



## General Purposes Committee

Anderson Room, City Hall  
6911 No. 3 Road

Monday, June 20, 2011  
4:00 p.m.

Pg. #      ITEM

### MINUTES

- GP-5**      *Motion to adopt the minutes of the meeting of the General Purposes Committee held on Monday, June 6, 2011.*



### CORPORATE SERVICES DEPARTMENT

- GP-9**      1.    **APPOINTMENT OF CHIEF ELECTION OFFICER AND DEPUTY CHIEF ELECTION OFFICER FOR THE 2011 GENERAL LOCAL AND SCHOOL ELECTION**  
(File Ref. No. 12-8125-60-01/Vol 01) (REDMS No.3218577)

TO VIEW eREPORT CLICK HERE

See Page **GP-9** of the General Purposes agenda for full hardcopy report

*Designated Speaker: Jeff Day*

### STAFF RECOMMENDATION

*That David Weber be appointed as Chief Election Officer, and that Gail Johnson be appointed Deputy Chief Election Officer, for the 2011 General Local and School Election.*



- GP-11**      2.      **2011 CIVIC ELECTION UPDATE AND BYLAW AMENDMENT**  
(File Ref. No. 12-8160-20-8778/Vol 01) (REDMS No.3212349, 3228541, 2450679, 3225069)

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See Page **GP-11** of the General Purposes agenda for full hardcopy report

*Designated Speaker: David Weber*

STAFF RECOMMENDATION

*That Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8778, be introduced and given first, second and third readings.*



- GP-29**      3.      **DETERMINING ELECTION RESULTS WHERE A TIE VOTE EXISTS AFTER A JUDICIAL RECOUNT**  
(File Ref. No. 12-8125-60-01/Vol 01) (REDMS No.3214869, 3218594)

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See Page **GP-29** of the General Purposes agenda for full hardcopy report

*Designated Speaker: David Weber*

STAFF RECOMMENDATION

*That Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8770, be introduced and given first, second and third readings.*



- GP-35**      4.      **THE OATH OF OFFICE – RESPONSE TO COUNCIL REFERRAL**  
(File Ref. No. 12-8060-20-8779/Vol 01) (REDMS No.3225409, 3225402)

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See Page **GP-35** of the General Purposes agenda for full hardcopy report

*Designated Speaker: David Weber*

STAFF RECOMMENDATION

*That the staff report titled “The Oath of Office – Response to Council Referral,” dated May 30, 2011 from the Director, City Clerk’s Office, be received for information.*



BUSINESS AND FINANCIAL SERVICES DEPARTMENT

**GP-41**      5.      **CITY CENTRE AREA TRANSITIONAL TAX EXEMPTION BYLAW NO. 8776**

(File Ref. No. 12-8060-20-8776) (REDMS No. 3228251)

[TO VIEW eREPORT CLICK HERE](#)

See Page **GP-41** of the General Purposes agenda for full hardcopy report

*Designated Speaker: Ivy Wong*

STAFF RECOMMENDATION

*That the City Centre Area Transitional Tax Exemption Bylaw No. 8776 be introduced and given first, second and third readings and that staff provide public notice in accordance with Sections 94 and 227 of the Community Charter.*

☐

ADJOURNMENT

☐





## General Purposes Committee

Date: Monday, June 6, 2011

Place: Anderson Room  
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair  
Councillor Linda Barnes  
Councillor Derek Dang  
Councillor Evelina Halsey-Brandt  
Councillor Greg Halsey-Brandt  
Councillor Sue Halsey-Brandt  
Councillor Ken Johnston  
Councillor Bill McNulty  
Councillor Harold Steves

Call to Order: The Chair called the meeting to order at 4:04 p.m.

### MINUTES

It was moved and seconded

*That the minutes of the meeting of the General Purposes Committee held on Monday, May 16, 2011, be adopted as circulated.*

**CARRIED**

### LAW AND COMMUNITY SAFETY DEPARTMENT

#### 1. **RCMP CONTRACT MANAGEMENT COMMITTEE - TERMS OF REFERENCE**

(File Ref. No. 09-5165-01/2011-Vol 01) (REDMS No.3214086)

A discussion ensued among Committee members and the General Manager, Law and Community Safety, Phyllis Carlyle, regarding the UBCM proposal, including:

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- the role of Kevin Begg, the Province's lead negotiator in the Solicitor General's office;
- a police review that had been undertaken by City Council several years ago that may provide pertinent information regarding changes that may need to be implemented;
- how the UBCM proposed to manage the appointment of representatives to the Committee;
- concerns associated with the 20 year length of the contract;
- concerns associated with the Committee's lack of authority, as it is limited to consultation and review only;
- the lack of provisions for a weighted vote based on the size of the RCMP Detachment;
- the minimum requirement that the Committee meet two times a year, contrary to Council's position that the Committee meet at least four times a year; and
- the lack of a dispute resolution process in case of disagreements between the Committee and the Solicitor General regarding the implementation of change.

As a result of the discussion and the concerns raised,

It was moved and seconded

***That the UBCM and the Solicitor General be advised, with copies to Metro Vancouver cities that have populations over 10,000 and RCMP Detachments, as well as the cities of Kelowna, Prince George, and Nanaimo, that the City of Richmond insists that the Terms of Reference for the Provincial/Municipal Police Contract Management Committee include provisions that:***

- (1) No changes to policing practices, equipment, policies or procedures that impact future municipal costs, accountability or governance be introduced unless the Committee approves of the change after consultation with the cities with RCMP Detachments;***
- (2) The Committee employ a weighted voting system based on the size of the RCMP Detachment, and meet at least four times a year;***

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- (3) *Include specific terms for appointment to the Committee, and that the Terms of Reference for the BC Local Government RCMP Contract Management Committee be amended under the heading "Membership" by replacing the first item under "Eight (8) Local Government representatives as follows" with:*

*"Four representatives from local governments policed by the RCMP with a population over 15,000 (three being from the Lower Mainland RCMP District, with two of those three being from the cities with the four largest RCMP Detachments, and one being from another part of BC)" (emphasis added); and*

- (4) *If the Committee and the Solicitor General disagree regarding the implementation of change, that there be a dispute resolution process.*

**CARRIED**

## ADJOURNMENT

It was moved and seconded

*That the meeting adjourn (4:49 p.m.).*

**CARRIED**

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, June 6, 2011.

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Mayor Malcolm D. Brodie  
Chair

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Shanan Dhaliwal  
Executive Assistant  
City Clerk's Office







# City of Richmond

## Report to Committee

**To:** General Purposes Committee

**Date:** May 30, 2011

**From:** Jeff Day, P. Eng.  
General Manager, Project Development & Facilities  
Services


**File:** 12-8125-60-01/Vol 01

**Re:** Appointment of Chief Election Officer and Deputy Chief Election Officer for the  
2011 General Local and School Election

### Staff Recommendation

That David Weber be appointed as Chief Election Officer, and that Gail Johnson be appointed Deputy Chief Election Officer, for the 2011 General Local and School Election.

  
Jeff Day, P. Eng.  
General Manager, Project Development & Facilities Services  
(604-276-4019)

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

## **Staff Report**

### **Origin**

As required by the Local Government Act, Council must appoint a Chief Election Officer and a Deputy Chief Election Officer for a general local election or by-election.

Traditionally, and in accordance with the General Manager and Officer Bylaw, the Director, City Clerk's Office is responsible for the administration of civic elections as the Chief Election Officer. All past City elections have been administered through the City Clerk's Office and the current staff have the expertise and experience to organize and administer the general local and school election in November 2011.

### **Financial Impact**

None.

### **Conclusion**

As required by the Local Government Act, Council must appoint a Chief Election Officer and Deputy Chief Election Officer. It is recommended that the David Weber, Director, City Clerk's Office and Gail Johnson, Manager, Legislative Services, be appointed to these roles.



Jeff Day, P. Eng.

General Manager, Project Development & Facilities Services  
(604-276-4019)



# City of Richmond

## Report to Committee

**To:** General Purposes Committee

**Date:** May 30, 2011

**From:** David Weber  
Director, City Clerk's Office

**File:** 12-8160-20-8778/Vol  
01

**Re:** 2011 Civic Election Update and Bylaw Amendment

### Staff Recommendation

That Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8778, be introduced and given first, second and third readings.

