

**SUMMER VILLAGE OF SUNRISE BEACH AGENDA
SPECIAL MEETING**

Wednesday, June 21st, 2023 commencing at 3:00 p.m.

Via Teleconference

1-877-385-4099 Access Code 5501623#

As per Bylaw 448-2018 there will be no audio/video recordings of Meetings

1.	<u>Call to Order</u>		
2.	<u>Agenda</u>	a)	<p>June 21st, 2023 Special Council Meeting</p> <p><i>Recommendation:</i> (that the June 21st, 2023 Special Council Meeting Agenda be approved as presented)</p>
6.	<u>Business</u>	a)	<p><i>Summer Village of Sunrise Beach Byelection – on June 13th, 2023 Everett Steenbergen resigned as Councillor from the Summer Village of Sunrise Beach (copy of letter attached). Also attached is a detailed Request for Decision prepared with respect to the processes required as a result of this resignation.</i></p> <p><i>As we are more than 6 months away from the next general election, the Act requires us to hold a byelection to fill the vacancy on Council.</i></p> <p><i>Recommended Actions:</i></p> <ul style="list-style-type: none"> <i>i) That Council accept the resignation letter of Councillor Everett Steenbergen, as presented, for information</i> <i>ii) That Council establish Election for the Byelection as Saturday, August 5th, 2023 at the _____, from 10 a.m. through 7 p.m.</i> <i>iii) That Council establish either Advance Polls on _____ (date), from _____ to _____ (time) at _____ (location) or Special Ballots (set method, deadline for receipt of requests and deadline for receipt of completed ballots)</i> <i>iv) That Council establish Nomination Day as Saturday July 8th, 2023 from 10 a.m. through 12 noon at _____ (location), to be preceded by the statutory Nomination Period beginning on June 22nd, 2023 (day after meeting where motion passes for same)</i> <i>v) That Council appoint Dwight Moskalyk as Returning Officer and _____ as Substitute Returning Officer for the Byelection.</i> <i>vi) That Council confirm that notice for Nomination Day and Election Day (if required) shall be at minimum sent to each property owner by mail in a manner consistent with the prescribed timing of the Act.</i>

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			<p>vii) <i>That Council authorize that, if practical and agreeable to both municipalities, the byelection be held in conjunction with the Summer Village of Birch Cove.</i></p> <p>viii) <i>That Council authorize all election related expenses resulting from the 2023 Byelection to be covered by use of Operating Reserves.</i></p>
13.	Adjournment		

Next Meetings:

Regular Council Meeting
Organizational Meeting followed
by Regular Council Meeting
Regular Council Meeting

July 25th, 2023
August 22nd, 2023
September 26th, 2023

original given
to Dwight (RO)
gone 16.00.23

I Everett Steenbergen

F16

resign as councillor for the
village of Sunrise Beach

effective June 13/2023

9:51 PM



rec'd June 13/23
P

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Summer Village of Sunrise Beach Request For Decision (RFD) 2023-1

Meeting:	Regular Council
Meeting Date:	June 21, 2023
Originated By:	Wendy Wildman, Chief Administrative Officer
Title:	Byelection 2023, Declaration and Process, Next Steps
Agenda Item Number:	6(a) – Business Items

BACKGROUND/PROPOSAL:

On June 13th, 2023 the Chief Administrative Officer received a the resignation of Councillor Everett Steenbergen. The resignation was received in writing (a copy of the letter is attached). Mr. Steenbergen has been a long serving community leader and member of council, and we thank him for his dedication and service.

Mr. Steenbergen was re-elected in the 2021 municipal election cycle and as his resignation comes partway through this municipal term, and not near enough to the prescribed next election period (2025), the municipality must prepare for a byelection to fill the vacancy on council. The Local Authorities Election Act governs the process through which elections (and byelections) are conducted, and in keeping with this legislation council must now consider direction on the next steps in this process.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

As a summary of the important milestone matters council must affect as part of this byelection process, please consider the following (in chronological order):

- 1) Confirm the resignation was received in writing and accepted
- 2) Establish a Byelection date and place (voting time is legislated at 10am to 7pm)
- 3) Determine if an Advance Vote will be authorized (set date, time and location of same)
- 4) Determine if special ballots will be authorized as a voting option for this byelection (see notes below for details)
- 5) Declare a Nomination Day which is at least four (4) weeks prior to the established Election Day (Date, time and location)
- 6) Confirm if a nomination deposit is required (not typical in summer villages)
- 7) Establish by resolution the Returning Officer and Substitute Returning Officer
- 8) Determine the authorized method of notification for Nomination Date and, if required, Election Day (mail at least one week prior, **or** two publications in local paper in each of the two preceding weeks, or both).

