl

STAFF PRESENT: Chief Administrative Officer, V. Cullen
General Manager of Corporate Services and Public Safety, T. Battiston
General Manager of Infrastructure Services, J. Hallisey
General Manager of Climate Action, Planning and Development Services, D. Mikkelsen
General Manager of Community Engagement and Cultural Services, K. Elliott
Fire Chief, T. Doherty
Manager of Development Planning, Melissa Laidlaw
Manager of Communications, J. Smith
Manager of Recreation, R. Weetman
Manager of Legislative Services/ Corporate Officer, P. Lysaght
Deputy Corporate Officer, C. Hodgson
Firefighter/Inspector, D. Sibbald
Firefighter, C. Tilley
Communications Senior Officer, J. Montague
Planning Analyst, B. McCrady
Council Coordinator, P. Mendieta

OTHERS: Whistler Blackcomb Chief Operating Officer, Belinda Trembath
Members of the Whistler Fire Rescue Service

1. CALL TO ORDER

Mayor J. Crompton recognized the Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lílwat People, known in their language as Liłwat7úl, and the Squamish People, known in their language as Skwxwú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

November 21, 2023

2. ADOPTION OF AGENDA

Moved By Councillor R. Forsyth

Seconded By Councillor C. Jewett

That Council adopt the Regular Council Meeting agenda of November 21, 2023, as amended to remove the Code of Conduct presentation from Agenda Item 7.5.

CARRIED

3. ADOPTION OF MINUTES

Moved By Councillor J. Morden

Seconded By Councillor J. Ford

That Council adopt the Special Regular Council Meeting minutes of November 2, 2023 and the amended Regular Council Meeting minutes of November 7, 2023, circulated on November 21, 2023.

CARRIED

4. PRESENTATIONS AND DELEGATIONS

4.1 Presentation of Fire Helmet – UBCM Training Session

A presentation was given Fire Chief, T. Doherty and Firefighter/Inspector, D. Sibbald regarding the Fire Helmet – UBCM Training Session.

4.2 Whistler Blackcomb Winter Operations Update

An update was given from Whistler Blackcomb's Chief Operating Officer, B. Trembath, regarding Winter Operations at Whistler Blackcomb.

5. PUBLIC COMMENT AND QUESTION PERIOD

Questions asked in person.

Stephanie McHugh, Alpine Meadows

Stephanie McHugh asked Council to consider their vote regarding the Code of Conduct Bylaw in tonight's agenda. Ms. McHugh highlighted a key concern mentioned in the staff report, which suggested that one reason for voting against staff recommendation was the apprehension about Council members having to act as both judge and jury in matters involving a fellow Council member.

She asked Council to reflect on several outcomes of adopting Option B: ethical duties are outlined in both the Code of Conduct and the *Community Charter*. Having a Code of Conduct would serve as a guide to help Council members avoid errors by clearly outlining prohibited conduct in a readily accessible document rather than requiring constant reference to the *Community Charter*. Ms. McHugh asked the Council members

November 21, 2023

if they knew how to locate ethics prohibitions in the *Community Charter* to fulfill their ethical duties.

In response, Mayor Crompton shared his belief that the *Community Charter* is an accessible document, and he frequently refer to it. He acknowledged that one of the goals of the proposed code is to enhance Council members' accessibility to these provisions.

Alexandra Kanitz, Alpine Meadows

Alexandra Kanitz outlined potential impacts on the Resort Municipality of Whistler and Whistler electors if Council opts for Option B in the Code of Conduct staff report. First, she drew attention to the significant financial implications, noting that the cost of court proceedings for a disqualification application could range from \$50,000 to \$500,000, excluding potential appeals. Ms. Kanitz questioned whether these expenses have been budgeted for in 2024?

Additionally, Ms. Kanitz expressed concerns about the potential disruption to the work and productivity of the Council. She asked Council if they could guarantee no disruption to productivity if a member were required to step down pending a court resolution? Furthermore, she inquired about the likelihood of the Council initiating court proceedings, given that a two-thirds majority vote is required under Option B?

Ms. Kanitz also raised transparency and accountability issues, noting that under Option B, discussions related to ethical violations might not occur in an open council meeting. She questioned how electors would be informed that ethical concerns were being addressed under Option B. She highlighted the potential delay in a court decision, which might extend beyond a Council member's term. She asked how the Council can explain the relevance of a remedy that might produce results after the member has left office?

Lastly, Ms. Kanitz pointed out the impacts on electors' confidence if Option B doesn't include conduct, such as restrictions on accepting gifts and the prohibition of influencing decisions in financial conflicts of interest. She questioned how electors could have confidence in the Council if it did not agree to these fundamental prohibitions being part of a Code of Conduct.

In response, the Mayor stated that when the Code of Conduct agenda item is addressed, Council will likely refer it back to staff for further examination and refinement from the Governance and Ethics Standing Committee (GAESC). The Mayor pointed out that Council is eager to do more work through the GAESC and a Committee of the Whole meeting to share it with the community.

