

Report

Date June 1, 2022
Subject Election Cost-Sharing Agreements

File: 4200-20/2022

PURPOSE

To consider entering into cost-sharing agreements with School District No. 79 (SD 79) for the 2022 School Trustee Election and with the Cowichan Valley Regional District (CVRD) for assent voting on changes to the funding of nine 'regionally significant' recreation facilities.

BACKGROUND

[Section 57 \(2\)](#) of the *Local Government Act* enables Council to share the election costs, by agreement, with another local government (i.e., the CVRD). The Act defines a local government to mean the council of a municipality or the board of a regional district.

School District No. 79 (Cowichan Valley) Trustee Election Bylaw No. 22-03 (Attachment 6) delegates the authority to the Secretary-Treasurer to enter into agreements with local governments to conduct all or part of a trustee election.

Historically, North Cowichan has entered into joint election process agreements with the CVRD and SD 79 to share the election costs. On December 7, 2021, Council directed staff to initiate discussions with the CVRD and SD 79 about entering into a joint agreement for sharing the costs associated with the 2022 General Local Election. Following the adoption of Election and Assent Voting Bylaw No. 3837 by Council at their April 5, 2022 regular meeting, staff forwarded copies of Bylaw No. 3837 and draft cost-sharing agreements to the CVRD and SD 79 for review.

The CVRD notified staff on March 4, 2022, that they would have one region-wide assent voting question during the 2022 general local election regarding changes to the funding model for the nine "regionally significant" recreation facilities. The nine recreation facilities include the Shawnigan Lake Community Centre, Kerry Park Recreation Centre, Cowichan Community Centre, Cowichan Performing Arts Centre, Cowichan Aquatic Centre, Cowichan Sportsplex, Cowichan Lake Sports Arena, Fuller Lake Arena, and the Frank Jameson Community Centre.

DISCUSSION

The procedures established under the CVRD's or SD 79's election bylaws (Attachments 5 and 6) apply by default unless provided for in their bylaw or by agreement.

The cost-sharing agreements with the CVRD and SD 79 approved by Council for the 2018 election were used as the basis for drafting the 2022 agreements. However, some amendments are required due to the addition of mail ballot voting and special voting opportunities under Bylaw No. 3837, some minor amendments for housekeeping purposes, or were requested by the CVRD.

Election Sharing Agreement with the CVRD for Assent Voting

The CVRD's procedures in their Election and Assent Voting Procedures Bylaw (Attachment 5) for mail ballot voting are consistent with North Cowichan's procedures under its [Election and Assent Voting Bylaw](#). In addition, both bylaws bestow the authority on their respective chief election officers to establish special voting opportunities.

In consultation with Kathleen Harrison, Deputy Corporate Officer for the CVRD, the following changes to the cost-sharing agreement (Attachment 2) for 2022 have been made to provide greater clarity of roles:

- Section 1(a) was revised to provide greater clarity and consolidate the intent of section 1(c) in one place;
- Section 1(b) replaced section 1(d);
- Section 4(d) was added in relation to special voting opportunities, if established by the chief election officer (CEO);
- Section 4(e) was added in relation to mail ballot voting;
- Section 4(i) was removed as it was not a practice that was previously followed;
- Section 4(j) was revised to provide greater clarity;
- Section 5(e) was removed as it was redundant, no relation to the CVRD assent voting;
- Section 6(a) was amended to include costs associated with advertising and mail ballot voting;
- Section 6(b) was amended to include '*less any equitable share attributable to School District 79*' where the CVRD would pay 100% of the costs if the North Cowichan elected officials were declared by acclamation but an election for School Trustee was still conducted;
- Section 6(c) was added in case the School Trustee is acclaimed, which would then split the costs between the CVRD and North Cowichan 50/50;
- Sections 6(d) and (e) were amended to provide a timeline for the CVRD to remit their payment;
- Section 6(f) was added in case there were additional costs not previously accounted for that needed to be collected by the CVRD. For example, if a judicial recount occurred in relation to CVRD assent voting, any recount would be in relation to all ballots cast within the CVRD boundary, not just in North Cowichan. The CVRD CEO would be responsible for the proceedings; however, the North Cowichan CEO would follow the direction given by the CVRD CEO when recounting the ballots in North Cowichan's possession. Therefore, a couple of the voting counting units would have to be retained at an additional cost in order to recount the ballots for the assent voting question;
- Removed the requirement for the CVRD Chair to sign the agreement as the authority to enter into this agreement has been delegated to the CVRD Corporate Officer, or their Deputy; and,
- The addition of "within North Cowichan's jurisdictional boundaries" to sections 2(a) and 4(f), and other minor changes to sections 1(c), 3(a)(ii) and 4(h) and (l).

Once Council approves the agreement (Attachment 1), it may be executed by the Mayor and Corporate Officer and the CVRD Deputy Corporate Officer.

Election Sharing Agreement with SD 79 for School Trustee

Section 5(d) of SD 79's Trustee Election Bylaw No. 22-03 (Attachment 6) directs that the election procedures contained in the bylaw of the local government who is conducting the trustee election on their behalf will apply.