Item #1) - The letter is attached, and has been marked received. Unless there is doubt on the validity or interpretation of this document I believe this resignation to be valid and the necessity of the byelection warranted. Council may wish to pass a resolution confirming receipt of the resignation as information, and thanking Mr. Steenbergen for is past service.

Item #2) – Section 12(a)(ii) confirms that Election Day for Summer Villages (for Byelections) shall be on a date established by Council by Bylaw or Resolution. With this in mind, Council needs to pick a day that works for their community; certainly summer months are ideal as more electors are in the area generally speaking, so keeping in mind that we will need at least four (4) weeks from nomination day and an additional one, or





two (if sending newspaper notices), weeks (at least) to prepare and circulate advertising, I am going to suggest that Election Day be set as Saturday August 5th, 2023 (10am to 7pm) at the Onoway Heritage Centre (or Wildwillow Office perhaps?) preceded by direct mailout to electors for both nomination day and election day (one week notice minimum). An alternate day would be September 2nd, 2023 (which is a long weekend but may result in more turnout if an election is required).

Item #3) – The regulations on Advance Polls are a bit more relaxed but still need to follow the overall rhythm of the election process (advertising in particular). I would recommend that you allow either advance polling OR special mail-in ballots, but not both. If you choose to use advance polling, I would suggest that same is allowed for on Wednesday August 2nd, 2023 from 12:00noon through 7pm, or Saturday July 29th, 2023 12:00noon through 7pm. You can alter the times and date, but need to be at least one week after notice is deemed to be received and cannot (should not) be 24 hours before Election Day itself. The real consideration is if an alternate weekend is preferred or if there is merit in switching it up to a week day for one of the votes.

Item #4) – Special Ballots are handy; they allow greater flexibility and access to the entire electorate. However, they are also relatively time consuming and a bit of a hassle to organize/administer. We have used this process before, so we have a workable process ready to role in short order if needed, but I only recommend Special Ballots as an alternative to Advance Polling (again, choose one, not both) for budget and time considerations. We can do both if Council really wants, but if you hold an advance vote as well there will/may be considerable investment made preparing for special ballots only to receive marginal elector access. If you want to include special ballots, Council will need to resolve to do so, and that motion needs to also address:

- a) The method(s) that the special ballot application needs to be received (in writing, telephone, fax, in person, email, secure website request) – I recommend only in writing by mail or email or request in personal (for which I can have a stock request form prepared (so a record is easy to keep).
- b) Determine a time limit for when a request for a Special Ballot must be received in order to be processed – I would recommend that any time between Notice of Election Day and at least 10 business days before Election Day (so I would say Monday July 24th, 2023 12:00noon) would be bare minimum as we need time to both prepare and mail the ballot package for each request, but also allow mailing time to the recipient, then delivery back to our office, to allow for receipt on or before the close of election day (note item (c), below).
- c) Set a practical time for when the “outer envelope” of the returned ballot package must be received. The standard allowance is the same as the close of voting on election day (7pm on August 5th, 2023). However, due to our rural nature and the availability to access mail on a Saturday – we want to make very sure that it is clear that whether a voter is dropping their completed ballot package of in person or having it delivered by mail or courier – **IT MUST BE IN THE HANDS OF THE RETURNING OFFICER AT A PRACTICAL TIME OR IT WILL NOT BE COUNTED.** This is a tricky expectation to communicate – but the first step is establishing a deadline for receipt that is practical given the overall situation. I would suggest that, as allowed in Section 77.2(3.1), if we allow special ballots that Council also establish a deadline for receiving special ballots as 12noon on Friday August 4th, 2023 by mail or in person at the Wildwillow Enterprises Administration Office (2317 TWP Rd 545 Lac Ste. Anne County). Under Section 77.3 of the Act a later special ballot is deemed to be rejected and cannot be counted,



and unlike, for example, Tax Payments – the post mark of sent date is irrelevant in this consideration – it MUST BE IN THE RETURNING OFFICER'S HAND BY THE DEADLINE (sorry for the all capitals, but this is a critical point to note).

Item #5 – Assuming that Council accepts August 5th, 2023 as Election Day, we can then work back to establish a Nomination Day. Nomination Day is that closing bookend on the Nomination Period (a relatively new concept) and is regulated under Section 25 of the Act. Nomination Day is 4 weeks prior to the established Election Day and the Nomination Period is the time between the day after the resolution to establish the election day passes and 12noon on the established Nomination Day. As Nomination Day is not a “regular work day” (i.e. a Saturday) we also establish a time that the officer will be available on this day and we use 10am through 12noon as the benchmark (which was the rule in the old legislation when it was just a “nomination day” rather than a nomination period). Bearing this in mind, I am recommending that Nomination Day be set as July 8th, 2023 from 10am through 12noon at the Wildwillow Enterprises Administration Office, preceded by the legislated Nomination Period beginning on _____ (insert) date of the day of the meeting where the motion passed) where nominations may be accepted at the Wildwillow Office during regular office hours.

Item #6) – Most summer villages do not require a nomination deposit, but please confirm with your bylaws on fees and charges (or an election bylaw if you have one) to make sure. If you want to impose a nomination deposit you must do so before June 30 of the election year. Regardless of council's desire to have one if they do not already, I think the timeline is a bit too tight to impose or alter a fee bylaw for this byelection but something to keep in mind going forward. Of course if you do have a fee established we need to confirm same for the notices.

Item #7) – We are recommending the appointment of Dwight Moskalyk as Returning Officer and _____ as Substitute Returning Officer for the 2023 Byelection for the Summer Village of Sunrise Beach. Both individuals are Wildwillow staffers with past experience in municipal elections and byelections. The Act allows the appointed RO to also engage deputies as required to man the stations (we never hold an election with fewer than 3 total staff at any polling station to ensure the integrity of the process – at least two sets of eyes on the ballot box at all time, for example).

Item #8 – In the above overview we assumed that the preferred method of notification would be by direct mailing to property owners notice of the nomination day and election day proceedings. Under the act this requires a minimum of 1 week notice (so practically speaking 10 days lead time to prepare and allow for mailing, minimum), the alternative is to run consecutive ads in the paper, which rarely gets to all residents (folks from the city or outside our local paper jurisdiction) and also adds several days to the process (earliest we could get notice in the paper is first week of July so that would restrict us to a July 15th Nomination Day and an August 12 Election day – which does not work on the recommended RO staff (though we could find other staff if needed). If we go with mail out we would ensure same was done and in the mail on Monday June 28th, 2023.

A bonus consideration – although not required at all (your council is autonomous of course), there would be a significant advantage to aligning your byelection process with any other local byelections that are required. As it happens, the Summer Village of Birch Cove is also in a byelection consideration (and also in the Wildwillow Enterprises Inc. service group). It may be worth the effort to reach out to them to



confirm dates and times (and processes) that work for their municipality; we could then share much of the overhead and staffing costs to keep this process on budget (as of course these are "surprises" costs that were not planned for 2023 for either municipality). For now, I have assumed this sharing of service would be feasible and offered the same dates and times to the other municipality, but this is a point for further discussion.

So – to summarize the proposal:

Notice of Nomination Day (mailed) – June 28th, 2023

Nomination Day – July 8th, 2023 – 12noon

Notice of Election (mailed) – July 11th, or 12th, 2023

Special Ballot Request Deadline – July 24th, 2023

Advance Poll – July 29th, 2023 or August 2nd, 2023 12noon to 7pm

Deadline for RO to receive Special Ballots – August 4th, 2023, 12 noon

Election Day – August 5th, 2023.

COSTS/SOURCE OF FUNDING (if applicable)

The cost of the 2023 byelection was not anticipated in the 2023 budget deliberations. As such, this cost will be covered from operating reserves. Depending on if the election concluded after nomination day (i.e. election by acclamation) or if it runs the entire process (contested election) the cost, based on historical reference) could run anywhere from \$2,000 to \$6,000, with additional costs for additional services (Special Ballots option could add \$1,500+ depending on number of requests received).

RECOMMENDED ACTION:

1. Council accept the resignation letter of Councillor Steenberg, as presented, as information.
2. Council established Election Day for the Byelection as Saturday August 5th, 2023 at the Onoway Heritage Centre from 10am through 7pm.
3. Council Establish either Advance Polls on _____ (date), from _____ to _____ (time) location, or Special Ballots (set method, deadline for receipt of requests and deadline for receipt of completed ballots)
4. Council establish Nomination Day as Saturday July 8th, 2023 from 10am through 12noon at _____ location, to be preceded by the statutory Nomination Period beginning on _____ (day after meeting where motion passes for same)
5. Council appoint Dwight Moskalyk as Returning Officer and _____ as Substitute Returning Officer for the Byelection.
6. Council confirm that notice for Nomination Day and Election Day (if Required) shall be at minimum sent to each property owner by mail in a manner consistent with the prescribed timing of the Act.
7. Council authorize that, if practical and agreeable to both municipalities, the byelection be held in conjunction with the Summer Village of Birch Cove.
8. Council authorize all election related expenses resulting from the 2023 Byelection to be covered by use of Operating Reserves.

Initials show support – Reviewed By:

CAO: *W. Wildman*

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