David Weber  
Director, City Clerk's Office  
(604-276-4098)

<b>FOR ORIGINATING DEPARTMENT USE ONLY</b>		
<b>CONCURRENCE OF GENERAL MANAGER</b> 		
<b>REVIEWED BY TAG</b>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>
<b>REVIEWED BY CAO</b>	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>

## **Staff Report**

### **Origin**

The purpose of this report is to:

- provide an update on the status of early plans for the 2011 General Local and School Election;
- recommend a number of bylaw amendments that will be required as a consequence of implementing the “vote anywhere” initiative; and
- recommend other housekeeping amendments that support other initiatives and clarify various election procedures.

In accordance with the *Local Government Act*, election bylaw amendments must be adopted by August 8, 2011 in order to apply to the 2011 civic election.

### **Analysis**

#### **1. Update on the Recommendations of the Local Government Elections Task Force**

Starting in late 2009 and working through to the spring of 2010, the Province’s Local Government Elections Task Force conducted a broad public consultation process and invited comment from local governments and various interest groups on a range of election-related topics. At the end of May 2010, the Task Force delivered its report to the Provincial Government which included a number of key recommendations including:

- the establishment of expense limits for all campaign participants;
- the regulation of third party advertisers and new requirements for their registration as well as new requirements for the disclosure of expenses and contributions by third party advertisers;
- new requirements to identify sponsors of all election advertising;
- the banning of anonymous contributions;
- the shortening of the time frame for filing campaign financial disclosure statements to 90 days after election day;
- the establishment of a central role for Elections BC regarding the enforcement of election legislation and the posting of campaign financing information online; and
- the establishment of a separate Act for campaign financing rules for local elections.

At the time the recommendations were endorsed, the Provincial Government indicated its intention to implement the proposed changes in time for the 2011 Local Government Elections. However, in April of this year, following a change in Government leadership, a further announcement was made that Government would instead work towards implementing the Task Force recommendations and bringing forward the required legislative amendments in time for the 2014 civic elections. Therefore, due to this delay in implementation, the legislative rules governing the 2011 civic election will be exactly the same as those that were in place for the last election.

In a subsequent press release the Provincial Government announced that it intended to shorten the three year term of office by one month for those elected in November 2011 so that the date of the General Local Election in 2014 would be the third Saturday in October instead of the third Saturday in November. According to the Task Force report, this issue was cited frequently in conjunction with the debate on extending the term of office to four years. Proponents argued that October would likely have better weather for voting day, would provide increased accessibility to voting for those who travel during the winter months, and would have longer daylight hours for campaigning. Staff will monitor the progress of this issue and report to Council if any changes to the 2014 election date are enacted.

## **2. Update on the 'Vote Anywhere' Initiative**

Previous elections in Richmond have been conducted using voting divisions meaning that electors were required to vote at specific designated voting places in their neighbourhoods. Earlier this year, Council approved a new approach which would allow electors to vote at any voting place in the municipality. Using a computerized online voters list, the election will be conducted in an efficient and secure manner, ensuring that voters who vote at one location are not able to cast ballots at other locations. This new approach offers added convenience to voters and it allows voting places to be located not just in neighbourhoods but in community centres, shopping malls and places where people naturally congregate on Saturdays. In essence, the "vote anywhere" initiative brings the voting opportunities to the people as opposed to making the people find the voting opportunities.

The vote anywhere initiative has given staff a further opportunity to re-evaluate the traditional locations for the voting places. Over the last 20 years, Richmond has seen dramatic changes in the distribution of population, yet the voting divisions, division boundaries and voting places have remained relatively unchanged. As a consequence, some areas of Richmond, particularly in the City Centre, have been very under-served in terms of voting opportunities in recent years. As part of the vote anywhere initiative staff have corrected this imbalance and re-distributed the voting opportunities to better reflect the current population distribution in Richmond.

In addition to population distribution, staff have examined other important criteria to determine the best locations for the voting places, including:

- wheelchair accessibility;
- proximity & visibility from major roads;
- proximity in relation to other voting places;
- suitability of the space as a voting place;
- feedback from election staff from previous elections;
- proximity to areas where people typically congregate; and
- connectivity to the City network.

While a good number of the school facilities will continue to serve as voting places in 2011, a number of new high traffic community facilities will be added, including West Richmond Community Centre, Cambie Community Centre, the Library/Cultural Centre, Lang Centre (City Centre), Watermania, and McRoberts High School (adjacent to South Arm Community Centre). Staff are also in the process of confirming voting places at Aberdeen Centre and Lansdowne Mall. In addition, an unprecedented nine Advance Voting opportunities will be offered over 5

days including a “Super Advance Voting Day” on November 12th when 4 voting opportunities will be provided at key locations around the City on a single day. Other Advance Voting opportunities will be provided at City Hall, the Oval and at Kwantlen Polytechnic University (Richmond Campus). In total, 32 voting places will be available on General Voting Day. A complete listing of the Voting Places for 2011 is attached (**Attachment 1**).

A number of consequential bylaw amendments are required in order to implement the “vote anywhere” initiative, the primary change being the removal of the requirement to vote at designated voting places within voting divisions.

Amendments are also proposed to provide for the possibility of establishing “additional general voting opportunities” (meaning voting opportunities on general voting day that may have hours other than 8 am to 8 pm). Although staff do not anticipate having shortened hours at any of the voting places at this time, it may be necessary to consider later opening times or earlier closing times in order to accommodate mall hours. In order to be prepared for this possibility closer to the election, bylaw amendments would need to be enacted at this time.

### **3. Election Calendar - Key Dates**

From late August onward	Candidate Nomination and Information Packages available
Summer through to September 27th	Advance Voter Registration period (although electors may still register at the time of voting if they are not already on the voters list)
Tuesday, October 4th, 9 am	Nomination Period begins
Friday, October 14th, 4 pm	Nomination Period ends
Once ballots are available through to the close of voting on November 19 <sup>th</sup>	Mail Ballot voting opportunity available
Tuesday, November 8 <sup>th</sup> , 8 am – 8 pm	Advance Voting - Kwantlen
Wednesday, November 9 <sup>th</sup> , 8 am – 8 pm	Advance Voting – City Hall
Thursday, November 10 <sup>th</sup> , 8 am – 8 pm	Advance Voting – City Hall
Saturday, November 12 <sup>th</sup> , 8 am – 8 pm	Advance Voting – “Super Advance Voting Day” – voting places at the Library/Cultural Centre, McRoberts/South Arm, McMath High School, and Cambie Community Centre
Tuesday, November 15 <sup>th</sup> , 8 am – 8 pm	Advance Voting – City Hall, Richmond Oval
<b>Saturday, November 19th, 2011, 8 am – 8 pm</b>	<b>GENERAL VOTING DAY</b>

(Other pertinent information relating to election dates and processes can be found in the 2011 Civic Election FAQ provided in **Attachment 2**)

**4. Bylaw Amendment – To provide more time for Mail Ballots**

Prior to the last civic election, legislative changes were enacted which extended the eligibility for mail ballots to include electors who would be traveling and who would otherwise miss advance voting and general voting opportunities. The expanded mail ballot opportunity was popular and a number of electors took advantage of this new service. In order to better accommodate mail ballot requests from traveling Richmond electors, staff are proposing amendments to the election bylaw which would allow an extended period of time in which to send and receive mail ballots through standard postal service. With the proposed changes and by tightening the ballot printing timetable as much as possible, the current ten day time period could almost be doubled.

In addition, amendments are also proposed which would offer electors the option to receive mail ballots using an expedited courier service (at the elector's added expense), otherwise, mail ballot packages will be sent to electors using regular letter mail service. According to the legislation, the responsibility (and associated cost) to return mail ballots by the close of voting on General Voting Day rests with the elector.

**5. Bylaw Amendment – To clarify close of voting procedures for certain voting opportunities**

A number of housekeeping amendments are proposed to the close of voting procedures for advance voting, special voting and additional general voting opportunities in order to provide a more descriptive and detailed procedure.

**6. Bylaw Amendment – To authorize the use of ballot marking devices to assist voters with disabilities and to support the accessible voting station initiative**

For this election, staff have been exploring the possibility of using a newly available specialized device that would assist voters with disabilities to mark their ballots independently. This ballot marking device is compatible with Richmond's style of ballot and type of vote counting machine. The ballot marking device would be set-up at a voting place as an accessible voting station. Electors using an accessible voting station would be issued a standard ballot by election staff. The ballot would then be inserted into the ballot marking device, and, using a range of available user-interfaces (such as descriptive audio, enhanced video display, Braille keypad, and connections for sip/puff devices), the elector would determine how they wished to mark the ballot. Once the choices are completed and confirmed by the elector, the device physically marks the ballot as directed by the voter and returns the marked ballot to the voter so that it may then be inserted and counted by the vote counting machine.

While the option would always remain for voters with disabilities to bring someone with them to assist them with the voting process if they so desired, the ballot marking device would also be available as an option for those who wished to cast their ballot independently. Staff have had an initial consultation meeting with staff at the Richmond Centre for Disability and have received very constructive and positive feedback about this proposal. Of particular note was the opportunity of promoting and raising awareness of the new service in partnership with RCD.

In terms of deployment, staff would anticipate making the accessible voting station available at a number of the Advance Voting opportunities as well as at one centrally-located voting place on

General Voting Day (for example, at Lansdowne Mall). The provision of this service supports the goal of encouraging greater voter turnout and removing barriers to voting.

Bylaw amendments are required in order to authorize the use of the ballot marking device as part of the voting process. The additional cost to provide an accessible voting station can be accommodated within the existing election budget.

### **Financial Impact**

None.

### **Conclusion**

The bylaw amendments proposed in this report relate primarily to supporting the vote anywhere initiative, implementing the accessible voting station initiative, improving the mail ballot process, and enacting various housekeeping amendments to clarify election procedures. Adoption of the amendment bylaw is therefore recommended to support the general goals of improving voting opportunities, increasing voter turnout and removing barriers to voting.

A handwritten signature in black ink, appearing to read "David Weber". The signature is stylized with a large, sweeping initial "D" and a cursive "Weber".

David Weber  
Director, City Clerk's Office  
(604-276-4098)

Att. 3

**Attachment 1 – Voting Places for 2011 General Local and School Election**

**Attachment 2 – 2011 Civic Election FAQ**

**Attachment 3 – Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8778**



## Voting Places for General Voting Day, November 19, 2011

1.	A. R. MacNeill Secondary	6611 No. 4 Road.
2.	Aberdeen Centre Mall	4151 Hazelbridge Way
3.	Blundell Elementary	6480 Blundell Rd.
4.	Brighthouse Elementary	6800 Azure Rd.
5.	Burnett Secondary	5011 Granville Ave.
6.	Cambie Community Centre	12800 Cambie Road
7.	Cook Elementary	8600 Cook Rd.
8.	Garden City Elementary	8311 Garden City Rd.
9.	General Currie Elementary	8220 General Currie Rd.
10.	Grauer Elementary	4440 Blundell Rd.
11.	Hamilton Elementary / Community Centre	5180 Smith Dr.
12.	Homma Elementary	5100 Brunswick Dr.
13.	Lang Centre (City Centre)	Lang Centre (City Centre)
14.	Lansdowne Centre Mall	5300 No. 3 Road
15.	Library Cultural Centre	7700 Minoru Gate
16.	McMath Secondary	4251 Garry Street
17.	McNair Secondary	9500 No. 4 Rd.
18.	McRoberts Secondary / South Arm Community Centre	8980 Williams Road
19.	Quilchena Elementary	3760 Moresby Dr.
20.	Richmond Secondary	7171 Minoru Blvd.
21.	Sea Island Elementary	1891 Wellington Cres.
22.	Spul'u'kwuks Elementary	5999 Blanshard Dr.
23.	Steves Elementary	10111 Fourth Ave.
24.	Steveston-London Secondary	6600 Williams Road
25.	Tait Elementary	10071 Finlayson Dr.
26.	Talmey Elementary	9500 Kilby Drive
27.	Tomsett Elementary	9671 Odlin Rd.
28.	Watermania	14300 Entertainment Blvd.
29.	West Richmond Community Centre	9180 No. 1 Road
30.	Westwind Elementary	11371 Kingfisher Dr.
31.	Woodward Elementary	10300 Seacote Rd.
32.	Wowk Elementary	5380 Woodward Rd.

## Voting Places for Advance Voting

1.	Cambie Community Centre (Nov 12 <sup>th</sup> )	12800 Cambie Road
2.	City Hall (Nov 9 <sup>th</sup> , 10 <sup>th</sup> , 15 <sup>th</sup> )	6911 No. 3 Road
3.	Kwantlen Polytechnic University (Nov 8 <sup>th</sup> )	8771 Lansdowne Road
4.	Library Cultural Centre (Nov 12 <sup>th</sup> )	7700 Minoru Gate
5.	McMath Secondary (Nov 12 <sup>th</sup> )	4251 Garry Street
6.	McRoberts Sec. / South Arm Community Centre (Nov 12 <sup>th</sup> )	8980 Williams Road
7.	Richmond Olympic Oval (Nov 15 <sup>th</sup> )	6111 River Road

# Richmond General Local and School Election 2011

## *Frequently-Asked-Questions / General Overview*

### **When is election day?**

General Election Day is **November 19, 2011**.

### **What are the dates for advance voting?**

The proposed dates for advance voting in 2011 are:

November 8 <sup>th</sup> , 2011	Kwantlen
November 9 <sup>th</sup> , 2011	City Hall
November 10 <sup>th</sup> , 2011	City Hall
November 12 <sup>th</sup> , 2011	Library Cultural Centre; Cambie Community Centre; McRoberts/South Arm Community Centre; McMath Secondary
November 15 <sup>th</sup> , 2011	Richmond Olympic Oval; City Hall

The proposed dates provide both weekday and weekend advance voting opportunities.

### **Do voters have to register in advance of General Election Day?**

No.

People who are not already registered on the voters list, or who did not register during the advance registration period, may still register to vote at the time of voting. Eligible electors who have never before registered may register to vote in advance provided they do so before September 27, 2011. After this date, eligible electors who are not yet registered to vote, must register at the time of voting.

### **How do electors register to vote?**

If you are not already on the voter's list, you can register at the City Clerk's Office or the Election Office at City Hall during the voter registration period (through the summer months until September 27, 2011). You will be able to check whether you are registered to vote on the City web site. If you don't register to vote in advance, don't be concerned - you can always register at the voting place just before you vote. Remember, registration in advance of General Election Day is *not* required. In order to register, a

person must meet the eligibility requirements and present acceptable identification (see below for details).

### **Do voters have to re-register to vote for each election?**

No.

If you voted in the previous provincial, federal or civic elections, then it is very likely that you are already registered to vote for the 2011 General Local and School Election. The City uses the provincial voters list for civic elections, which is based on election registration data from both the provincial and federal voters lists. Elections BC maintains and updates the voters list between elections, however, if you have recently moved, and have not updated your registration information with Elections BC, then you may wish to do so during the advance registration period to ensure that your current registration information for Richmond is incorporated into the voters list. Again, there is no need to be concerned if you have not updated your registration information in advance of General Election Day - an Election Official can easily process a change of address or registration update immediately before you vote at the voting place.

### **Who is eligible to vote?**

You may vote in the Richmond General Local and School Election as a **resident elector** if you:

1. are a Canadian citizen;
2. are, or will be, 18 years of age or more on General Voting Day (Saturday, November 19, 2011);
3. have lived in BC for at least 6 months prior to registration (May 17, 2011 is the last day to meet residency requirement if registering on General Voting Day);
4. have lived in Richmond (or owned property in Richmond for a **non-resident elector**) for at least 30 days prior to registration (October 19, 2011 is the last day to meet local residency requirement if registering on General Voting Day); and
5. are not disqualified from voting by the Local Government Act or any other enactment.

### **What is the identification requirement in order to vote?**

If a person is already registered on the voters list, there is no ID requirement at the time of voting.

If a person is not already registered on the voters list, and they are eligible to vote, the following ID requirement must be met when registering at the time of voting:

1. **At least 2 ID documents must be shown that provide evidence of the person's identity and place of residence, at least one of which must contain the person's signature,**

OR

2. **At least 2 ID documents must be shown that provide evidence of the person's identity, at least one of which must contain the person's signature, and make a solemn declaration as to the person's place of residence.**

## **What forms of ID are acceptable?**

The following are examples of acceptable identification documents (this is not an exhaustive list):

- Canadian Passport
- BC Driver's License
- Certificate of Vehicle Insurance
- BC ID Card
- Credit Cards or Debit Cards
- Birth Certificate
- Canadian Citizenship Card
- Social Insurance Card
- BC Care Card or BC Gold Care Card
- Property Tax Notice or Utility Bill

## **What provisions are made to assist voters with disabilities?**

People who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity may request to vote using a mail-in ballot. In addition, on General Voting Day and on Advance Voting Days, people may request "curb-side voting," which is a service whereby an elector may vote in their car with the assistance of an election official, provided the elector is able to drive to or be driven to their designated voting place. If an elector requires assistance to read or mark a ballot, they are permitted to have the assistance of another person in the voting booth. Also, every effort is made to ensure that all voting places are accessible. Finally, at some advance voting opportunities and at one voting place on General Voting Day, an "accessible voting station" will be available. An accessible voting station allows an elector to use a ballot marking device that would assist voters with disabilities to mark their ballots independently. The ballot marking device offers a range of user-interfaces such as descriptive audio, enhanced video display, Braille keypad, and connections for sip/puff devices.

## **What provisions are made for residents of care facilities?**

As in previous years, voting opportunities will be provided for residents of care facilities who would otherwise not be able to attend a voting place on General Voting Day. In the past, voting opportunities have been provided at Minoru Residence, Gilmore Gardens, Courtyard Gardens, Fraserview Intermediate Care Lodge, Richmond Lions Manor, Rosewood Manor and Pinegrove Place. Similar arrangements will be made again this year in consultation with facilities staff to provide appropriate voting opportunities for people living in these and other new facilities as appropriate. Other people who are disabled, injured or ill, but living at home or at another place not listed above, may also vote using a mail-in ballot.

## **What provisions are made to assist people using other languages?**

The City publishes and distributes a voters guide in English, French, Chinese and Punjabi. In addition, voting instructions and other voting information is posted at the voting places in each of these languages. The City also makes an effort to have some multi-lingual election staff available at the voting places and if a person requires translation assistance in the voting booth, they may bring one person along with them to translate.

Ballots are not available in other languages.

## **Can people vote in Richmond if they live elsewhere but own property here?**

The Local Government Act allows people who are not residents of a municipality to vote if they own property within a given jurisdiction. Of course, by definition, this right is only extended to people who are not residents so as to avoid double-voting. For example, a resident of Vancouver who owns property in Richmond may vote in Vancouver as a resident elector and in Richmond as a non-resident property elector. However, a person who lives in Richmond, and owns additional properties in Richmond may only vote *once* in Richmond as a resident elector. The property must be owned personally and not by a corporation since corporate voting has long since been eliminated.

## **When can people be nominated as candidates in the election?**

The nomination period begins on Tuesday, **October 4**, 2011 at 9:00 am and ends on Friday, **October 14**, 2011 at 4:00 pm. No candidate nominations can be filed except during the nomination period.

## **What are the general qualifications to run as a candidate?**

In order to run as a candidate, you must:

- be 18 or older on General Voting Day;
- be a Canadian citizen; and
- be a resident of British Columbia for at least 6 months before the election.

In addition, you must not have been otherwise disqualified, for example, by failing to file a campaign financing disclosure statement after the last election. Candidates in a civic election are *not* required to be residents of the community in which they are seeking public office. City and School Board employees are required to take a leave of absence before being nominated for a position on City Council or the Board of Education respectively. Metro Vancouver employees must also take a leave of absence before being nominated as a candidate for a City Council position.

## **What is an elector organization?**

An elector organization is an organization that endorses the election of a particular candidate and has its name on the ballot along with the candidate's name. If the organization wants to have its name appear on the ballot with the candidate's name, the organization must have been in existence for 60 days and have had a membership of 50 electors of the local jurisdiction for that period. Elector organizations are bound by the same financial disclosure rules as candidates and their disclosure statements are available for inspection by the public at the local government office after general voting day.

## **What is a campaign organizer?**

Campaign organizers are individuals or organizations that mount an election campaign and accept campaign contributions, intend to accept campaign contributions, or incur expenses in support of an election campaign. The primary difference between an elector organization and "campaign organizer" is that the campaign organizer does not officially endorse candidates on the ballot, but nevertheless, mounts an election campaign or advertising campaign in support of a candidate(s) or an elector organization(s).

## **What is a campaign financing disclosure statement?**

The purpose of campaign financing disclosure statements are to provide the public with more information as to who is financially supporting candidates, elector organizations and campaign organizers and how much is spent in running for elected office. Candidates, elector organizations and campaign organizers are required to prepare and

file with the local government, public statements which outline the campaign contributions they received and election expenses they incurred.

The campaign financing disclosure statements must be filed 120 days after general voting day (March 19, 2012). The requirement to file a disclosure statement applies to all candidates and elector organizations, whether or not contributions were received or election expenses were incurred.

Campaign organizers are also required to file campaign financing disclosure statements. For campaign organizers, the requirement to file is triggered once the organizer files with the Chief Election Officer the contact information for the organization and its appointed officers. This must be done once the organizer has incurred election expenses greater than \$500, has received campaign contributions greater than \$500, or sooner if the organizer so chooses.



### Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8778

The Council of the City of Richmond enacts as follows:

1. Civic Election Administration and Procedure Bylaw No. 7244, as amended, is further amended:
  - (a) by deleting Part Three: Voting Division Establishment in its entirety and substituting "PART THREE: REPEALED";
  - (b) by deleting the heading "**PART FOUR: AUTOMATED VOTE COUNTING SYSTEM AUTHORIZATION AND PROCEDURES**" and substituting the following:  
  
**"PART FOUR: VOTE COUNTING SYSTEM AND GENERAL ELECTION PROCEDURES"**
  - (c) by deleting section 4.1.1 and substituting the following:  
  
**"4.1.1 Authorization is given for the conducting of a General Local Election and a by-election, including voting at any general voting opportunities, advance voting opportunities, special voting opportunities, and additional general voting opportunities, if applicable, and voting by mail ballot in connection with either of such elections, using an automated vote counting system."**
  - (d) by deleting section 4.2.1 and substituting the following:  
  
**"4.2.1 The presiding election official at each voting place, including at each general voting opportunity, advance voting opportunity, special voting opportunity, and additional general voting opportunity, if applicable, may, as soon as an elector enters the voting place and before a ballot is issued to the elector, offer a demonstration of how to vote using an automated vote counting system."**
  - (e) by deleting subsection 4.2.2 and substituting the following:  
  
**"4.2.2 Upon completion of any voting demonstration, the elector must proceed as instructed to the election official, who:**
    - (a) must ensure that the elector:
      - (i) is qualified to vote in the election; and
      - (ii) completes the appropriate voting book; and



- (b) upon fulfilment of the requirements of clause (a), must then provide a **ballot** to the elector, and any further instructions the elector requests."
- (f) by deleting the opening paragraph of section 4.2.4 and substituting the following:

"4.2.4 The elector may vote only by making an **acceptable mark** on the **ballot**, either manually or by using a **ballot marking device**, if such a device is available."
- (g) at section 4.2.8 by deleting the words "Schedule D" and substituting "Schedule A";
- (h) by deleting the opening paragraph of section 4.3.2 and substituting the following:

"4.3.2 Upon being advised of a request for a replacement **ballot**, the presiding election official must."
- (i) by deleting section 4.5 in its entirety and substituting the following:

**4.5 Advance Voting, Special Voting and Additional General Voting Opportunity Procedures**

  - 4.5.1 **Vote counting units** are to be used at each advance voting, special voting and additional general voting opportunities, and voting procedures at each must follow as closely as possible, those described in section 4.2.
  - 4.5.2 During any period that a **vote counting unit** being used at an advance voting, special voting or additional general voting opportunity is not functioning, the provisions of subsections 4.4.1 and 4.4.2 apply, so far as applicable.
  - 4.5.3 The presiding election official, at the close of voting at an advance voting opportunity, special voting opportunity, and additional general voting opportunity that does not end at 8:00 pm on General Voting Day, must:
    - (a) ensure that any remaining **ballots** in the **emergency ballot compartment** are inserted into the **vote counting unit**;
    - (b) secure the **vote counting unit** so that no more **ballots** can be inserted;
    - (c) ensure that the **results tapes** in the **vote counting units** are not generated;
    - (d) complete the ballot account to account for the **voted ballots**, unused ballots, spoiled ballots and unaccounted for ballots, and place ballot account in the election night returns envelope;

- (e) place the **voted ballots** into the election materials transfer box;
  - (f) place the spoiled ballots in a sealed envelope and place the envelope into the election materials transfer box;
  - (g) seal the election materials transfer box;
  - (h) place the list of electors and any voting books/list of electors, if applicable, completed elector registration forms, and all completed administrative forms into the Chief Election Officer envelope; and
  - (i) deliver the **vote counting unit**, together with the **memory pack** and all other election materials, to the Chief Election Officer at **election headquarters**.
- (j) by deleting the opening paragraph of section 4.6.1 and substituting the following:
- "4.6.1 After the close of voting on General Voting Day, each presiding election official, except those responsible for mail ballot voting, advance voting opportunities, special voting opportunities, and additional general voting opportunities that do not end at 8:00 pm on General Voting Day, must:"
- (k) by deleting subsection 4.6.1(i) and substituting the following:
- "(i) place the list of electors and any voting books/list of electors, if applicable, one copy of the **results tape**, completed elector registration forms, and all completed administrative forms into the Chief Election Officer envelope; and"
- (l) by deleting section 4.6.2(a) and substituting the following:
- "(a) direct the presiding election officials for the advance voting opportunities, special voting opportunities, and additional general voting opportunities that ended prior to 8:00 pm on General Voting Day, or another election official under the direction of the Chief Election Officer, to:
- (i) generate two copies of the **results tape** from the **vote counting unit**; and
  - (ii) remove the **memory pack** from the **vote counting unit** and deliver it, along with one copy of the **results tape**, to the Chief Election Officer at election headquarters; and"
- (m) by deleting section 5.2.1 and substituting the following:
- "5.2.1 A person wishing to vote by mail ballot must apply, by giving his or her name and address to the Chief Election Officer no later than 4:00 p.m. on General Voting Day."

- (n) by deleting the opening paragraph of section 5.2.2 and substituting the following:  
 "5.2.2 Upon receipt of a request for a mail ballot and commencing as soon as practical after the final printed ballots are available, the Chief Election Officer must:"
- (o) by adding the following after section 5.3.2:  
 "5.3.3 The mail ballot package will be sent by Canada Post regular prepaid letter mail, unless the elector requesting the mail ballot package makes arrangements for hand delivery and pick-up or for expedited courier service, at the expense of the elector."
- (p) by deleting section 5.5.5 and substituting the following:  
 "5.5.5 Where an outer envelope and its contents are received by the Chief Election Officer between 6:00 p.m. on General Voting Day and the close of voting on General Voting Day, the provisions of subsection 5.5.1 and 5.5.2 with regard to ballot acceptance and rejection apply, and the Chief Election Officer must, in the presence of at least one other person, including any scrutineers present, open such certification envelopes containing the secrecy envelopes, and place the secrecy envelopes containing the mail ballots into the **portable ballot box** identified in subsection 5.5.4."
- (q) by adding the following after section 5.8:

## **"PART FIVE A: ADDITIONAL GENERAL VOTING OPPORTUNITY ESTABLISHMENT**

**5A.1** The Chief Election Officer is authorized:

- (a) to establish any additional general voting opportunities; and
- (b) to designate voting places and to set the voting hours for such voting opportunities,

for a General Local Election and a **by-election**."

- (r) at section 9.1 by deleting the definition of "**AUTOMATED VOTE COUNTING SYSTEM**" and substituting the following:

**"AUTOMATED VOTE COUNTING SYSTEM**

means a system that counts and records votes marked manually or with the assistance of a **ballot marking device**, if such a device is available, and processes and stores election results which comprises:

- (a) a number of ballot scan **vote counting units**, each of which rests on a two compartment

ballot box, one of which is for **voted ballots** and the other being an **emergency ballot compartment**; and

- (b) a **portable ballot box** into which voted mail ballots are deposited, to be counted after the close of voting on General Voting Day."

- (s) at section 9.1 by adding the following definition, in alphabetical order:

**"BALLOT MARKING  
DEVICE**

means a device which physically marks a **ballot** as intended by an elector through various computer-assisted user-interfaces controlled by the elector, including, without limitation, enhanced audio or visual aids, Braille-marked keypads, or sip and puff devices."

- (t) by adding the following after section 9.1:

"9.2 Undefined terms in this bylaw have the same meaning as the terms defined and used in Part 3 of the *Local Government Act*."

- (u) by deleting Schedules A, B, and C and renaming Schedule D to Bylaw No. 7244 as Schedule A to Bylaw No. 7244.

2. This Bylaw is cited as "**Civic Election Administration And Procedure Bylaw No. 7244, Amendment Bylaw No. 8778**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept. <i>DW</i>
APPROVED for legality by Solicitor <i>2</i>



# City of Richmond

## Report to Committee

**To:** General Purposes Committee

**Date:** May 30, 2011

**From:** David Weber  
Director, City Clerk's Office

**File:** 12-8125-60-01/Vol 01

**Re:** Determining Election Results Where a Tie Vote Exists After a Judicial Recount

### Staff Recommendation

That Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8770, be introduced and given first, second and third readings.

David Weber  
Director, City Clerk's Office  
(604-276-4098)

Att.

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

## Staff Report

### Origin

Section 141 of the *Local Government Act* provides the City with the option to determine the results of an election by lot (random draw) if, following a judicial recount, a tie vote is the result. In order to exercise this option, a bylaw must be adopted by City council in relation to determining the result by lot for the office of Mayor and Councillor. In order to apply to a tie vote situation for the office of School Trustee, the Board of Education must independently consider and adopt a bylaw. If such a bylaw is not adopted, then the *Local Government Act* requires that tie vote situations be resolved through a runoff election.

This matter was last before Council for consideration in 1993 and in 1996. In both instances, the Council of the day chose the runoff election option. At that time, the Richmond Board of Education also chose the runoff election option. The issue has not been re-visited since.

### Analysis

Although the chances of a tie vote following a judicial recount are remote, the possibility exists and there are instances where this has occurred in British Columbia in the last decade. In the District of Hope in 2002, a tie vote following a judicial recount for the last Councillor position was determined by lot in accordance with the District's election bylaw. In the same year, in Whistler, again for the last Councillor position, a tie vote following judicial recount was determined through a runoff election since Whistler had not adopted a bylaw to deal with a tie by lot.

Where a runoff election is required, the *Local Government Act* indicates that it must be conducted in a manner that is equivalent to the original election and with the same voting opportunities as originally provided. In other words, the runoff election cannot be reduced in scale and would therefore likely incur costs roughly approaching the cost of the original election. While some of the costs for the runoff election might be avoided because of the work that would have just recently been completed for the original election, many of the costs for a second election (for example, for election day staffing at the voting places, vote counting machine re-programming, ballot printing, statutory and other advertising) would remain and would amount to approximately \$250,000 in unbudgeted additional costs. There would be no additional cost to determining the final result by lot following a judicial recount.

In the case of a final determination by lot, the *Local Government Act* specifies a procedure whereby the court directs that a winner be randomly drawn and declared from the two or more tied candidates. Most Metro Vancouver municipalities surveyed have included provisions in their election bylaws for the final determination of a tie vote by lot, including Vancouver, Delta, Surrey, New Westminster, North Vancouver (District and City), West Vancouver, Coquitlam, Port Coquitlam, Maple Ridge and Port Moody. Burnaby and Richmond are the only Metro Vancouver municipalities surveyed that would be subject to the runoff election scenario.

- ✦ In the case of a runoff election, the election is between all candidates who were unsuccessful in the original election for that particular office. Candidates are given the opportunity to withdraw

from the runoff election and, of course, no new nominations may be accepted. As a follow-up action to choosing the runoff election option in 1996, the Council of the day submitted a resolution to UBCM requesting legislative changes to allow a runoff election to be conducted on a reduced scale and to change the provisions so that the runoff election would only be between the tied candidates. Although the resolution was endorsed at the UBCM convention, the provincial government did not act on the request and responded that such changes would require a broad policy review and consultation process (see **Attachment 1**). The legislative provisions for a runoff election have remained the same since that time.

### **Financial Impact**

The cost of a runoff election for the office of Mayor or Councillor would have a significant financial impact on the City.


As provided in the *School Act*, in the case of a runoff election for the office of School Trustee, the Board of Education would be solely responsible for the costs, although the City would still be responsible for conducting the runoff election.

Except in the rare instance of a runoff election scenario, there is no direct financial impact associated with this report.

### **Conclusion**

Given the passage of time since Council last considered this matter and the significant financial impact associated with this remote, but not impossible scenario, staff felt it appropriate to bring this matter forward once again for consideration. Based on the potential financial impact alone, staff recommend the adoption of a bylaw to determine a tie vote by lot.

If no action is taken to enact a bylaw, then the runoff election provisions will automatically continue to apply. If Council chooses to exercise the option to resolve a tie by lot following a judicial recount, then a bylaw to that effect, as attached, must be adopted prior to August 8, 2011 in order to apply to this year's election.



David Weber  
Director, City Clerk's Office  
(604-276-4098)

Att. 2

**Attachment 1 – UBCM Resolution B53 (1996) on Tie Votes (Richmond)**

**Attachment 2 – Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8770**

Year	Number	Resolution Title	Sponsor
1996	B53	TIE VOTES	Richmond

**Resolution Text**

WHEREAS Section 142 of the Municipal Act establishes the conditions under which a runoff election is to be conducted in the case of a tied vote in an election for the office of Mayor and Councillor;

AND WHEREAS subsection (3) of Section 142 states that the candidates in a runoff election are to be the unsuccessful candidates in the original election who do not withdraw, rather than only the candidates who have an equality of votes, as is the case when a tied vote is resolved by lot in accordance with Section 141;

AND WHEREAS an inequity has been created in that one tied vote determination method chosen by an incumbent council restricts the possibility of being elected to only the candidates with an equality of votes, whereas the alternate method specified in the Municipal Act permits any of the unsuccessful candidates to be elected;

AND WHEREAS subsections (8) and (9) of Section 142 require, so far as reasonable possible, the runoff election proceedings to be conducted, and the voting opportunities to be provided, in the same manner as the original election, thereby subjecting the public of the municipality in question, to an onerous and unnecessary expense:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the provincial Ministry of Municipal Affairs and Housing to bring forward amendments to subsections (3), (8) and (9) of Section 142 to permit only those candidates with an equality of votes to participate in a runoff election, and to permit the runoff election to be conducted on a smaller, more appropriate scale than the original election.

**Provincial Response****MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**

This matter was considered during a three year review at the time the legislation was amended in 1993. There are policy issues on all sides that would have to be reviewed. If they were to be reviewed, such a review should be done in the broader context of the proposal of the Minister of Municipal Affairs and Housing to work with UBCM, through the Joint Council, on the development of a multi-year plan for the establishment of a new legislative foundation for local government. At its January 22, 1997 meeting, the UBCM Executive authorized the UBCM President to respond positively to that proposal.

**Convention Decision**

Endorsed

**Executive Decision****Committee Decision**





City of  
Richmond

## Bylaw 8770

### Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8770

The Council of the City of Richmond enacts as follows:

1. Civic Election Administration and Procedure Bylaw No. 7244, as amended, is further amended at Part 4 by adding the following as section 4.8:

#### 4.8 Resolution of Tie Vote After Judicial Recount

4.8.1 In the event of an equality of valid votes for two or more candidates following a judicial recount for a general local election or **by-election** for the office of Mayor or Councillor, the result will be determined by lot in accordance with section 141 of the *Local Government Act*.

2. This Bylaw is cited as "**Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8770**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept.

APPROVED for legality by Solicitor






# City of Richmond

## Report to Committee

**To:** General Purposes Committee

**Date:** May 30, 2011

**From:** David Weber  
Director, City Clerk's Office

**File:** 12-8060-20-8779/Vol  
01

**Re:** The Oath of Office – Response to Council Referral

### Staff Recommendation

That the staff report titled "The Oath of Office – Response to Council Referral," dated May 30, 2011 from the Director, City Clerk's Office, be received for information.

David Weber  
Director, City Clerk's Office  
(604-276-4098)

Att. 1

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

## Staff Report

### Origin

At the April 12, 2010 Regular Council Meeting, Council considered a number of resolutions for submission to the BC Local Government Elections Task Force. Among the resolutions considered was the following referral to staff:

*That prior to the next election, staff bring forward options for a new oath of office.*

The suggestion to consider this referral motion came out of a discussion amongst members of the Richmond Council Working Group that reviewed and put forward recommendations to Council on potential revisions to local government elections legislation. It was noted in the April 12<sup>th</sup> report to Council that at the UBCM / Elections Task Force Consultation meeting, participants had commented that the oath of office, as prescribed by regulation, was not a particularly inspiring passage. This sentiment was echoed in discussion by the Richmond Council Working Group and, since the Community Charter allows a council to establish its own oath of office by bylaw, a referral to staff to bring forward options for a new oath of office was recommended by the Working Group and later endorsed by Council.

### Analysis

A person elected to a municipal council must make an oath before taking office. A council may establish its own oath of office by bylaw and may even establish different oaths for the office of Mayor and for the office of Councillor. If no oath is established by bylaw, then the oath as prescribed by regulation applies (see wording in Option 1 below). According to staff in the Ministry of Community, Sport and Cultural Development, Local Government Department, no municipalities in BC have exercised the option to establish an oath of office by bylaw. In other words, all BC municipalities currently use the oath of office as prescribed by regulation (Option 1).

Traditionally in Richmond, the oath of office is sworn or affirmed at the Inaugural meeting of Council following a General Local Election. As with any oath, the oath of office provides the option to either *swear* the oath (usually on the Bible), or to *solemnly affirm* the oath. The person taking the oath chooses the form of oath that best suits them personally. As a practice, Richmond has also traditionally included the option for Council members to take the Oath of Allegiance to the Queen immediately following the oath of office. The Oath of Allegiance is as follows: *I, [name], do promise and [swear]/[affirm], that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors.* Since there is no legal requirement in law for the Oath of Allegiance to be taken by incoming council members in conjunction with the oath of office, it has been traditionally presented as an option and a personal choice. Staff recommend that if a new oath of office is endorsed, that the option to also take the Oath of Allegiance continue to be provided.

In addition to the current oath of office outlined in Option 1, three other options are presented below for consideration. The legislation does not prescribe any specific requirements or elements that must be included in an oath of office, therefore these options can be endorsed in the form presented, re-written or combined in any manner.

**Option 1 – This is the “status quo” option – No action is required to maintain this wording as the oath of office.**

I, .....[*name of person elected or appointed*]....., do [swear]/[solemnly affirm] that:

- I am qualified to hold the office of .....[*office*]..... for the ..... [*jurisdiction*]..... to which I have been [*elected*]/[*appointed*];
- I have not, by myself or any other person, knowingly contravened the .....[*applicable Act*]..... respecting vote buying or intimidation in relation to my election to the office; [*not applicable to persons who have been appointed*]
- I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters;
- as required by the .....[*applicable Act*]....., I will disclose and direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter.

**Option 2**

I, .....[*name of person elected or appointed*]....., do [swear]/[solemnly affirm] that:

- I will perform the duties of the office of [*Mayor*]/[*Councillor*] faithfully and with integrity;
- I will abide by the statutes, bylaws and policies that govern the City and will promote openness, accountability, and responsible leadership; and
- I will dedicate myself at all times to acting in the best interests of the residents of the City of Richmond.

**Option 3 – This option is based on elements from the Community Charter - section 7 (Municipal purposes) and section 115 (Responsibilities of council members)**

I, .....[*name of person elected or appointed*]....., do [swear]/[solemnly affirm] that as [*Mayor*]/[*Councillor*] for the City of Richmond, I pledge:

- to provide good government, and to always consider the well-being and interests of the community;
- to provide stewardship of public assets and to contribute to the development and evaluation of the City policies and programs; and
- to foster the economic, social and environmental well-being of the City of Richmond.

**Option 4 – This option is based on elements from the City Vision and Mission Statement**

I, .....[*name of person elected or appointed*]....., do [swear]/[solemnly affirm] and pledge to further the City of Richmond as an appealing, liveable and well-managed community, through responsible decision making, by embracing accountability and transparency, and by demonstrating visionary leadership.

## **Financial Impact**

None.

## **Conclusion**

If Council wishes to establish a new oath of office for the City of Richmond, the desired wording need only be inserted into Schedule A of the draft bylaw included with this report, and then the Bylaw would be introduced, given three readings at a Council meeting and, at a subsequent meeting, adopted. The appropriate wording for such a motion would be as follows:

1. *That Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8779, be introduced and given first, second and third readings; and*
2. *That the option to take the Oath of Allegiance in conjunction with the Oath of Office continue to be provided to incoming Council members.*

As requested in the referral, several options for the wording of a new oath of office have been presented which may be endorsed in the form provided, re-written or combined in any manner as directed.



David Weber  
Director, City Clerk's Office  
(604-276-4098)

Att. 1

Attachment 1 – Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8779



# City of Richmond

## Bylaw 8779

### Oath of Office Bylaw No. 8779

The Council of the City of Richmond enacts as follows:

1. Pursuant to section 120(2) of the *Community Charter*, the oath or solemn affirmation of office for persons elected or appointed to office on Richmond City Council is as shown in Schedule A attached to and forming part of this bylaw, with the necessary changes in form, as applicable.
2. This Bylaw is cited as "**Oath Of Office Bylaw No. 8779**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>[Signature]</i>

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**Schedule A to Bylaw No. 8779**

**OATH OF OFFICE**

I, .....[*name of person elected or appointed*]....., do [swear] [*solemnly affirm*] that;

***[Insert Text of Oath of Office]***





# City of Richmond

## Report to Council

**To:** General Purposes Committee

**Date:** June 13, 2011

**From:** Andrew Nazareth  
General Manager, Business & Financial Services

**File:**

**Re:** City Centre Area Transitional Tax Exemption Bylaw No. 8776

### Staff Recommendation

That the City Centre Area Transitional Tax Exemption Bylaw No. 8776 be introduced and given first, second and third readings and that staff provide public notice in accordance with Sections 94 and 227 of the Community Charter.

