



**TOWN OF CRESTON  
SPECIAL COUNCIL MEETING AGENDA**

**Wednesday, June 30, 2021, 9:00 AM**

**Held Electronically via Webex In Accordance with Ministerial Order No. M192**

**WEBEX Meeting Login:** <https://creston.webex.com/creston/j.php?MTID=mdfe098a1d90f5fe9d3ce484facd6ef54>  
**Password:** TownCouncil Meeting Number: 177 991 5233

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- 1. CALL TO ORDER**
- 2. TRADITIONAL TERRITORY ACKNOWLEDGEMENT**
- 3. ADOPTION OF AGENDA**
- 4. ADOPTION OF MINUTES**  
None
- 5. DELEGATIONS**  
None
- 6. ITEMS OF BUSINESS**
  - a. Request for Decision from the Chief Administrative Officer regarding the Appointment of the Chief Election Officer for the Town of Creston Local By-Election
  - b. Request for Decision from the Chief Election Officer regarding a request for Ministerial Order to Expand the use of Mail Ballot Voting
  - c. Request for Decision from the Chief Election Officer regarding a request for Ministerial Order to allow for Oral Declarations of Eligibility to Vote
- 7. BYLAWS**  
None
- 8. NEW BUSINESS**
- 9. REPORTS OF REPRESENTATIVES**
- 10. GIVING OF NOTICES**

**11. ACTING MAYORS SCHEDULE - 2021**

January: Cllr. Unruh  
February: Cllr. Wilson  
March: Cllr. DeBoon  
April: Cllr. Tzakis  
May: Cllr. Comer  
June: Cllr. Elford  
July: Cllr. Elford  
August: Cllr. Wilson  
September: Cllr. DeBoon  
October: Cllr. DeBoon  
November: Cllr. Comer  
December: Cllr. Elford

**12. QUESTION PERIOD**

**13. RECESS AND MOVE TO CLOSED MEETING**

**14. RECONVENE TO REGULAR MEETING**

**15. RESOLUTIONS FROM CLOSED MEETING**

**16. ADJOURNMENT**

# REQUEST FOR DECISION (RFD)

Town of Creston

Action Date: June 30, 2021

File: 4200-01

SUBJECT: 2021 By-Election – Appointment of Chief Election Officer

**RECOMMENDATION:** THAT Council APPOINTS Kirsten Dunbar as the Chief Election Officer; AND FURTHER THAT Council APPOINTS Donna Cassel and Marsha Neufeld as Deputy Election Officers for an upcoming By-Election as recommended within the report from the Chief Administrative Officer.

**CAO COMMENTS:** Report is submitted by the CAO.

## RECOMMENDATION

Report / Document:

Attached ☒

Available ☐

Nil ☐

**KEY ISSUE(S) / CONCEPTS DEFINED:** As per Local Government Act, Section 54 (1)(d) states an election must be held to fill a vacancy in an elected local government office after a person resigns from office. The options for not holding a By-Election outlined in the Local Government Act, Section 54, Sentences (2) and (3) are not applicable. As per the Local Government Act, Section 54 (4), Council must appoint a Chief Election Officer as soon as practicable.

**RELEVANT POLICY:** Local Government Act and Town of Creston Election Bylaw.

**STRATEGIC RELEVANCE:** N/A

**DESIRED OUTCOME(S):** Appointment of a Chief Election Officer - an election will be held on a Saturday, not more than 80 days from June 30, 2021.

**RESPONSE OPTIONS:** Possible ways to achieve the main result with analysis highlights

- |    |  |
|----|--|
| 1. | Council appoints the Chief Election Officer and Deputy Election Officers as recommended.                 |
| 2. | Council appoints an alternative individual as the Chief Election Officer and amends motion as required.  |
| 3. | Council identifies reason to delay the appointment of the Chief Election Officer and delays appointment. |

**PREFERRED STRATEGY:** Option 1

## IMPLICATIONS OF RECOMMENDATION:

**GENERAL:** Chief Election Officer will begin process of holding a By-Election for this fall.

**ORGANIZATIONAL:** The Chief Election Officer duties are within the Corporate Officer job description.

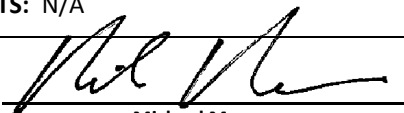
**FINANCIAL:** Estimated \$30,000 cost associated to holding the election to be done within existing operational budget.

