



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: March 13, 2018
To: Mayor and Council
Author: Jennifer Astrologo, Director of Corporate Services/Clerk
RE: Use of Municipal Resources for Election-Related Purposes
Report No.: CS-2018-09

AIM

To provide Council with a policy recommendation with respect to the use of municipal resources during an election campaign.

BACKGROUND

Recent changes to the *Municipal Elections Act, 1996* (“*MEA*”) imposed a requirement on municipalities to establish rules and procedures regarding the use of municipal or board resources during the election campaign period.¹

Sections 88.8(4) and 88.12(4) of the *MEA* prohibit a municipality or local board from making contributions to municipal election candidates or registered third parties. The *MEA* defines a contribution as follow:

- i) Money, goods, and services given to and accepted by or on behalf of a person for his or her election campaign; and
- ii) Money goods, and services given to and accepted by or on behalf of an individual, corporation or trade union in relation to third party advertisements.²

DISCUSSION

Currently, the Town does not have a formal policy in place to govern the use of corporate resources.

¹ Section 88.18 of the *MEA*.

² Sections 88.15(1) and (2)

As outlined above, the *MEA* broadly defines contribution to include money, goods, or services. Any number of municipal assets/resources (i.e. staff time, stationary, facilities, Town owned chattel, public funds etc.) may qualify as a contribution and the use of any of these resources for an election campaign by a candidate, whether or not a current Member of Council, or a registered third party, may constitute a contribution by the Town and be a violation of the *Act*.

Attached at Appendix “A” is the proposed Use of Municipal Resources for Election-Related Purposes policy (“Policy”) which establishes the rules and procedures for the use of municipal resources during an election. In addition to complying with legislation, the Policy will provide guidance to all relevant parties and ensure fair and consistent treatment with respect to the use of municipal resources.

The Policy has been designed to include elections at all levels of government and applies to all candidates, municipal employees and third party advertisers. With respect to candidates and third party advertisers, the Policy prohibits the use of:

- Town owned equipment, supplies and resources,
- Public funds,
- The Town logo, crest, brand etc., and
- The Town’s social media sites, or IT assets

for campaign related activity.

Additionally, campaigning is prohibited at Town sanctioned/sponsored events and Councillors that represent the Town at other functions are not permitted to engage in campaign activity at those events. However, nothing in the policy is intended to prevent a Member of Council from performing their job, or inhibit them from representing the interests of the residents of the community.

The Policy also outlines the prohibitions placed on municipal employees. Employees are not permitted to engage in campaign activity during work hours while they are receiving compensation from the Town, unless they are on scheduled time off. The Policy further prohibits employees from engaging in campaign activity on Town property or while wearing Town branded clothing.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

There are no financial considerations.

CONSULTATIONS

Senior Administration
Ontario Municipalities

RECOMMENDATION

That Council approve the Use of Municipal Resources for Election-Related Purposes Policy and pass the corresponding by-law.

Jennifer Astrologo

Jennifer Astrologo, B.H.K. (hons), LL.B.
Director of Corporate Services/Clerk

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer