

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW 09/2010

Being a By-law to Adopt a Use of Corporate Resources For Election Purposes Policy

WHEREAS The Municipal Elections Act, 1996 as amended by Bill 212: the Good Governance Act now prohibits the use of municipal corporate resources for election purposes;

AND WHEREAS in accordance with the Municipal Elections Act, 1996 a policy has been developed to:

1. Restrict the use of corporate resources by candidates for election purposes;
2. Restrict employee participation in candidate's election campaign activities during regular business hours;
3. Require municipal employees seeking municipal office as an elected official to take a leave of absence or terminate their employment upon being elected to office;
4. Restrict use of municipal funds by candidates currently holding office for election purposes;
5. Recognize the Clerk, under the provisions of the Municipal Elections Act, 1996 to enforce the policy as appropriate;
6. Have regard for the Municipal Code of Ethics policy provisions in terms of compliance under the Municipal Elections Act and this policy regarding use of corporate resources for election purposes.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. THAT The Mayor and Municipal Clerk Are Hereby Authorized To Adopt A Use of Corporate Resources for Election Purposes Policy for the Corporation of the Municipality of Port Hope as set out in Appendix "A" attached hereto comprising part of this By-law.
2. THAT this By-law shall come into force the day it is finally passed.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 9th day of February, 2010.

Linda Thompson

Linda Thompson, Mayor

Sue Dawe

S.C. Dawe, Municipal Clerk

USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES POLICY

Purpose:

To provide direction to members of Council and all Municipal staff on the administration of Corporate resources and Members' budgets with respect to election-related matters.

Principle:

In compliance with the *Municipal Elections Act, 1996*, public funds are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office:

General Policy Statement:

The purpose of this policy is to clarify that members of Council are required to follow the provisions of the *Municipal Elections Act, 1996* and that:

- No member shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including Councillor budgets) for any election campaign or campaign related activities.
- No member shall undertake campaign-related activities on municipal property during regular working hours.
- No member shall use the services of persons during hours in which those persons receive any compensation from the municipality.

Application:

This policy is applicable to all candidates, including members of Municipal Council.

Policy Elements:

1. Definition:

For the purpose of this policy, "election-related purposes" refer to the occurrence of a municipal election or by-election.

2. Campaign-Related Materials:

- (a) At no time shall Corporate resources and/or Members' budgets be used to sponsor or produce any campaign-related materials. For the purposes of this clause, the phrase "campaign-related materials" means those materials that promote or oppose the candidacy of a person for elected office. Subject to Clause 2 (b), this prohibition is not meant to restrict Members from routinely communicating with ward constituents via flyers, newsletters, householders or by e-mail.

However, Members of Council are responsible for ensuring that any communications or activities funded by the Municipality for each Member's office is not related to an election.

- (b) In a municipal election year or in the event of a by-election, Corporate resources and Members' budgets are not to be used to sponsor any advertisements, flyers, newsletters or householders from the day after Nomination Day up to and including Voting Day. This prohibition also applies to the use of any Municipal equipment, facilities or websites if the access is municipally sponsored.
- (c) Notwithstanding Clause 1:
 - i The prohibitions set out in Clause 2 are not applicable where the Municipal equipment, facilities or website access are available for such use by the public generally and the Member of Council is receiving no special preference with respect to its use.
 - ii The prohibitions set out in Clause 2 are not applicable to a Member of Council who is acclaimed, or who is retiring from office and therefore not a candidate in the election.

3. Staff Involvement in Elections:

- (a) Members of Council and Municipal staff shall have regard for the Municipal Code of Ethics By-law 124/2007.
- (b) Employees engaged in political activities must take care to separate those personal activities from their official positions. Employees may participate in political activity at the federal, provincial and municipal levels providing that such activity does not take place during work hours or utilize Municipal assets, resources, or property. Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or distributed by employees on Municipal work sites or on Municipal property.
- (c) Employees wishing to run for federal, provincial or municipal office must request, and obtain, a leave of absence without pay, and abide by the respective legislation governing such elections.
- (d) Should an employee wish to run for election or by-election, that employee must begin the required leave of absence immediately upon certification of the nomination by the Municipal Clerk.

Subsequently, all employee accesses, including email and security, related to the Municipality will be suspended and all Corporate assets and resources, such as cell phones and electronic storage devices, utilized by the individual as a result of employment within the Municipality must be returned immediately.

4. Use of Corporate Resources:

That, consistent with the Corporations Code of Ethics and IT Computer Use Policy, and in accordance with the provisions of the *Municipal Elections Act, 1996*:

- (a) Corporate resources, assets and funding may not be used for any election-related purposes;
- (b) Candidates may not use any municipally-provided facilities for any election-related purposes. Neither campaign related signs nor any other election related material will be displayed in any municipally-provided facilities.

5. Budget Administration:

- (a) The Budgets for Members of Council for the period January 1 to Election Day in a municipal election year be restricted to 11/12th of the approved annual budget amount with the provision that subsequent to election day:
 - i) New members of Council be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and
 - ii) Re-elected Members of Council have available to them the balance of funds remaining as of Election Day;

- (b) The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election;
 - i) all forms of advertising, including in municipal publications;
 - ii) all printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council;
 - iii) the ordering of office furniture and furnishings, except those of an emergency nature, as well as no movement of furniture and furnishings; and
 - iv) the ordering of stationery;

- (c) Members of Council may not deliver any unsolicited material outside of their existing ward or election boundary, where the printing and/or distribution costs are paid by the municipality. Care should be taken to ensure that the mailing of campaign newsletters be restricted to the member's ward only. This recommendation to be effective not only during an election year, but at all times;

- (d) Members of Council may not:
 - i) print or distribute any material paid by municipal funds that illustrates that a Member of Council or any other individual is registered in any election or where they will be running for office;
 - ii) profile (name or photograph), or make reference to, in any material paid by municipal funds, any individual who is registered as a candidate in any election;
 - iii) print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; and that Minutes of municipal Council and Committee meetings and Local Board/Committee Minutes be exempt from this policy; and
 - iv) enter into joint ventures using municipal funds outside their existing wards from Nomination Day to Election Day, in the year of a municipal election, unless specifically approved by Council.

- (e) Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the municipality for the operation of each Councillor's Office, is not directly election-related;

- (f) Web sites or domain names that are funded by the municipality may not include any election-related campaign material;
- (g) Members of Council may not use the municipality's voice mail system to record election related messages;
- (h) The above recommendations also apply to an acclaimed Member or a Member not seeking re-election; and
- (i) That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy, in accordance with the provisions of the Municipal Election Act.

6. Limitation:

Nothing in this Policy shall preclude a member of Council from performing their job as a Councillor, nor inhibit them from representing the interests of the constituents who elected them.

7. Implementation:

This policy shall become effective immediately upon approval by municipal Council.

8. Rationale and Legislative Authority:

It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interests of both the Members of Council and the Corporation. The *Municipal Elections Act, 1996* as amended prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate, or someone acting on the candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use by a Member of Council of the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality to the Member, which is a violation of the Act.

9. Enforcement:

Should any written complaint arise regarding the alleged use of members' budgets or other Corporate resources in contravention of this policy, the Municipal Clerk, or his designate, shall have the delegated authority to investigate it and resolve any issues. If a breach of this policy is confirmed, the Member will be required to personally repay any of the costs associated with the breach.