**FOLLOW UP ACTION:** Chief Election Officer to notify Province of election date and follow legislative requirements.

**COMMUNICATION:** Local newspaper advertising, social media and websites.

**OTHER COMMENTS:** N/A

Submitted by:



Michael Moore,  
Chief Administrative Officer

Endorsed by: Other

Reviewed by: CAO

Reviewers

# COUNCIL REPORT

Town of Creston

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**TO:** Mayor and Council

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**CC:** Kirsten Dunbar, Corporate Officer

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**FROM:** Michael Moore, Chief Administrative Officer

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**DEPARTMENT:** Administration / General Government

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**SUBJECT:** By-Election for Two Council Positions.

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**APPENDIX:** ☐ ATTACHED ☐ OTHER DOCUMENT ☐ NOT APPLICABLE

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## KEY ISSUE(S) / CONCEPTS:

Local Government Act, Section 54, outlines the requirements for having a By-Election and the appointment of a Chief Election Officer.

## BACKGROUND:

On April 1, 2021, Councillor Unruh resigned due to her moving from the Province making her ineligible to hold office.

On May 10, 2021, Councillor Tzakis resigned due to personal health reasons.

The Local Government Act, Section 54, requires Council to appoint a Chief Election Officer as soon as practicable and the election is required to be held on a Saturday within 80 days of the appointment.

The options for not holding a By-Election, as outlined in the Local Government Act, Section 54, are not applicable due to the dates that the resignations took place. Council has limited options of not holding a By-Election if the resignations happen in the calendar year of the next General Municipal Election. Since the next General Election will be October 2022, this section does not apply.

The Corporate Officer immediately identified that the Municipal Elections Bylaw was required to be amended and updated which was completed in May 2021. Nomination period is not permitted for a minimum of 42 days after the adoption of the amended Municipal Elections Bylaw, making June 30, 2021 the earliest practicable date for Council to appoint the Chief Election Officer.

For the past six local government elections, a by-election and referendum, Council has appointed members of Staff to conduct elections. This approach has proved to be cost effective and continues to ensure that all legislative requirements are met.

## CURRENT STATUS:

Section 58 of the Local Government Act, states as follows:

“For the purposes of conducting an election, the local government must appoint a chief election officer and a deputy chief election officer.”

Council has directed Staff on June 15, 2021 to use electronic voting machines for the tabulation of election votes. Training for staff will be undertaken in the coming weeks.

# COUNCIL REPORT

Town of Creston

## FINANCIAL:

The 2021 budget has \$15,000 allocated for holding an election. With the addition of the electronic voting machines and associated training costs, it was identified that the budget would need to be increased by approximately \$7,000.

Staff recommend an additional contingency for additional staff time and the potential option of increased mail-in ballot of \$5,000 for a total By-Election Budget of \$27,000.

## ORGANIZATIONAL / POLICY DISCUSSION:

The identified individuals for being appointed to the Chief Election Officer and Deputy Election Officer positions will perform most duties during regularly scheduled work hours with the exception of the Advanced Polling and Election Day.

Kirsten Dunbar is the appointed Corporate Officer, as required in the Community Charter, and is responsible for regulatory and legislative requirements for the Town of Creston. The Chief Election Officer role has stayed with the Corporate Officer position for the past six elections.

Donna Cassel is a long-serving administrative employee with the Town of Creston and has worked in the last 6 elections, and has been appointed Deputy Election Officer in past municipal elections and referendums.

Marsha Neufeld is the Executive Assistant and Deputy Corporate Officer, and has worked in two previous elections and/or referendums, including an appointment to Deputy Election Officer in the October 2018 General Municipal Election.

Staff are further supported by Lorena Staples, the Town of Creston's solicitor, who has provided guidance on election issues for approximately 15 years.

In past elections, the appointed staff were compensated with specified days off in lieu of overtime. This practice is under review as it was not consistent with the Collective Agreement or existing Town of Creston Policy. Changes to the compensation will be managed with the identified budget of \$27,000.

## OPTIONS FOR CONSIDERATION:

### Option 1

Council appoints Kirsten Dunbar, Corporate Officer for the Town of Creston as the Chief Election Officer and further appoints Donna Cassel, Administrative Assistant, and Marsha Neufeld, Executive Assistant, as Deputy Election Officer.

This recommendation is consistent with past practice and how other local governments approach the holding of municipal elections.

### Option 2

Council appoints an alternative individual, which could be external to the organization, to be the Chief Election Officer.

# COUNCIL REPORT

Town of Creston

This is not recommended, but is a practice that other municipalities have utilized in the past. This would be a contracted position to an individual external to the Town of Creston, and would be required to meet the legislative requirements for BC Elections and the Town of Creston. Further, this option would likely have increased additional wage expenses and is not factored in the proposed election budget.

### Option 3

Council identify a reason that the appointment of the Chief Election Officer be delayed.

The Local Government Act, Section 54, requires Council to appoint a Chief Election Officer as soon as practicable. Due to the changes required to the Municipal Election Bylaw and the legislated period of time between bylaw adoption and the nominations of candidates has delayed the appointment of the Chief Election Officer..

Council may have valid reasons to delay the appointment of the Chief Election Officer which would then delay the actual By-Election date.

Staff are not aware of any additional reasons that the appointment be delayed and are prepared to hold the By-Election for the Town of Creston.

### **COMMUNICATION:**

Communications for the By-Election have mandatory requirements outlined in the Local Government Act and requirements of Elections BC.

In addition, Staff will communicate general opportunities for individuals to consider nomination for elected office through social media and websites. This will be general information outlining requirements of being elected to hold office within local government and the process.

### **CONCLUSION:**

Staff recommend the appointment of the Chief Election Officer and two Deputy Election Officer, as done in previous municipal elections, from identified staff members.

Submitted by:

  
Michael Moore  
Chief Administrative Officer

Reviewed by:

CAO

Michael Moore, CAO

# REQUEST FOR DECISION (RFD)

Town of Creston

Action Date: 2021-06-30

File: 4200-01

**SUBJECT:** Request for Ministerial Order to Expand Mail Ballot Voting

**RECOMMENDATION:** THAT Council DIRECTS the Chief Election Officer to request a Ministerial Order from the Minister of Municipal Affairs to allow for the expanded use of mail voting options to all eligible electors for the Town of Creston's 2021 By-Election.

**CAO COMMENTS:** This option provides for increased safety during the COVID-19 pandemic.

## RECOMMENDATION

Report / Document:

Attached ☐

Available ☐

Nil ☐

**KEY ISSUE(S) / CONCEPTS DEFINED:** To support Local Government By-elections and assent voting processes during the COVID-19 pandemic the Province has expanded eligibility for mail ballot voting. Local Government Election and Assent Voting Bylaw No. 1926, 2021 and s. 110 of the *Local Government Act* permits mail ballot voting for electors who have a physical disability, illness or injury or persons who expect to be absent from the municipality on general voting day. The expanded use of mail ballots aims to decrease the amount of voters physically present on advance and general voting days, supporting the Town of Creston's COVID-19 Safety Plan for the by-election. Staff is requesting Council direction to obtain a Ministerial Order from the Minister of Municipal Affairs to allow all eligible electors to request a mail ballot package. Once the municipality is in receipt of the Ministerial Order, it will be brought forward to Council for approval.