Andrew Nazareth  
General Manager, Business & Financial Services  
(604-276-4095)

FOR ORIGINATING DEPARTMENT USE ONLY			
<b>ROUTED TO:</b>		<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>
Law		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Policy Planning		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>
			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## Staff Report

### Origin

In recent years, properties in Richmond's City Centre/Brighouse area have experienced significant assessment increases due to various factors including:

- changes in Richmond's City Centre Area Plan ("CCAP"), which over time will see much of the City Centre core change from low-rise commercial and light industrial development to high density mixed residential/commercial development in support of long-term regional sustainability;
- completion of the Canada Line, which has put upward pressure on property assessments in the area;
- strong buyer demand in the Richmond real estate market, which has consistently exceeded regional norms;
- continued low interest rates, which have allowed investor speculation; and
- the City's sale of lands adjoining the Richmond Olympic Oval, which set a significant new benchmark for property values in the area.

This resulted in significant financial hardship for existing business owners and tenants in the area which prompted the City to request that the Province of British Columbia provide a viable solution. The combined efforts of the City and the Province of British Columbia in the last three years have now produced a resolution for the transition period.

### Analysis

Bill 15 – 2011 Municipalities Enabling And Validating Act (No. 4) ("Bill 15"), which was passed on June 2, 2011, provides the City with the authority to issue permissive tax exemptions to properties that meet certain criteria, and also provides a corresponding school tax exemption for properties that are given a municipal tax exemption by the City. The program is intended to provide transitional tax relief; therefore, tax exemptions under Bill 15 are only available over the next five years (from the 2012 to 2016 taxation years).

#### Proposed City Centre Area Transitional Tax Exemption Bylaw No. 8776

The proposed City Centre Area Transitional Tax Exemption Bylaw No. 8776 ("Bylaw 8776") specifies the eligibility criteria and process within the framework set out by Bill 15. The tax exemption program is primarily intended to assist business owners and tenants who are affected by the significant tax increases. All properties that satisfy the following criteria and conditions will qualify for the exemption:

- a) the property is located within the CCAP area;
- b) the property is classified only as Class 5 or 6 under the *Assessment Act*;

- c) the property's assessed land value must have increased by 100% or more between the 2005 and 2011 revised assessment rolls;
- d) the municipal taxes for the property must have increased by more than \$30,000 between the 2005 and 2011 taxation years;
- e) the property must contain improvements, as determined by the BC Assessment Authority;
- f) the property is not a strata lot;
- g) the property must contain at least one business that holds a valid City business licence;
- h) the owner of the property has entered into an exemption agreement with the City; and
- i) the property has been issued an exemption certificate.

For eligible properties, the exemption would equal a reduction of 20% of the assessed land value of the property (i.e. excluding the value of improvements). The Province of British Columbia would also provide the same 20% reduction in determining school taxes.

The proposed Bylaw 8776 delegates to the City's tax collector, currently the General Manager, Business & Financial Services, the authority to process the tax exemption applications, sign the exemption agreements on behalf of the City and issue exemption certificates.

The exemption agreement, between the owner of the eligible property and the City, will set out the term of the tax exemption, the extent of the tax exemption, the conditions associated with the tax exemption and that a recapture amount is payable to the City if the conditions are not met or the exemption certificate is cancelled.

An exemption certificate will be issued when all eligibility criteria and conditions are met. The certificate is valid for a term of one year but may be renewed by re-applying to the program if the eligibility criteria continue to apply to the property. Exemption certificates must be issued by October 31 in the year prior to the taxation year that the exemption is being provided, in order for the BC Assessment Authority to be aware of the exemption and provide the necessary assessment calculations to the City. Exemption certificates may be cancelled at the request of the owner of the property or if any of the conditions associated with the exemption are not met. Other circumstances that will trigger cancellation are:

- a) subdivision of the property;
- b) issuance of a demolition permit for a building on the property;
- c) issuance of a development permit for the property;
- d) transfer of ownership of the property and the new owner does not enter into the same exemption agreement with the City; and
- e) municipal property taxes for the property become in arrears.

A recapture of the tax exemption amount given will apply if an exemption certificate is cancelled before the term of the certificate ends. The recapture amount will be calculated as the pro-rated amount of the tax exemption from the date of cancellation to the end of the term (i.e. end of the taxation year).

The changes brought about by Bill 15 and the proposed Bylaw 8776 will more readily achieve a fair distribution of taxes. Preliminary analysis by the City has identified approximately 40 properties that meet the eligibility criteria. For these properties, the 2011 land assessment values net of exemptions total \$576.3 M. This value has increased by \$431.8 M from 2005, which translates to an increase of 299%. Municipal taxes for 2011 are approximately \$4.8 M which more than doubled the amount collected for 2005. By providing a 20% exemption of assessed land value, the derived 2011 municipal taxes for the eligible properties will be more aligned to those for all other non-eligible properties within CCAP. After taking into consideration the proposed assessment exemption on the land component, the average municipal tax increase from 2005 to 2011 will decrease from approximately 107% to 66% for eligible properties.

### **Financial Impact**

Based on a recommended exemption of an amount equal to 20% of the assessed land value of eligible properties, it is estimated that the annual cost of the exempted taxes to the City will be approximately \$946,000. The resulting tax burden may be distributed to others within the same property classifications (Class 5 and 6) or shifted to other property classifications, depending on the extent of the revenue generated by the anticipated new growth in future years. This may be done by revising the appropriate future taxation mill rate(s).

### **Conclusion**

That the City Centre Area Transitional Tax Exemption Bylaw No. 8776 be introduced and given first, second and third readings and that staff provide public notice in accordance with Sections 94 and 227 of the Community Charter.



Ivy Wong  
Manager, Revenue  
(604-276-4046)

IW:



**CITY CENTRE AREA  
TRANSITIONAL TAX EXEMPTION BYLAW NO. 8776**

**WHEREAS** the 2011 *Municipalities Enabling and Validating Act* (No. 4), S.B.C. 2011, c. 14 authorizes Council to establish a tax exemption program for land meeting certain criteria in Richmond's City Centre area;

**AND WHEREAS** certain commercial and light industrial properties in the City Centre area have experienced substantial increases in property taxes since 2005 due to various factors, including changes to the Richmond Official Community Plan to permit high density mixed-use developments in the area, construction of the Canada Line, rapid redevelopment in the area, and demand causing significant increases to the fair market and assessment values of the properties in the area;

**AND WHEREAS** the City wishes to protect businesses and jobs in the City Centre area during the transition of the area from primarily commercial and light industrial to high density mixed-use developments by providing temporary partial tax exemptions to properties meeting the criteria, terms and conditions set out in this bylaw;

**AND WHEREAS** section 227 of the *Community Charter* applies to this bylaw and requires that notice be given of a tax exemption bylaw, and notice of this bylaw has been given accordingly;

**AND WHEREAS** Council has considered this bylaw in conjunction with the objectives and policies set out for the use of permissive tax exemptions under the City's financial plan and determined that this bylaw is compatible with those objectives and policies,

**NOW THEREFORE**, the Council of the City of Richmond enacts as follows:

**PART ONE: DEFINITIONS**

1.1 In this bylaw:

<b>ACT</b>	means the <i>Municipalities Enabling and Validating Act</i> (No. 4), S.B.C. 2011, c.14
<b>CITY</b>	means the City of Richmond
<b>COUNCIL</b>	means the Council of the <b>City</b>
<b>EXEMPTION AGREEMENT</b>	means the tax exemption agreement between the <b>owner</b> of a <b>parcel</b> and the <b>City</b> in accordance with Part Four of this bylaw
<b>EXEMPTION AREA</b>	means the area prescribed pursuant to section 2(3)(a)(i) of the <b>Act</b>

- |                              |   |
|------------------------------|---|
| <b>EXEMPTION CERTIFICATE</b> | means a tax exemption certificate issued by the <b>City</b> under this bylaw and under section 2(8) of the <b>Act</b> |
| <b>IMPROVEMENTS</b>          | has the same meaning as in the <i>Assessment Act</i>  |
| <b>OWNER</b>                 | means the owner registered on the title of a <b>parcel</b>  |
| <b>PARCEL</b>                | has the same meaning as in the Schedule to the <i>Community Charter</i>   |
| <b>TAX COLLECTOR</b>         | means the <b>City</b> officer assigned the responsibility as collector of taxes for the <b>City</b>                   |
| <b>TAX EXEMPTION</b>         | means a tax exemption for which an <b>exemption certificate</b> has been issued                                       |
- 1.2 Words defined in the *Community Charter* have the same meaning when used in this bylaw unless defined in this bylaw.
- 1.3 For certainty, a reference in this bylaw to a "class" is a reference to that class as defined in the *Assessment Act*.

