

April 11, 2018

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, Town Clerk

SUBJECT: Use of Corporate Resources in Election Periods Policy

BACKGROUND

The Municipal Elections Act (MEA) was reviewed following the 2014 Municipal Election and as Council is aware a number of amendments have been enacted within Bill 181, the Municipal Elections Modernization Act (Bill 181). Specifically, section 88.18 of the MEA states that municipalities 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.

In June of 2006, the Town of Fort Frances established Policy 1.17 (attached) which provided for rules respecting use of corporate resources in election periods. Due to the enactment of Bill 181, several policy amendments are necessary in order for us to expand the scope of the policy to include Third Party advertisers, municipal staff, candidates, technological changes (i.e. website and ipads) as well as provide further clarity with updated definitions.

REQUIRED ACTIONS

That the following sections of the 'Use of Corporate Resources in Election Periods' (policy 1.17) be amended / replaced:

1. General Policy Statement:
2. Limitation:
3. Application:
4. ~~Specific Policy~~: replaced with Definitions:
5. Implementation:

RECOMMENDATIONS

The attached draft 'Use of Corporate Resources in Election Periods' policy 1.17 includes the suggested wording changes which will bring this policy in line for the 2018 Election. This amended policy will be posted onto the appropriate HR template and uploaded onto our website accordingly.

1. General Policy Statement:

The purpose of this policy is to clarify that Council, Third Party Advertisers, candidates, and municipal staff are required to follow the provisions of the *Municipal Elections Act*, 1996 and specifically that there shall be:

- No use of facilities, equipment, supplies, services, staff, corporate technology or other resources of the municipality for any election campaign or campaign activity.
- No campaign activity on municipal property during regular working hours.
- No using the services of persons (i.e. municipal staff, contractors, etc.) during hours in which those persons receive any compensation from the municipality.

2. 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.

3. Application:

This policy is applicable to all members of Council, Third Party Advertisers, candidates and municipal staff.

4. Definitions:

“Campaign Period” means:

- In the case of a regular municipal election, the period between May 1 and Voting Day in the year of a municipal election; or,
- In the case of a municipal or school board by-election, the period between the passage of a by-law authorizing a by-election and Voting Day.

“Campaign Activity” means any action, event or pursuit that promotes or opposes any Candidate, or a response to any question on a ballot or referendum and includes any display, posting or distribution of Campaign Material.

“Campaign Material” means any material, regardless of format, that promotes or opposes any Candidate, or a response to any question on a ballot or referendum and includes, but is not limited to, printed literature, banners, posters, pictures, buttons, clothing, signs, magnets and vehicle decals.

“Candidate” means any individual who has filed nomination papers with the Clerk in accordance with Section 33 of the Municipal Elections Act, 1996.

“Clerk” means the Clerk of the Town of Fort Frances, or his or her designate.

“Council” means the Council of the Corporation of the Town of Fort Frances.

“Corporate Resource” means any physical, intellectual or financial asset owned, leased or otherwise controlled by the Town and includes vehicles, equipment, supplies, services and employees.

“Corporate Technology” includes computers, servers, cell phones, smart phones, telephones, tablets, ipads, printers, scanners, copiers, email, file storage, voicemail, or any other equipment or technology controlled, leased or owned by the Town.

“Municipal Staff” means for the purposes of this Policy all full-time, part-time, seasonal, casual employees of the Town, all contract and temporary employees, students and volunteers.

“Municipal Property” means any land, building or other structure owned, leased, operated or otherwise controlled by the Town, other than a Town roadway or sidewalk, and includes the Civic Centre, administrative offices, operations & facilities premises, library, museum, community and recreation centres, parks, trails, marina, sports fields and open space located within the boundaries of the Town of Fort Frances.

“Third Party Advertiser” means any individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act.

5. Implementation:

That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.

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