**RELEVANT POLICY:** *Local Government Act, Municipal Affairs Statutes Amendment Act, 2021*

**STRATEGIC RELEVANCE:** Focus on Service Excellence

**DESIRED OUTCOME(S):** The expanded use of Mail Ballot voting to all eligible electors in the Town of Creston.

**RESPONSE OPTIONS:** *Possible ways to achieve the main result with analysis highlights*

1.	THAT Council DIRECTS the CEO to request a Ministerial Order for the expanded use of mail ballots.
2.	Status Quo – Mail Ballots available to those with disability, illness, injury or absent on general voting day
3.	Other, as per Council Direction

**PREFERRED STRATEGY:** OPTION 1

## IMPLICATIONS OF RECOMMENDATION:

**GENERAL:** Enables broader participation in Mail Ballot Voting, supporting COVID-19 health and safety measures in the by-election.

**ORGANIZATIONAL:** The Town has existing Mail Ballot procedures in place that can be expanded.

**FINANCIAL:** Additional envelopes and stationary

**FOLLOW UP ACTION:** Ministerial Order to be passed by resolution at Council.

**COMMUNICATION:** Instructions on how to request a Mail Ballot will be communicated on the Town's Election Page on Let's Talk Creston.

**OTHER COMMENTS:** By others reviewing this RFD

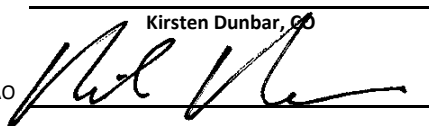
Submitted by:

Kirsten Dunbar, CO

Endorsed by: Other

Reviewed by:

CAO



Reviewers

# REQUEST FOR DECISION (RFD)

Town of Creston

Action Date: 2021-06-30

File: 4200-01

**SUBJECT:** Request for Ministerial Order to allow for Oral Declaration of eligibility to vote

**RECOMMENDATION:** THAT Council DIRECTS the Chief Election Officer to request a Ministerial Order from the Minister of Municipal Affairs to permit the elector, as directed by the election official responsible, to make an oral declaration that the elector is entitled to vote in the by-election when obtaining a ballot for voting for the Town of Creston's 2021 By-Election.

**CAO COMMENTS:** This measure increases safety during the COVID-19 Pandemic.

## RECOMMENDATION

Report / Document:

Attached ☐

Available ☐

Nil ☐

**KEY ISSUE(S) / CONCEPTS DEFINED:** Pursuant to Section 125 of the *Local Government Act* an elector, who is already registered on the voters list, must sign a written declaration that they are entitled to vote in the election and have not voted before in the same election before a ballot can be issued. To support Local Government By-elections and assent voting processes during the COVID-19 pandemic the Province has provided an opportunity for this declaration to be made orally to the presiding election official, who then records the declaration on behalf of the elector. For clarity, the elector must already be registered to vote (i.e., on the Provincial Voters list or included on the list during advance registration period). By allowing oral declarations, the overall touch points at the voting site are reduced. This does not change the requirements for proving eligibility or identity. Staff is requesting Council direction to obtain a Ministerial Order from the Minister of Municipal Affairs to permit the elector, as directed by the election official, to make an oral declaration in accordance with Section 125 of the LGA.

**RELEVANT POLICY:** Section 125 of the *Local Government Act*

**STRATEGIC RELEVANCE:** Focus on Service Excellence

**DESIRED OUTCOME(S):** The ability to make oral declarations by registered electors regarding eligibility to vote, reducing touch points and supporting COVID-19 health and safety practices at the voting sites.

**RESPONSE OPTIONS:** Possible ways to achieve the main result with analysis highlights

1.	Council DIRECTS the CEO to requests a Ministerial Order to allow for oral declarations
2.	Status Quo - Electors will sign a written declaration
3.	Other as per Council Direction

**PREFERRED STRATEGY:** Option 1

## IMPLICATIONS OF RECOMMENDATION:

**GENERAL:** Supports COVID-19 health and safety measures in the by-election.

**ORGANIZATIONAL:** Election staff training will be updated to include change of procedure.

**FINANCIAL:** N/A

**FOLLOW UP ACTION:** Ministerial Order to be passed by resolution at Council.

**COMMUNICATION:** Updates to procedure will be included on the Town's Election Page on Let's Talk Creston.

**OTHER COMMENTS:** By others reviewing this RFD

Submitted by:

  
Kirsten Dunbar, CAO

Endorsed by: Other

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Reviewed by: CAO



Reviewers

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