David Fox, Whistler Cay

David Fox spoke to a letter from K. Reynolds included in tonight's agenda, which calls for Whistler to take a position regarding the ceasefire in the Middle East war. Mr. Fox identified himself as a member of the Jewish community and an active participant in Jewish affairs in Vancouver. He expressed the immense stress and pressure the Jewish

November 21, 2023

community has been experiencing, particularly in light of antisemitic sentiments that surfaced around the events of October 7, 2023 in Gaza.

Mr. Fox emphasized his belief that the Council must ensure the safety of every community member, regardless of their religion. He urged that Council not take up the matter, stating his preference for a neutral stance. In his view, this issue should not be a subject for discussion in Whistler, as addressing it could inadvertently contribute to increased pressure on the Jewish community.

Stephanie McHugh, Alpine Meadows

Stephanie McHugh returned to the podium at the discretion of the Chair and emphasized the advantages of having a Code of Conduct with a process that provides various solutions and a cost-effective method for resolving issues as they arise. In contrast, she noted that under Option B, the only recourse is to go to court to disqualify a Council member from office. Ms. McHugh pointed out that this option is costly, slow, distressing, time-consuming, and likely to attract province-wide attention with limited available remedies.

She posed a series of questions to the Mayor and Council, asking if Council members would like to expose themselves to Court proceedings as the only option to resolve ethics issues, or had considered the increased expenditure on court proceedings and legal advice if they voted for Option B? Further she mentioned the possible loss of entitlement to pensions if Council members were disqualified from office. Additionally, she questioned whether Council members had considered the extra work required during the time it takes to resolve allegations against other Council members in court, noting that such matters can take up to two years to resolve, excluding the time for potential appeals?

Alexandra Kanitz, Alpine Meadows

Alexandra Kanitz also returned to the podium at the discretion of the Chair and expressed concerns about Council members being able to engage in challenging conversations about each other's conduct. She asked how residents could have any confidence that Council members will do this with other people or organizations when residents' interests are at risk?

Finally, she asked why Council is choosing to amend the Code of Conduct against provincial guidance and staff recommendations? Ms. Kanitz questioned why the process took considerable time from both Council and staff, especially when there were clear recommendations from the province and other municipalities?

Mohammad Aljamous, Creekside

Mohammad Aljamous expressed his support for the letter written by K. Reynolds advocating for peace. Mr. Aljamous highlighted the importance of acknowledging the ongoing events in the world, particularly the conflict mentioned in the letter. He believes that Whistler could take a stance for peace and align with Canadian government principles and policies.

November 21, 2023

Mr. Aljamous emphasized the responsibility of each individual to advocate for peace. In his view, Whistler, as a community, can promote a peaceful resolution to conflicts. He suggested that the town could contribute to a broader culture of understanding and collaboration by expressing support for peace initiatives.

6. MAYOR'S REPORT

Mayor and Council provided an update on activities happening within the community.

7. ADMINISTRATIVE REPORTS

**7.1 LLR01394 - Bar Oso Liquor Primary Capacity Increase Report No. 23-114
File No. 4320-30-1394**

Moved By Councillor C. Jewett

Seconded By Councillor J. Murl

That Council approve the application for Bar Oso, located at 150-4222 Village Square in Whistler Village, to increase the licensed capacity on the lower level of the establishment from 18 to 58 persons for its Liquor Primary Licence no. 162781 having considered the criteria as required by the Liquor and Cannabis Regulation Branch (LCRB) as set out in support of this application attached as Appendix A to Administrative Report to Council 23-114; and further,

That Council authorize the letter attached as Appendix A to Administrative Report to Council 23-114 to be executed on behalf of the Resort Municipality of Whistler by its authorized representatives and sent to the LCRB in support of the Bar Oso application.

CARRIED

**7.2 Mutual Aid Agreement Repealing Bylaw No. 2421, 2023 Report No. 23-115
File No. 3900-20-2421**

Moved By Councillor A. De Jong

Seconded By Councillor J. Morden

That Council give "Mutual Aid Agreement Repealing Bylaw No. 2421, 2023" first, second and third readings.

CARRIED

7.3 Emerald Dreams Conservation Co. Ltd. – 2023 Annual Filing Report No. 23-116 File No. 0500-02-0003

Moved By Councillor J. Murl

Seconded By Councillor J. Morden

November 21, 2023

That Council of the Resort Municipality of Whistler (RMOW) in open meeting assembled, hereby resolves that the RMOW, as sole shareholder of Emerald Dreams Conservation Co. Ltd. (the Company), pass the consent resolutions of the sole shareholder of the Company, attached as Appendix A to Administrative Report No. 23-116, and that the consent resolutions be executed and delivered on behalf of the RMOW.

