Agenda – Council – April 26, 2018

Report – Governance Committee of Council – April 4, 2018

Item No. 2 2018 Election Preparation

COMMITTEE RECOMMENDATION:

On April 11, 2018, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the following to Council:

1. That the City enter into, execute and deliver agreements with school divisions entirely or partially located within the City of Winnipeg and such other agreements as determined necessary by the City Solicitor / Director of Legal Services (the "Ancillary Agreements") to allow the City Clerk to act as the senior election official for school board elections in those school divisions.

2. That authority be delegated to the City Clerk to negotiate and approve the terms and conditions of the agreements with school divisions and the Ancillary Agreements referred to in recommendation #1, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

3. That authority be delegated to the City Clerk to negotiate and approve the terms and conditions of all future similar agreements with the school divisions identified in Recommendation #1, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

4. That By-law 22/2006 be repealed and that Richard G. F. Kachur of the City of Winnipeg in Manitoba be appointed Campaign Expenses and Contributions Officer for the City of Winnipeg to carry out and perform all those duties required of that position as set out in the Campaign Expenses and Contributions By-law and The City of Winnipeg Charter.

5. That By-law 10/2010 be amended to include that Official Agents must not be involved in the election as an election official, as defined in section 1 of The Municipal Councils and School Boards Elections Act, candidate or as an auditor to a candidate.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Governance Committee of Council – April 4, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 11, 2018, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the matter to Council.

COMMITTEE RECOMMENDATION:

On April 4, 2018, the Governance Committee of Council concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: 2018 Election Preparation

Critical Path: Governance Committee of Council – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Lemoine	M. Lemoine		

EXECUTIVE SUMMARY

This report contains recommendations in 3 areas to assist in preparation for the 2018 Election. A Council decision is required to provide authorization to enter into agreements with School Divisions regarding undertaking 2018 School Trustee elections. The City has undertaken School Board Elections for many years, allowing citizens to vote for School Trustees at the same time and place as they vote for Council candidates.

A change is recommended to appoint a new Campaign Expenses and Contribution Officer (CECO) to assist Council candidates in the 2018 Civic Election. This appointment is undertaken by By-law.

A change to the Campaign Expenses and Contributions by-law is recommended to prevent Candidates from acting as Official Agent for other Candidates. This occurred in 2014 and led to possible conflict of interests between two candidates. All Council Candidates require an Official Agent and an Auditor. The by-law already prevents Auditors from acting as Official Agents, Candidates or Election Workers. A similar change is being sought for the Official Agent.

RECOMMENDATIONS

1. That the City enter into, execute and deliver agreements with school divisions entirely or partially located within the City of Winnipeg and such other agreements as determined necessary by the City Solicitor / Director of Legal Services (the “Ancillary Agreements”) to allow the City Clerk to act as the senior election official for school board elections in those school divisions.

2. That authority be delegated to the City Clerk to negotiate and approve the terms and conditions of the agreements with school divisions and the Ancillary Agreements referred to in recommendation #1, in accordance with this report and such other terms

and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

3. That authority be delegated to the City Clerk to negotiate and approve the terms and conditions of all future similar agreements with the school divisions identified in Recommendation #1, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

4. That By-law 22/2006 be repealed and that Richard G. F. Kachur of the City of Winnipeg in Manitoba be appointed Campaign Expenses and Contributions Officer for the City of Winnipeg to carry out and perform all those duties required of that position as set out in the Campaign Expenses and Contributions By-law and The City of Winnipeg Charter.

5. That By-law 10/2010 be amended to include that Official Agents must not be involved in the election as an election official, as defined in section 1 of The Municipal Councils and School Boards Elections Act, candidate or as an auditor to a candidate.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

This report contains 3 recommendations to assist in preparation for the 2018 Election process. A Council decision is required to provide authorization to enter into agreements with School Divisions regarding undertaking 2018 School Trustee elections. Council approval is required to enter into agreements.

A change is recommended to appoint a new Campaign Expenses and Contribution Officer (CECO) to assist Council candidates in the 2018 Civic Election. This appointment is undertaken by By-law. Council Approval is required to amend by-laws.

A change to the Campaign Expenses and Contributions by-law is recommended to prevent Candidates from also acting as Official Agents for other candidates. This occurred in 2014 and led to possible conflict of interests between two candidates. Council approval is required to amend by-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

The City of Winnipeg will enter agreements with School Divisions located within the City of Winnipeg to undertake School Trustee elections for the 2018 General Civic Election.

A Campaign Expenses and Contributions Officer will be appointed for the 2018 General Civic Election.

The Campaign Expenses and Contributions By-law No. 10/2010 will be amended to restrict Official Agents from playing other roles the 2018 and future elections to avoid any potential conflicts of interest.

HISTORY/DISCUSSION

In the 2014 General Civic Election and previous elections, the City of Winnipeg entered into agreements with School Divisions whose boundaries are in whole or in part within the City of Winnipeg. These agreements specified that School Divisions would appoint the City's Senior Election Official as the Senior Election Official for the School Division as required by *The Municipal Councils and School Boards Election Act.* The agreements also set out terms and conditions by which the City of Winnipeg's Senior Election Official would conduct School Trustee Elections. Conducting School Trustee Elections in the same manner, time and place as Mayoralty and Councillor Elections is beneficial for citizens who are able to vote for all three offices at once, and provides synergies and cost savings for both the City of Winnipeg and School Divisions located within its boundaries.

Recommendations 1 to 3 of this report provide authority to the City Clerk to negotiate contracts related to the 2018 and future elections as required.

The City of Winnipeg Charter requires Council to designate, by by-law, a person to assist registered candidates to comply with by-law and statutory provisions relating to campaign expenses and contributions, to examine audited statements filed by registered candidates, and to report to Council on certain matters including any apparent failure of a registered candidate to comply with provisions relating to campaign expenses and contributions. Campaign Expenses and Contributions By-law No. 10/2010 establishes the position and duties of a Campaign Expenses and Contributions Officer.

Recommendation 4 of this report appoints R. Kachur as the Campaign Expenses and Contributions Office for the City of Winnipeg. Mr. Kachur has extensive knowledge in Municipal Elections including acting as the Returning Officer for the City of Winnipeg and over 25 years of directing elections and assisting candidates with elections.

Recommendation 5 of this report deals with requirements to act as an Official Agent for a candidate. The City of Winnipeg Charter and the Campaign Expenses and Contributions By-law No. 10/2010 require that candidates appoint an Official Agent and Auditor in order to become registered as a Candidate. In 2014, a Candidate in one Council race acted as an Official Agent for a Candidate in another Council race. This overlap of roles was not prohibited by the Charter or the By-law, but did create a potential conflict of interest. The By-law does require that the Auditor for each candidate not be allowed to act as a Candidate, Official Agent or Election Official. A similar change is being suggested for the position of Official Agent.

FINANCIAL IMPACT

Financial Impact Statement Date: March 26, 2018

Project Name:
2018 Election Preparation

COMMENTS:

There are no financial implications associated with the recommendations in this report.

(Original signed by T. Yanchishyn)
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

OURWINNIPEG POLICY ALIGNMENT

The recommendations contained in this report align with OurWinnipeg Direction 1: Provide efficient and focused civic administration and governance.

SUBMITTED BY

Department: City Clerk's Department
Prepared by: M. Lemoine
Date: March 26, 2018