

THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

BYLAW NO. 16-18

**A BYLAW TO ESTABLISH A USE OF CORPORATE RESOURCES POLICY
(FOR ELECTION PURPOSES)**

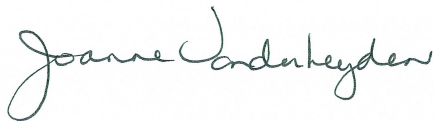
WHEREAS Subsection 88.18 of the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended, states, "Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period";

AND WHEREAS, the Council of the Corporation of the Municipality of Strathroy-Caradoc deems it expedient to adopt the aforementioned policy;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC ENACTS AS FOLLOWS:

1. **THAT:** the "Use of Corporate Resources Policy (For Election Purposes)" attached hereto and forming part of this bylaw be approved;
2. **THAT:** this bylaw shall come into force and effect on the date of its final passage in Open Council.

Read a FIRST, SECOND and THIRD time and FINALLY PASSED IN OPEN COUNCIL this 5th day of March, 2018.



Mayor



Clerk



Use of Corporate Resources Policy

Goal Statement

The goal of this policy is maintain the impartiality of the Corporation during the lead-up to, and during the execution of, an election. Moreover, the goal of this policy is to ensure that public resources are not utilized in ways that might alter or influence, or be seen to alter or influence, electoral outcomes.

Specifically, this policy seeks to:

- Ensure Municipal compliance with the Municipal Elections Act, 1996, as amended which prohibits a municipality from making a contribution (of any kind) to a candidate;
- Ensure that the Municipality's operations, events, and facilities are not used for political purposes and are not used for election campaign related purposes/activities; and
- To provide a consistent approach and to ensure accountable and transparent practices regarding the use of all corporate resources during a municipal election campaign period.

For certainty, 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 their constituents.

Objective

The objective of this Use of Corporate Resources Policy is to:

- Ensure compliance with the Municipal Elections Act, 1996, in regards to the role of the Municipality contributing to a municipal and/or trustee election campaign;
- Ensure candidates and registered third parties are treated fairly and consistently within the municipality;
- Ensure the integrity of the election process is maintained at all times; and
- Establish the appropriate use of resources during an election period to:
 - protect the interests of Members of Council and its local boards, candidates, registered third parties, Municipal staff and the Corporation; and
 - ensure accountable and transparent election practices.

Application

This policy applies to Members of Council, committees of Council, registered election candidates, registered third parties in a municipal election, and all Municipal staff, volunteers and agents during a campaign period.

The following exceptions apply:

- Municipal information prepared, posted and maintained by the Municipality; names and photographs of Members of Council and its local boards; their contact

information; and a list of current representation on committees and local boards that is prepared, posted and maintained by the Municipality;

- Agendas and minutes of Council, local board, and committee meetings;
- Routine administrative tasks undertaken by the Chief Administrative Officer and/or an authorized designate; and
- Media releases and Municipal materials that describe inter-governmental activities of the Mayor in the capacity as Head of Council and Chief Executive Officer of the Municipality.

Responsibility

In cases of conflict or confusion, the Chief Administrative Officer (CAO) shall be empowered to make any and all necessary alterations or clarifications needed to ensure the equitable and effective application of this policy within the confines of the *Goal Statement, Objectives and/or Application* noted herein.

Governing Rules and Regulations

1. General Provisions:

In accordance with the provisions of the Municipal Elections Act:

- a. Corporate resources and funding may not be used for any election-related purposes;
- b. Municipal Staff may not canvass or actively work in support of a municipal candidate or third party during normal working hours unless they are on a leave of absence without pay, lieu time, personal day, or vacation leave;
- c. Municipal facilities/property may not be used for any election related purposes, which includes displaying of any campaign related signs or materials on such premises unless all candidates are afforded the same opportunity.

2. Specific Provisions:

A. Candidates, Registered Third Parties, Members of Council and its local boards

Candidates, Registered Third Parties, Members of Council and its local boards shall NOT:

- a. Use equipment, supplies, services, staff or other resources of the municipality for any campaign or campaign related activities;
- b. Use Municipal funds to acquire any resources for any campaign or campaign related activities, including ordering of stationery and office supplies;
- c. Benefit from the use of any corporate pricing established under the Municipality's purchasing policy;

- d. Use Municipal facilities or property for campaign events, unless the facility or property is rented in accordance with municipal agreements and the approved rates are paid;

Note: Such rental must be paid from the campaign account of the candidate or that of an agent or third party authorized under the appropriate legislation or regulation.

Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose during any day that voting is taking place on the property;

- e. Use Municipal funds to print or distribute any material that makes reference to, or contains the names or photographs, or identifies candidates or registered third parties unless the action is both essential and directly connected to that person's official duties with the Municipality;
- f. Make reference to and/or identify any individual as a candidate, political party, registered third party or a supporter or opposer of a question on a ballot during an election, on any Corporate social media sites, municipal blogs, and other new media created and managed by Municipal employees;
- g. Use the Municipality's brand, logo, crest, coat of arms, slogan or corporate program identifiers on any election campaign related material, either printed or on a campaign website;

Note: This provision includes any Municipal Election related identifiers.

- h. Use corporate Information Technology (IT) assets, infrastructure, or data (e.g. computers, tablets, networks, wireless devices, portals, corporate email, web pages, blogs, telephone) to communicate election related messages. Where it is impractical (as determined by the CAO) for a Council member to entirely discontinue their use of these devices during the election campaign period, Council members shall reimburse the Township for usage of those services that exceeds the normal usage.

Note: A list of Candidate's or Registered Third Parties' shall be posted on the Municipality of Strathroy-Caradoc's website.

