
TO: CITY MANAGER **DATE:** 2020 Jun 29

FROM: CITY CLERK

SUBJECT: BY-ELECTION AND THE STATUS OF COVID-19 ELECTION GUIDELINES

PURPOSE: To update Council on by-election requirements and the status of COVID-19 election guidelines, and to seek Council's approval to postpone the appointment of a Chief Election Officer until such time as guidelines become available.

RECOMMENDATION:

1. **THAT** Council postpone the appointment of a Chief Election Officer until such time as COVID-19 election guideline materials become available.

REPORT

1.0 INTRODUCTION

Burnaby City Council is comprised of nine (9) members, including one (1) Mayor and eight (8) Councillors. By-elections are held between general local elections to fill a vacancy on a municipal Council. By-elections generally occur as a result of a vacancy due to the death, disqualification or resignation of a locally-elected official. The recent passing of Councillor Nick Volkow has resulted in a vacancy on Burnaby City Council necessitating the holding of a by-election. The purpose of this report is to inform Council of information and recommendations provided to the City by the Ministry of Municipal Affairs and Housing regarding the holding of a by-election during the COVID-19 pandemic.

2.0 POLICY SECTION

Goal

- A Safe Community
 - Emergency preparedness –
Enhance plans, procedures and services so that we are better prepared to respond to emergencies and are able to maintain City services

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3.0 BACKGROUND

Section 54 (by-elections) of the *Local Government Act* outlines the requirement of a local government to hold an election in the event of an elected local government office vacancy. Section 54(4) of the *Local Government Act* states:

- 54(4)** *As soon as practicable after a vacancy occurs for which an election under this section is to be held, the local government must:*
- a) appoint a chief election officer for the election, and*
 - b) notify the minister of the election.*

Unlike local general elections, the timing of a by-election is triggered by the appointment of a Chief Election Officer.

- 54(5)** *The chief election officer must set a general voting day for the election, which must be set on a Saturday no later than 80 days after the date the chief election officer was appointed.*

To protect residents from the current threat of COVID-19, the Minister of Municipal Affairs and Housing has deferred by-elections in several communities throughout BC including Victoria, Rossland, and Lytton, and a referendum in Kamloops. Unlike Burnaby, the dates for the aforementioned elections had been set and the deferment required a Ministerial Order. In a media release from the Ministry of Municipal Affairs and Housing, the following statement was made:

“Decisions to reschedule the byelections and referendum will be made by local governments in conjunction with public health officials and Elections BC. Meanwhile the ministry will continue to work with local governments that are considering byelections or referendums to ensure plans take into consideration the need to protect community residents during this emergency situation.”

Upon the passing of Councillor Volkow, the City Clerk reached out to the Ministry of Municipal Affairs and Housing regarding the availability of COVID-19 election guidelines. The Ministry, in its response, advised the City that guidelines are currently being developed and recommended the City postpone appointing a Chief Election Officer until guidance materials become available. The Ministry also recommended that the City think about safety plans for elections based on Work Safe BC COVID-19 Safety Template and recommendations of the Provincial Health Officer.

4.0 COVID-19 ELECTION GUIDELINES

As governments and businesses seek to resume the provision of services as part of the British Columbia’s Restart Plan, the Provincial Government and WorkSafeBC have

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released industry specific guidelines to ensure the safe resumption of services and activities throughout the province. Although guidelines have been released for many industries, guidelines regarding elections are currently being developed by the Ministry of Municipal Affairs and Housing in consultation with their election partners including the Local Government Management Association (LGMA), the Union of BC Municipalities (UBCM), and Elections BC (EBC). In discussions with Ministry and the LGMA, the development of the guidelines is in early stages and no clear date for the release of the guidelines has been identified. Once guidance materials are available, a safety plan related to the holding of the election will be prepared and a subsequent report will be brought to Council for consideration. As guidelines are not currently available, it is not practicable to hold a by-election at this time. It is therefore recommended that Council postpone the appointment of a Chief Election Officer until such time as guidance materials become available.

5.0 RECOMMENDATION

The Local Government Act requires the holding of a by-election in the event of a local government elected office vacancy. As the COVID-19 pandemic necessitates changes in processes to guard the health and safety of the public, and as COVID-19 election guidelines are currently under development, it is recommended Council consider postponing the appointment of a Chief Election Officer until such time as COVID-19 election guidelines are available.



Kate OConnell
CITY CLERK

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Cc: Director Corporate Services
City Solicitor