## **PART TWO: TAX EXEMPTION PROGRAM**

- 2.1 There is established a tax exemption program for the granting of **tax exemptions** and issuance of **exemption certificates** for **parcels** in accordance with the terms and conditions prescribed by this bylaw.
- 2.2 The kind of land that is eligible for a **tax exemption** under this bylaw is a **parcel** that:
- (a) is located in the **exemption area**;
  - (b) is classified only as Class 5 or 6 property under the *Assessment Act* for the purpose of taxation for the taxation year;
  - (c) has an assessed value with respect to land, not including **improvements**, on the revised assessment roll for the 2011 municipal taxation year that has increased by an amount equal to or more than the greater of 100%, or a percentage prescribed by the Province, from the assessed value with respect to land, not including **improvements**, for that **parcel** on the revised assessment roll for the 2005 municipal taxation year;
  - (d) without limiting paragraph (c), has had an increase of more than \$30,000 in municipal property value taxes for the **parcel** between the 2005 municipal taxation year and the 2011 municipal taxation year;
  - (e) is not a strata lot pursuant to the *Strata Property Act*;
  - (f) contains **improvements** as part of the assessed value of the **parcel**;
  - (g) contains at least one business, the operator of which holds a valid **City** business licence;

- (h) is subject to an **exemption agreement**; and
  - (i) is the subject of an **exemption certificate**.
- 2.3 The extent of the **tax exemption** available under this bylaw is twenty percent (20%) of the assessed value of the land, not including **improvements**, for a **parcel** that is the subject of an **exemption certificate**.
- 2.4 A **tax exemption** under this bylaw applies during a municipal taxation year to a **parcel** in respect of which the **tax collector** has issued an **exemption certificate** on or before October 31 of the prior municipal taxation year.
- 2.5 A **tax exemption** under this bylaw must not be provided after the 2016 municipal taxation year, and an **exemption certificate** must not be issued after October 31, 2015.
- 2.6 Subject to sections 2.5 and 5.7, the maximum term of a **tax exemption** is one year.

### **PART THREE: APPLICATION PROCESS**

- 3.1 Application for a **tax exemption** for a **parcel** for a municipal taxation year must be submitted by the **owner** in a form acceptable to the **tax collector** no later than July 31 in the year preceding the year for which the **tax exemption** is sought, except that an application for a tax exemption for the 2012 municipal taxation year must be made no later than September 16, 2011.
- 3.2 An **owner** applying for a **tax exemption** must submit the following to the **tax collector**:
- (a) a tax search certificate indicating that all taxes assessed and rates, charges and fees imposed in respect of the **parcel** have been paid, and where taxes, rates or assessments are payable by instalments, that all instalments owing at the date of application have been paid;
  - (b) a certificate, in a form acceptable to the **tax collector**, setting out how the **parcel** satisfies the eligibility criteria set out in paragraphs (a) to (g) of section 2.2;
  - (c) a certificate, in a form acceptable to the **tax collector**, containing a list of lessees, if any, of the **parcel** or a portion of the **parcel**, whether or not there are registered lease agreements, and the business contact information for the lessees;
  - (d) written acknowledgement by each lessee, or a representative of the lessee, referred to in paragraph (c) that the **owner** is making an application for a **tax exemption**;
  - (e) an **exemption agreement** duly executed by the **owner**; and
  - (f) a non-refundable fee in the amount of \$200.
- 3.3 The **tax collector** is the designated municipal officer for the purpose of receiving applications and issuing **exemption certificates**.

**PART FOUR: EXEMPTION AGREEMENT**

- 4.1 An **exemption agreement** must include the following:
- (a) the term of the **tax exemption**;
  - (b) the **parcel** to which the **tax exemption** applies;
  - (c) the extent of the **tax exemption**;
  - (d) the conditions on which the **tax exemption** is provided; and
  - (e) that the recapture amount under Part Six is payable if the conditions are not met or the **exemption certificate** is cancelled.
- 4.2 The **tax collector** is delegated the authority on behalf of Council to enter into and execute an **exemption agreement**.

**PART FIVE: EXEMPTION CERTIFICATE**

- 5.1 If the **tax collector**:
- (a) receives the documentation and fee set out in section 3.2;
  - (b) is satisfied that the **parcel** satisfies the eligibility criteria under this bylaw and the **Act**, and
  - (c) is satisfied that the municipal property value taxes for the **parcel** are not in arrears,
- the **tax collector** must issue an **exemption certificate** for the **parcel**.
- 5.2 An **exemption certificate** will include the following:
- (a) a statement that the **tax exemption** for the **parcel** is twenty percent (20%) of the assessed value of the land, not including **improvements**, for the **parcel**;
  - (b) the term of the **tax exemption**;
  - (c) the conditions on which the **tax exemption** is provided;
  - (d) a statement that the **City** has relied on the written representation of the **owner** with respect to the matters referred to in paragraphs (a) to (g) of section 2.2;
  - (e) a statement that the **parcel** must continue to meet all of the eligibility criteria set out in section 2.2 of this bylaw throughout the term of the **exemption certificate**.
- 5.3 If:
- (a) a **parcel** is subdivided after the issuance of an **exemption certificate** for the **parcel**,



- (b) a building permit is issued, pursuant to the **City's Building Regulation Bylaw No. 7230**, for the demolition of a building on a **parcel** after the issuance of an **exemption certificate** for the **parcel**,
  - (c) a development permit is issued for the **parcel** after the issuance of an **exemption certificate** for the **parcel**,
  - (d) a **parcel** that is subject to an **exemption certificate** is disposed of to a successor **owner** and the successor **owner** fails to enter into the same **exemption agreement** with respect to the **parcel**, or
  - (e) the municipal property value taxes for the **parcel** are in arrears,
- the **exemption certificate** for the **parcel** is cancelled.
- 5.4 An **exemption certificate** is valid for one year, commencing on January 1 and expiring on December 31 of the applicable municipal taxation year.
- 5.5 If an **exemption certificate** has been issued in respect of a **parcel** and the **owner** of the **parcel** has received an assessment notice for that **parcel** under the *Assessment Act*, the **owner** must promptly deliver a copy of the notice and of the **exemption certificate** to each lessee of any portion of the **parcel**, whether or not there is a registered lease agreement with respect to the lessee.
- 5.6 The **tax collector** may cancel an **exemption certificate**:
- (a) on the request of the **owner**;
  - (b) if any of the conditions set out in the **exemption certificate** are not met; or
  - (c) if any of the events described in section 5.3 (a) through (e) occur,
- and the **tax collector** must provide written notice of cancellation to the **owner** and in the notice state the effective date of the cancellation, which is retroactive to the earliest date that a condition was not met or when any of the events described in section 5.3 (a) through (e) occurred.
- 5.7 An **exemption certificate** may be renewed for subsequent taxation years by applying to the **tax collector** in accordance with this bylaw.

## PART SIX: RECAPTURE AMOUNT

- 6.1 If an **exemption certificate** is cancelled pursuant to section 5.6 of this bylaw, the **owner** of the **parcel** for which the **exemption certificate** was issued will remit to the **City**, no later than 30 days after receipt of the cancellation notice provided by the **tax collector**, a recapture amount calculated as follows:

$$\frac{\text{\# of days remaining in taxation year after cancellation date}}{365} \times \text{value of tax exemption}$$

- 6.2 The amount of the recapture is a debt due and owing to the **City** by the **owner** of the parcel for which the **exemption certificate** was issued.
- 6.3 The amount of the recapture constitutes municipal property value taxes owing and so may be collected in like manner as property taxes.

#### **PART SEVEN: SEVERABILITY AND CITATION**

- 7.1 The provisions of this bylaw are severable, and if, for any reason, any subdivision, part, section, subsection, clause, or sub-clause, or other words in this bylaw are for any reason, found to be invalid or unenforceable by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 7.2 This bylaw is cited as "**City Centre Area Transitional Tax Exemption Bylaw 8776**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept. 
APPROVED for legality by Solicitor 