- i. Include corporate web sites, domain names, or social media accounts that are funded by the Municipality in any election related campaign material;
- j. Use any photographs produced for and owned by the Municipality or any photo taken utilizing town equipment or sent through Municipal email accounts for any election related purposes;

- k. Use Municipal property or staff in any campaign photos or images. Photos/images of external Municipal facilities are permitted. Photos/images of internal Municipal facilities are not permitted; and
- l. Use the Municipality's voicemail system to record election-related messages.

B. Members of Council and its Local Boards

a. Advertising and Publications

The following services shall be discontinued for the Members of Council and its local boards from the day prior to Nomination Day in a municipal election year to Election Day:

- i. All forms of advertising, including municipal publications, paid for by the municipality;
- ii. All printing, photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council and its local boards;
- 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 business cards, other stationary or office supplies.

b. Budgets

The following shall apply from September 1 until Municipal Election Day for;

- | | |
|---------------------------|--|
| Mayor | <ul style="list-style-type: none"> 1. A discretionary spending maximum of \$500/month for official (non-election related) expenses; 2. A prohibition on conventions and convention travel, without council approval, unless the convention or travel is directly connected to an official commitment or office/role assumed by the Mayor prior to January 1st of the municipal election year. |
| Dep Mayor and Councillors | <ul style="list-style-type: none"> 1. A discretionary spending maximum of \$100/month for official (non-election related) expenses; 2. A prohibition on conventions and convention travel, without council approval. |

The following shall apply from the day after Municipal Election Day until the day of the Swearing-in;

- | | | |
|-----------------------------|----|---|
| Mayor-elect | 1. | A re-elected Mayor shall have a discretionary spending maximum of \$500/month for official (non-election related) expenses. A new Mayor-elect shall not have discretionary spending abilities; and |
| | 2. | A new Mayor-elect shall not be permitted to travel or to attend conferences as a Municipal representative. A re-elected Mayor shall immediately have the usual ability to attend events, conventions or to officially travel. |
| Dep Mayor and Councillors | 1. | A discretionary spending maximum of \$100/month for official expenses; and |
| | 2. | A prohibition on conventions and convention travel, without the approval of the CAO. |
| Outgoing Members of Council | 1. | A discretionary spending prohibition; and |
| | 2. | A prohibition on convention and convention related travel with the exception of extraordinary circumstances, when a failure to do so would reflect negatively on the Municipality and then, only with the express authorization of the CAO. |

c. Printing and/or Distribution of Materials

Members of Council may not deliver any unsolicited material outside their existing ward where the printing and/or distribution costs are paid by the Municipality. Care should be taken to ensure that the mailing of newsletters be restricted to the member's ward only (with accommodation made for the normal spillage associated with Canada Post postal walks).

d. Communications

The 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, is not election-related.

e. Acclaimed Council Members

The above shall also apply to an acclaimed member or a member not seeking re-election.

3. Municipal Staff Involvement

Municipal Staff are discouraged from assisting with or having any involvement in municipal election campaigns, including posting election signs on their property, phone and email solicitations, signing nominations papers, distribution of

brochures and wearing of candidate buttons; due to a perceived conflict of interest.

Municipal Staff, including full-time, part-time, and contract employees shall:

- a. Behave in a manner that is impartial, fair and unbiased towards all registered candidates and third parties;
- b. Consult with their direct Supervisor prior to agreeing to perform any task requested by a member of Council or its local boards, registered candidate, or third party that exceeds their normal duties or could be construed as contributing to an election campaign;
- c. Not rent any corporate facility/property for any municipal election related purpose to members of Council, candidates, or third parties during any day that voting is taking place anywhere on the property;
- d. Take care to separate personal activities from their official positions and shall not canvass or actively work in support of a municipal candidate or third party during normal working hours unless on a leave of absence without pay, lieu time, personal day, or vacation leave;
- e. Request and obtain a leave of absence without pay should they wish to run for federal, provincial or municipal office and abide by the respective legislation governing such elections.

Municipal Staff may be involved in provincial and federal campaigns as long as this involvement does not affect the objectivity with which they must discharge their duties as a representative of the Municipality.

Roles and Responsibilities

Corporate Services, in consultation with the CAO, shall be responsible for communicating this policy to candidates and registered third parties.

Directors and Supervisors are responsible for communicating this policy to their staff and to investigate reported contraventions to ensure that there is compliance.

All violations of this policy shall be reported to the CAO.

Members of Council and its local boards, election candidates, registered third parties and Municipal staff are accountable to comply with this policy.

Authorization

The Municipal Clerk be authorized and directed to take the necessary action to give effect to this Policy.

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. In case of conflict or confusion, or in related instances not specifically covered in this policy, the CAO of Strathroy-Caradoc shall be empowered to make any and all necessary alterations or clarifications needed to ensure the equitable and effective application of this policy within the confines of the Goal Statement, Objectives and/or Application noted herein.

Protocol

The Municipality of Strathroy-Caradoc accepts the doctrine of federal/provincial paramountcy as it relates to all municipal policies, procedures and by-laws.

For clarity, this acceptance means that, where there is an inconsistency or overlap between any validly enacted municipal policy, procedure or by-law and a lawful and relevant federal or provincial directive, statute or regulation, the federal or provincial directive, statute or regulation shall take precedence and override the cited municipal provision to the extent of resolving the inconsistency.

Enforcement

Should any written complaint arise regarding the alleged use of corporate resources in contravention of this policy, the CAO or 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.

Implementation

This policy shall become effective immediately upon approval by the Council for Municipality of Strathroy-Caradoc.