In consultation with Jason Sandquist, Secretary-Treasurer for SD 79, the following changes to the cost-sharing agreement (Attachment 4) for 2022 have been made:

- Updated wording to the whereas clauses for better clarity/transparency on the purpose of agreement;
- Section 1 was amended to change '*agrees to undertake the following services*' to '*will conduct the following election proceedings*' and add '*only for those electors who are qualified to vote for Mayor and Council*' to provide clarity;
- Section 1(a) was amended to add special voting opportunities and mail ballot voting;
- Added a new subsection 1(c) to provide SD 79 with copies of the list of resident electors so that their chief election officer could comply with the legislative requirements under section 77 (8) of the *Local Government Act*;
- Added a new section 2 so that if North Cowichan's Mayor and Council is acclaimed that we would still conduct the school trustee election;
- Section 3 was amended to change '*agrees to*' to '*will*';
- Section 3(b) was removed as the requirement for SD 79 to provide North Cowichan with copies of their register of resident electors as we have not requested or been provided previously, even though it was included in the agreement and the requirement for the maps was a holdover from when an elector casting their vote for School Trustee could go to any polling station within the School District region;
- Section 3(c) was amended to include the use of the school facilities on Friday, October 14, 2022;
- Changed the date in section 3(d) from October 15, 2022, to October 13, 2022, in case election staff has any access or other facility-related issues when setting up on October 14, 2022;
- Updated section 3(e) to include the cost of mail ballot voting;
- Added a new section 4 that would increase the SD 79's costs from $\frac{1}{3}$ to $\frac{1}{2}$ if Mayor and Council were acclaimed;
- Section 5 was amended so that North Cowichan could email SD 79 additional costs incurred after December 16, 2022, or that were not previously invoiced; and,
- Section 6 was amended to change '*hereby agrees*' to '*will*' and correct '*School District*' with '*Municipality*' under bullet (a).

Once the agreement (Attachment 3) is approved it may be executed by the Mayor and Corporate Officer and SD 79 Secretary-Treasurer.

OPTIONS

1. **(Recommended Option)** THAT Council approve the Election Cost-Sharing Agreements with:
 - (1) the Cowichan Valley Regional District (CVRD) for conducting assent voting on behalf of the CVRD for the 2022 general local election, substantially as attached to the Manager of Legislative Services' report dated June 1, 2022, as Attachment 1, and that the Mayor and Corporate Officer be authorized to execute the agreement; and,
 - (2) School District No. 79 (Cowichan Valley) for conducting a part of the school trustee election during the 2022 general local election, substantially as attached to the Manager of Legislative Services' report dated June 1, 2022, as Attachment 3, and that the Mayor and Corporate Officer be authorized to execute the agreement.
 - *This option is consistent with past practice and the Financial Plan. It enables minor changes (such as typos or changes to the times that school facilities will be available for use) to be made*

to the agreements without having to return to Council for approval.

2. THAT Council approve the Election Cost-Sharing Agreements with:

- (1) the Cowichan Valley Regional District (CVRD) for conducting assent voting on behalf of the CVRD for the 2022 general local election, and that the Mayor and Corporate Officer be authorized to execute the agreement, substantially as attached to the Manager of Legislative Services' report dated June 1, 2022, as Attachment 1, subject to the following changes:
 - (a) *(Council to identify changes to be made)* and,
 - (2) School District No. 79 (Cowichan Valley) for conducting a part of the school trustee election during the 2022 general local election, substantially as attached to the Manager of Legislative Services' report dated June 1, 2022, as Attachment 3, and that the Mayor and Corporate Officer be authorized to execute the agreement, subject to the following changes:
 - (a) *(Council to identify the changes to be made)*.
- *This option would allow Council to make changes to the agreements, such as the division of costs and what to do in the case of acclamation.*

IMPLICATIONS

Any changes to the division of costs within each of the agreements will impact the 2022 budget.

Because there will be some non-resident property electors (NRPE) who reside within the SD 79 and/or CVRD boundaries, North Cowichan will have to order additional ballots for the following offices to ensure that each NRPE only votes once for each office or assent voting:

- Mayor and Councillor for NRPE, who reside within both the CVRD and SD 79 boundaries, who will have the opportunity to vote on the CVRD assent voting question and School Trustee on the ballot where they reside, such as the City of Duncan, the Town of Lake Cowichan, or one of the nine Electoral Areas.
- Mayor, Councillor and School Trustee for NRPE who reside within the CVRD but not SD 79, such as the Town of Ladysmith which is within SD 68 (Nanaimo-Ladysmith).

RECOMMENDATION

THAT Council approve the Election Cost-Sharing Agreements with:

- (1) the Cowichan Valley Regional District (CVRD) for conducting assent voting on behalf of the CVRD for the 2022 general local election, substantially as attached to the Manager of Legislative Services' report dated June 1, 2022, as Attachment 1, and that the Mayor and Corporate Officer be authorized to execute the agreement; and,
- (2) School District No. 79 (Cowichan Valley) for conducting a part of the school trustee election during the 2022 general local election, substantially as attached to the Manager of Legislative Services' report dated June 1, 2022, as Attachment 3, and that the Mayor and Corporate Officer be authorized to execute the agreement.

Report prepared by:



Michelle Martineau
Manager, Legislative Services

Report reviewed by:



Sarah Nixon
Deputy Chief Administrative Officer

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Cost Sharing Agreement with CVRD for 2022 Election
- (2) Cost Sharing Agreement with CVRD for 2022 Election (redline version)
- (3) 2022 Election Cost Sharing Agreement with SD 79
- (4) 2022 Election Cost Sharing Agreement with SD 79 (redline version)
- (5) CVRD Bylaw No. 4126 – Election and Assent Voting Procedures Bylaw, 2017
- (6) School District No. 79 (Cowichan Valley) Trustee Election Bylaw No. 22-03