

DATE OF MEETING JANUARY 17, 2022

AUTHORED BY SHEILA GURRIE, DIRECTOR OF LEGISLATIVE SERVICES

SUBJECT APPOINTMENT OF CHIEF ELECTION OFFICER & DEPUTY CHIEF ELECTION OFFICER

OVERVIEW

Purpose of Report

To appoint a Chief Election Officer and Deputy Chief Election Officer for the purposes of conducting the 2022 City of Nanaimo election.

Recommendation

1. That Sheila Gurrie, Director of Legislative Services, be appointed as the Chief Election Officer for the City of Nanaimo 2022 General Local Election;
2. That Sky Snelgrove, Steno Coordinator, be appointed as the Deputy Chief Election Officer for the City of Nanaimo 2022 General Local Election; and
3. That despite Section 14.1 of the "Management Terms and Conditions of Employment Bylaw 2019 No 7273", the Director of Legislative Services be compensated for any hours worked on the election (outside of the regular work day) at straight time under the terms and conditions as outlined under section 14.2 of the bylaw.

BACKGROUND

Section 58(1) of the *Local Government Act (LGA)* requires that local governments appoint a Chief Election Officer (CEO) and a Deputy Chief Election Officer (DCEO) to carry out the responsibilities for conducting the general local elections. The *LGA* also empowers the CEO to appoint election officials required for the administration and conduct of the election. In accordance with the *School Act (SA)*, the City also conducts voting to elect Trustees for School Districts 68 and 69 when requested by the School District, and cost shares some election expenses for this service.

DISCUSSION

The legislative requirement to appoint both a CEO and DCEO is in place should either the CEO or DCEO, for any reason, be unable to carry out their duties outlined in Section 59 (1) and (2) of the *LGA*.

The role of CEO has traditionally been fulfilled by the Corporate Officer and staff recommend continuing with this practice for the General Local Election. The Director of Legislative Services has served as the CEO for the 2017 by-election and referendum as well as the 2018 general election and the Steno Coordinator was appointed as the DCEO.

In 2020, Karen Robertson was hired as the Deputy City Clerk and this position would typically serve as the DCEO; however, Ms. Snelgrove expressed a desire to once again be appointed as the DCEO for the 2022 election to continue expanding her knowledge in this leadership position and both myself and Ms. Robertson support her request.

Ms. Robertson, who has previous experience in other local governments as both Chief Election Officer and Deputy Chief Election Officer, would assist and support both the CEO and DCEO and provide meeting support as Corporate Officer when the demands of the election ramp up.

In terms of work involved, preparation required for a General Local Election and voting is extensive and the appointment of election officers is considered well in advance of a scheduled election in order to provide sufficient time, and the authority, for staff to prepare for the election. It is not uncommon to spend approximately 100 hours of overtime (outside of the one's regular work day).

Compensation for the DCEO outside of regular business hours is covered either through the terms outlined in the Collective Agreement (should the person be a member of the union) or via the Management Terms and Conditions of Employment Bylaw (should the DCEO be in management). Compensation would typically be treated in the same manner for the CEO; however, section 14.1 of the bylaw exempts the Director of Legislative Services from being compensated for overtime as there is an expectation that this position attend Council and certain Committee meetings outside of regular business hours as part of the position. However, the CEO is a separate appointment, with separate duties, that will require some work to be completed outside regular hours including working the advance voting days and the general election day. Therefore, staff is seeking Council's support to waive section 14.1 of the bylaw for election purposes only and authorize compensation to the Director of Legislative Services for time spent working on the election outside of regular business hours.

Staff did review what compensation is provided to other Corporate Officers who are appointed as CEO's from medium and large sized municipalities within B.C., and of those who responded to a survey conducted by CivicInfo, compensation for the 2018 election was provided as follows:

- 9 municipalities – straight time, outside of work hours for time spent working on the election
- 2 municipalities – flat rate of \$3,000
- 2 municipalities – flat rate of \$2,500
- 2 municipalities – flat rate of \$2,250
- 2 municipalities – flat rate of \$2,000
- 3 municipalities – flat rate of \$1,500
- 1 municipality – 5 days in lieu of overtime
- 1 municipality – 4 days in lieu of overtime
- 1 municipality – 3 days in lieu of overtime
- 2 municipalities - no additional compensation

FINANCIAL IMPLICATIONS

Election staff remuneration is allotted for within the City's election budget in the Financial Plan. Subject to finalizing an agreement with the School District, there would be off-setting revenue for additional costs related to the School Board election.

Should Council support staff's recommendation, it is anticipated that the additional cost to compensate the CEO for work on the election outside of regular work hours would be approximately \$3,000 - \$4,000 with approximately 33% being covered by the School District. Additionally, tying the compensation to section 14.2 of the bylaw means that a maximum of 50% could be taken in the form of a cash payment. The remainder would need to be taken as

accumulated time off. This further minimizes the financial impact as there are no additional costs to the municipality for coverage when the Director of Legislative Services is absent as the Deputy City Clerk position covers during these times.

OPTIONS

Option 1:

1. That Sheila Gurrie, Director of Legislative Services, be appointed as the Chief Election Officer for the City of Nanaimo 2022 General Local Election;
2. That Sky Snelgrove, Steno Coordinator, be appointed as the Deputy Chief Election Officer for the City of Nanaimo 2022 General Local Election; and
3. That despite Section 14.1 of the "Management Terms and Conditions of Employment Bylaw 2019 No 7273", the Director of Legislative Services be compensated for any hours worked on the election (outside of the regular work day) at straight time under the terms and conditions as outlined under section 14.2 of the bylaw.

The advantages to option 1 include:

- The Director of Legislative Services has previous experience as a Chief Election Officer;
- The Steno Coordinator has previously served as the DCEO and would be provided with a further opportunity to expand her knowledge in a leadership position;
- The Director of Legislative Services would be compensated for time spent working on the election outside of regular business hours similar to most municipalities in B.C.

The disadvantage to option 1 is that there would be an additional cost should Council choose to appoint the Director of Legislative Services as the CEO.

Option 2:

1. That Sheila Gurrie, Director of Legislative Services, be appointed as the Chief Election Officer for the City of Nanaimo 2022 General Local Election;
2. That Sky Snelgrove, Steno Coordinator, be appointed as the Deputy Chief Election Officer for the City of Nanaimo 2022 General Local Election; and
3. That the Director of Legislative Services be compensated for any hours worked on the election (outside of the regular work day) at the flat rate of **(insert amount here)**.

Under option 2, the CEO and DCEO appointments would be the same as in option 1 but Council could select a flat rate to compensate the Director of Legislative Services regardless of the number of hours spent working on the election outside of normal working hours.

Option 3:

1. That Sheila Gurrie, Director of Legislative Services, be appointed as the Chief Election Officer for the City of Nanaimo 2022 General Local Election; and
2. That Sky Snelgrove, Steno Coordinator, be appointed as the Deputy Chief Election Officer for the City of Nanaimo 2022 General Local Election.

Under Option 3, the CEO and DCEO appointments would be the same as options 1 and 2 but no compensation would be provided to the Director of Legislative Services for time spent working on the election outside of normal working hours.

SUMMARY POINTS

Section 58(1) of the *Local Government Act (LGA)* requires that local governments appoint a Chief Election Officer (CEO) and a Deputy Chief Election Officer (DCEO) to carry out the responsibilities for conducting the general local elections.

ATTACHMENTS:

Attachment 1 - BL7273 – Management Terms and Conditions of Employment Bylaw

Submitted by:

Sheila Gurrie,
Director of Legislative Services

Concurrence by:

Jake Rudolph
CAO