



# REPORT

To: Chair and Directors

Report Number: ADM-BRD-193

From: Tyra Henderson, Corporate Officer/Chief Election Officer

Date: May 27, 2021

**Subject: Assent Voting Notice – Bylaw 2444 and Bylaw 2445**

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## **RECOMMENDATION: [Corporate Unweighted]**

That the Regional Board authorize that the Notice of Assent Voting for Seniors Aging in Place Support Services Establishment Bylaw No. 2444, 2021, and Health Related Services Grant-in-Aid Service Establishment Bylaw No. 2445, 2021 include a synopsis of the bylaws as permitted under the *Local Government Act* s.176 (4) (a) and (5).

## **BACKGROUND/RATIONALE:**

The Regional Board approved first three readings of Seniors Aging in Place Support Services Establishment Bylaw No. 2444, 2021 and Health Related Services Grant-in-Aid Service Establishment Bylaw No. 2445, 2021 on March 25, 2021. Ministry of Municipal Affairs staff have provided verbal approval of the bylaws, and formal written approval is expected very soon. Arrangements for assent voting (referendum) to seek elector approval are now underway to prepare for advanced voting on July 7<sup>th</sup> and 14<sup>th</sup>, and general voting day on July 17, 2021. The number of voting locations will be fewer than previous elections as not all facilities are open, and/or do not lend themselves to proper traffic flow and physical distancing requirements. Staff have asked the Ministry for a Ministerial Order which will change voting procedures normally observed, such as accepting the declaration of voter eligibility verbally so each voter does not need to 'touch' the voting book, and expanding mail ballot voting to anyone who wishes, rather than limiting it to persons further than 50 km from a voting place. The order will also nullify the requirement in the PRRD 'Elections and Voting Procedures Bylaw No. 1825, 2008' to hold special voting opportunities in health care facilities in Dawson Creek, Fort St. John, and Chetwynd to keep elections staff out of health care facilities and away from vulnerable persons. Residents of health care facilities will be eligible to vote by mail.

The Board will be asked to accept the order as applicable to these voting procedures, when it is received, as a Board resolution of endorsement of the Ministerial Order is required.

Elections and Other Voting procedures and requirements are specified in 'Part 3 – Electors and Elections', and 'Part 4, Assent Voting', of the *Local Government Act*. Deadlines for providing required notification, content of the notices, and how and when the notices must be made public are all prescribed in the legislation.

For an assent voting process, the notice of assent voting must include a copy of the bylaw, unless the Board authorizes that the notice instead include a synopsis of the bylaw. The synopsis is not meant to be an interpretation of the bylaw, and in fact, the notice must state that the synopsis is not an interpretation of the bylaw if a synopsis, in lieu of the entire bylaw, is approved. Given the complexity

and length of the Notice of Assent Voting, which is unavoidable in order to meet the mandatory content requirements of the notice as outlined in *Local Government Act* s.176, it is preferable to include only a synopsis of the bylaw. The synopsis consists of a general description of the intent of the bylaw, and the area it covers. The bylaws in question, Bylaw No. 2444 and Bylaw No. 2445, are long bylaws; five pages and four pages respectively, and inclusion of the entire bylaw in the newspaper notice would be somewhat overwhelming and ineffective.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board require that the Notice of Assent Voting for Seniors Aging in Place Support Services Establishment Bylaw No. 2444, 2021, and Health Related Services Grant-in-Aid Service Establishment Bylaw No. 2445, 2021 include a copy of the bylaw.

**STRATEGIC PLAN RELEVANCE:**

- ☒ Not Applicable to Strategic Plan.

**FINANCIAL CONSIDERATION(S):**

The notice of assent voting advertisements must be placed once each week for two consecutive weeks in newspapers distributed in the area of impact of the bylaw. Until a draft notice is sent to the newspaper, an estimated cost is not known. Notices placed for the Area B Water Service and Tate Creek Community Centre assent voting held in 2017 cost \$1,000 each placement, for reference.

**COMMUNICATIONS CONSIDERATION(S):**

Staff will prepare an information package for placement on the PRRD webpage, so that residents can read the bylaw(s), and further understand the proposed service(s), the anticipated costs of providing the services, and the taxes (maximum) they will be charged if the services proceed. Any information posted by the PRRD must be neutral and fact based, to inform residents about the proposed service, so that a resident can determine if they wish to vote in favour or against the establishment of the proposed new service(s).

Information regarding elections, assent voting, and alternate approval processes underway in the PRRD is available on the website at <https://prrd.bc.ca/services/administration/elections/> . A separate “tab” for each new service will be created.

Additionally, a virtual public meeting will be scheduled in late June or early July, to share information about the proposed services. The presentation will be recorded and made available on the PRRD website to allow residents unable to attend the virtual meeting to watch the presentation at some other convenient time.

Staff are working to draft a health related services grant policy for the Boards consideration, that when approved, will be shared with residents as part of the public information package about the proposed health related services grants-in aid service; the policy will specify eligibility requirements for grant applications and application deadlines and processes as well, to assist the Board to articulate to residents what is and what is not considered as a ‘health related service’ and could therefore be considered for grant funding from the PRRD, prior to asking them to vote on the service.

**OTHER CONSIDERATION(S):**

Elections BC must be notified of the assent voting, as they are responsible to administer and enforce the provisions of the [Local Elections Campaign Financing Act](#). (LECFA). Section 8 of LECFA defines what is considered assent voting advertising. Elections BC typically places a “Know the Rules” type of ad, in the same papers that we use for the required public notices, to alert persons who may wish to campaign for or against a service, about the rules around advertising that apply to them.

**Attachments:**

1. Seniors Aging in Place Support Services Establishment Bylaw No. 2444, 2021
2. Health Related Services Grant-in-Aid Service Establishment Bylaw No. 2445, 2021