CARRIED

7.4 Parks and Recreation Fees and Charges Bylaw No. 2420, 2023 and Updates to Council Policy I-06: Parks and Recreation Fees and Charges Policy Report No. 23-117 File No. 3900-20-2417

Moved By Councillor R. Forsyth

Seconded By Councillor C. Jewett

That Council consider giving first, second and third readings to “Parks and Recreation Fees and Charges Bylaw No. 2420, 2023”; and further,

That Council adopt the amended version of Council Policy I-06: Parks and Recreation Fees and Charges Policy attached as Appendix A to Administrative Report No. 23-117.

CARRIED

7.5 Code of Conduct Bylaw and Related Respectful Conduct Policies Report No. 23-118 File No. 39000-20-2397

Moved By Councillor C. Jewett

Seconded By Councillor R. Forsyth

That Council direct staff to refer the Code of Conduct Bylaw and all ancillary policies, bylaws and procedures to the Governance and Ethics Standing Committee for further review and then return to a future Committee of the Whole Meeting for full council input.

CARRIED

8. MINUTES OF COMMITTEES AND COMMISSIONS

8.1 Emergency Planning Committee

Moved By Councillor J. Murl

Seconded By Councillor R. Forsyth

That Council receive the Regular Meeting minutes of the Emergency Planning Committee of July 25, 2023.

CARRIED

November 21, 2023

9. BYLAWS FOR FIRST, SECOND AND THIRD READINGS

9.1 Mutual Aid Agreement Repealing Bylaw No. 2421, 2023

Moved By Councillor A. De Jong

Seconded By Councillor J. Morden

That Council give "Mutual Aid Agreement Repealing Bylaw No. 2421, 2023" first, second and third readings.

CARRIED

9.2 Parks and Recreation Fees and Charges Bylaw No. 2420, 2023

Moved By Councillor R. Forsyth

Seconded By Councillor J. Murl

That Council give "Parks and Recreation Fees and Charges Bylaw No. 2420, 2023" first, second and third readings.

CARRIED

10. OTHER BUSINESS

10.1 2024 Whistler Public Library Board of Trustees and Council Appointments Announcement

The Mayor announced that Council has appointed Cara Burrow, Mechthild Facundo, and Patricia Dagg as new trustees of the Whistler Public Library Board. Additionally, Ali Blancher and Mike Walsh have been reappointed, all for a two-year term starting January 2024.

Council also appointed Councillor Morden from the Municipal Council for a one-year term, commencing January 2024 and the Mayor thanked Councillor Forsyth for many years that he served as the municipal councillor on the Library Board of Trustees.

11. CORRESPONDENCE

11.1 Surrey Police Service Transition File No. 3009

Moved By Councillor C. Jewett

Seconded By Councillor J. Murl

That Council receive correspondence from D. Theilmann regarding the Surrey Police Service transition.

CARRIED

11.2 Surrey Policing Needs File No. 3009

November 21, 2023

Moved By Councillor J. Morden

Seconded By Councillor J. Ford

That Council receive correspondence from A.J. Pol regarding Surrey policing needs.

CARRIED

11.3 Support for Mayor Brenda Locke- Surrey Police File No. 3009

Moved By Councillor J. Murl

Seconded By Councillor R. Forsyth

That Council receive correspondence from D. Johnstone requesting support for Mayor Brenda Locke regarding the Surrey Police Service transition.

CARRIED

11.4 Burnaby Council Urging for Ceasefire File No. 3009

Moved By Councillor J. Murl

Seconded By Councillor R. Forsyth

That Council receive correspondence from K. Reynolds urging council to call for a ceasefire in Gaza.

CARRIED

11.5 Cheakamus Crossing Neighborhood: Lack of Street and Visitor Parking File No. 3009

Moved By Councillor A. De Jong

Seconded By Councillor J. Morden

That Council receive correspondence from A. Hardy regarding the lack of street and visitor parking in the Cheakamus Crossing neighborhood and refer it to staff.

CARRIED

11.6 Western Toad Migration Concerns File No. 3009

Moved By Councillor J. Murl

Seconded By Councillor R. Forsyth

That Council receive correspondence from R. Doiron regarding concerns about the Western Toad Migration and refer it to staff.

November 21, 2023

CARRIED

11.7 Highway 99 Speed between Tamarisk and Function Junction File No. 3009

Moved By Councillor J. Morden

Seconded By Councillor R. Forsyth

That Council receive correspondence from T. Rese regarding concerns about the Highway 99 speed between Tamarisk and Function Junction and refer it to staff.

CARRIED

11.8 Light-up and Proclamation Requests

a. Global Congenital Diaphragmatic Hernia Awareness Day File No. 3009.1

Moved By Councillor J. Morden

Seconded By Councillor J. Ford

That Council receive correspondence from J. Doolan, refer it to staff and that the Fitzsimmons Covered Bridge be lit blue, pink and yellow on April 19, 2024, in recognition of Global Congenital Diaphragmatic Hernia Awareness Day.

CARRIED

12. TERMINATION

Moved By Councillor C. Jewett

Seconded By Councillor J. Murl

That Council terminate the Regular Council Meeting of November 21, 2023, at 7:01 p.m.

CARRIED

Mayor, J. Crompton

Corporate Officer, P. Lysaght